

08 December 2016 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

Despatched: 30.11.16



Development Control Committee

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, Reay and Miss. Stack

Agenda

	Pages
Apologies for Absence	
1. Minutes	(Pages 1 - 8)
To approve the minutes of the meeting of the Committee held on 20 October 2016, as a correct record.	
2. Declarations of Interest or Predetermination	
Including any interests not already registered	
3. Declarations of Lobbying	
4. Planning Applications - Chief Planning Officer's Report	
4.1 SE/16/02001/HOUSE - Fleetwith, 51A Mount Harry Road, Sevenoaks TN13 3JN	(Pages 9 - 20)
Enlargement of rear dormer windows and reduction in ridge height.	
4.2 SE/16/02830/FUL - Land Adjacent To Tubs Hill House, London Road, Sevenoaks TN13 1BL	(Pages 21 - 38)
Erection of 2 mews style dwellings with associated parking and landscaping.	
4.3 SE/16/02931/FUL - Land South Of 162, Hever Avenue, West Kingsdown TN15 6DU	(Pages 39 - 60)
Construction of a new 4/5 bedroom detached chalet bungalow with integral garage.	

- 4.4 **SE/16/02659/HOUSE - Forge House, Charcott, Leigh TN11 8LG** (Pages 61 - 72)
Erection of single storey outbuilding.
- 4.5 **SE/16/02861/HOUSE - Berrys Maple Cottage, Pease Hill, Ash TN15 7ET** (Pages 73 - 82)
Erection of a single storey side extension.
- 4.6 **SE/16/02010/FUL - Field North Of Junction With Farley Lane, Croft Road, Westerham** (Pages 83 - 114)
Full planning application for 9no. 3-bedroom dwellings, parking and access from Croft Road; including the retention of the existing footpath connecting Croft Road and Croydon Road.
- 4.7 **SE/16/02196/FUL - Field South East Of Junction With Farley Lane, Croft Road, Westerham** (Pages 115 - 144)
Proposed application for 9No houses comprising 7No. 4-bedroom dwellings and 2No. 3-bedroom dwellings, with parking and landscape, and access from Croft Road.

EXEMPT INFORMATION

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.

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 227000 by 5pm on Monday, 5 December 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.

This page is intentionally left blank

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 20 October 2016 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Thornton (Vice Chairman)

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

Apologies for absence were received from Cllrs. Cooke and Gaywood

Cllrs. Dr. Canet, Dickins and Piper were also present.

40. Minutes

Resolved: That the minutes of the Development Control Committee held on 12 October 2016 be approved and signed by the Chairman as a correct record.

41. Declarations of Interest or Predetermination

There were none.

42. Declarations of Lobbying

There were none.

Reserved Planning Applications

The Committee considered the following planning application:

43. SE/16/01547/FUL - Sennocke Car Park, Hitchen Hatch Lane, Sevenoaks TN13 3AY

The proposal sought planning permission for a new hotel to be built on the existing car park site. The application had been referred to the Development Control Committee as the Council was both the applicant and the landowner of the application site. Members' attention was brought to the main agenda papers and the typographical error in condition 20 and the late observations sheet which amended recommended condition 10.

The Committee was addressed by the following speaker:

Against the Application: Mr. Oliver
For the Application: Kashani Wijetunga

Parish Representative: -
Local Member: Cllr. Fleming

Members asked questions of clarification from the officers.

It was moved by the Chairman and duly seconded that the recommendation in the agenda as amended by the late observation sheet, be agreed.

Members discussed parking at the site and although there would be additional spaces once Bradbourne car park reopened it was thought that this may still not provide sufficient parking for tourists and staff. The need for an additional condition for a staff travel plan was discussed. Members discussed whether the design was in keeping with the surrounding developments.

The motion including the additional condition for a staff travel plan was put to the vote and was

Resolved: 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: A.01 Revision A, A.02 Revision B, A.03 Revision C, A.04 Revision A, A.05 Revision A, A.06 Revision A, A.07 Revision A, A.08 Revision B, A.09 Revision B, A.09B Revision B, A.10 Revision A, A.11 Revision A and A.12 Revision B.

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

- 3) The building hereby permitted shall only be used as a hotel (Use Class C1) and for no other purpose.

In the interests of highway safety as supported by policies EN1 and T2 of the Sevenoaks Allocations and Development Management Plan.

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

To ensure that the appearance of the development preserves the character and appearance of the area 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.

- 5) No development shall be carried out on the land until full details of soft landscape works have been submitted to and approved in writing by the Council. Those details shall include: -planting plans (identifying existing planting, plants to be retained and new planting); -a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); -a programme of implementation; and -protection measures. The programme of implementation shall include the replacement of the removed Sycamore trees at the earliest stage of construction works as possible and protection of the replacement trees thereafter until works are completed on site. The landscape works shall be carried out in accordance with the approved details.

To safeguard the visual appearance of the area 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.

- 6) If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To safeguard the visual appearance of the area as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 7) Prior to the use of the site commencing the vehicle loading/unloading, turning facilities and disabled parking spaces shown on the approved plan drawing number A.03 Revision C shall be provided and retained thereafter.

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

- 8) Prior to the use of the site commencing the cycle parking facilities shown on the approved plan drawing number A.03 Revision C shall be provided and retained thereafter.

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

- 9) Prior to the use of the site commencing the access shown on the approved plan drawing number A.03 Revision C shall be completed and maintained thereafter.

In the interest of highway safety as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 10) Prior to the first occupation of the hotel building a service management plan for all deliveries, to include hours of deliveries and servicing, shall be submitted to and approved in writing by the Local Planning Authority. The use of the hotel shall be carried out in accordance with the service management plan thereafter.

In the interest of highway safety and residential amenity as supported by policies EN1, 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.

- 11) No development shall be carried out on the land until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The construction management plan shall include details of parking, turning, unloading and wheel washing. The works shall be carried out in accordance with the approved construction management plan.

In the interest of highway safety 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.

- 12) Prior to the hotel use first commencing a BS 4142:2014 assessment for both the plant room and any other external plant and equipment, the kitchen extract system and deliveries shall be submitted to and approved in writing by the Local Planning Authority. The report shall include details of mitigation measures and calculations of the attenuation afforded by them. The noise mitigation details shall be carried out in accordance with approved scheme and retained thereafter.

To safeguard the residential amenity of nearby residents as supported by policy EN7 of the 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) Prior to commencement of the use of the hotel building, the applicant shall be required to submit a scheme in writing to the Local Planning Authority for approval in relation to odour control. Full details of proposed odour control shall include:
- a) The position of the flue in relation to neighbouring properties and window openings and the type of flue terminus used.
 - b) Details of proposed routine cleaning and maintenance of the system and the service requirements of the installed odour control system, including details of system access panels and confirmation that they will be grease tight.
 - c) Details of the type of food to be cooked, the cooking time per day; and the type of cooking appliances used.
 - d) The manufacturer's specification/data sheets for any odour control elements of the system.
 - e) The temperature of flue gases prior to any activated Carbon filters.
 - f) The efflux velocity of the flue gases at the discharge point.
- Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises. The extraction and treatment equipment shall be maintained and operated in compliance with the approved scheme. After installation of the approved plant no new plant or ducting system shall be used without the written consent of the Local Planning Authority.

In the interests of protecting the amenity of adjoining/nearby residential properties and safeguarding the amenities of the surrounding area as supported by policy EN1 of the 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.

- 14) Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:
- i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
 - ii) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

To ensure that features of archaeological interest are properly examined and recorded as supported by 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.

- 15) No development shall be carried out on the land until a scheme of ecological enhancements for the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

To ensure the long term retention of biodiversity in the area as supported by policy SP11 of the Core Strategy. 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) Development shall not begin 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 the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters/sewer.

To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions. 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) 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.

To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions. 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.

- 18) The development hereby permitted shall achieve a BREEAM "Very Good" rating, and shall include at least a 10% reduction in total carbon emissions through the on-site installation and implementation of decentralised, renewable or low-carbon energy sources. Evidence shall be provided to the Local Planning Authority prior to the occupation of the development that the development has achieved a BREEAM "Very Good" rating and a 10% reduction in total carbon emissions or alternative as agreed in writing by the Local Planning Authority.

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

- 19) Prior to the importation of any soil to the site for soft landscaping works the appropriate certification for the soil shall be submitted to and approved in writing by the Local Planning Authority. Only the soil that has the received the appropriate certification shall then be imported to the site.

In the interests of pollution prevention and safety.

- 20) The existing car park shall remain open until such time that the approved redevelopment of the Bradbourne Car Park has been completed and the Bradbourne Car Park has reopened.

In the interest of highway safety as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 21) No development shall be carried out on the land until a detailed staff travel plan has been submitted to and approved in writing by the Council. The travel plan shall encourage sustainable forms of transport and shall be adhered to by the operator of the hotel at all times.

In the interest of highway safety 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.

Informatives

- 1) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

THE MEETING WAS CONCLUDED AT 8.12 PM

CHAIRMAN

4.1 - SE/16/02001/HOUSE Date expired 29 August 2016

PROPOSAL: Enlargement of rear dormer windows and reduction in ridge height.

LOCATION: Fleetwith, 51A Mount Harry Road, Sevenoaks TN13 3JN

WARD(S): Sevenoaks Town & St Johns

ITEM FOR DECISION

The application is being referred to Development Control Committee by Councillor Raikes so that members can consider the appropriateness of the material change from the approved plans.

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

1) The development hereby permitted shall remain in accordance with the following approved plans: 14/1214/15A

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 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. |
|---|

Proposal

- 1 Enlargement of rear dormer windows and reduction in ridge height.

Description of Proposal

- 2 In 2013, permission was granted at appeal for the *“Demolition of garage and erection of part single storey, part two storey side extension. Loft conversion, involving raising the roof height of the property, with skylights at the front and dormer windows at the rear. Replace existing porch with larger porch”* ((13/03559/HOUSE).
- 3 This development was not built in accordance with the plans, and therefore this application has been made to seek permission for the discrepancies between what has been built and what was granted permission.
- 4 The proposal is to enlarge the rear dormers and their windows slightly and to reduce the height of the eastern part of the property.
- 5 The dormer windows are both 0.3m taller than those permitted under the approved scheme and the eastern dormer is 0.2m narrower. The actual glazing within the dormer windows has been located 0.08m higher in the dormers actually built than those approved and a 2.2 metre wide portion of the road of the property to the eastern side has been lowered by varying amounts ranging from 0.9 to 0.2m.

Description of Site

- 6 The property is a large detached dwelling which is elevated and set back from the public highway. It has a reasonable size rear garden which backs onto the properties fronting Hitchen Hatch Lane and has a detached garage to the eastern side. The property to the east of the site Number 49 Mount Harry Road is positioned approximately 1.4 metres higher than the site.

Constraints

- 7 Tree Protection Orders (TPO/72/07/SU)

Policies

Allocations and Development Management (ADMP):

- 8 Policies - SC1, EN1 and EN2

Core Strategy (CS):

- 9 Policy - SP1

Other:

- 10 Residential Extensions Supplementary Planning Document (SPD)

- 11 Sevenoaks Residential Character Area Assessment Supplementary Planning Document (SPD)
- 12 National Planning Policy (NPPF)

Planning History

- 13 10/02621/WTPO - Pollard 2 Sweet Chestnut trees - Granted - 25/10/2010
- 12/01619/HOUSE - Demolition of existing double garage. Alterations to dwelling to include raising of roof height, new gable and dormer extensions, alterations to fenestration, erection of a two storey side extension, single storey front extension with extended balcony and widening of driveway entrance. - Refused - 22/08/2012
- 12/02400/HOUSE - Demolition of existing garage. Alterations to dwelling to include raising of roof height, four dormer windows on rear elevation and three roof lights on front elevation. Erection of two storey extension and single storey front extension. Alterations to fenestration and widening of driveway. - Refused - 06/11/2012
- 13/00306/HOUSE - Demolition of garage and erection of two storey side extension. Loft conversion, involving raising the roof height of the property, with skylights at the front, and dormers at rear. Replace existing porch with larger porch, whilst balcony above is retained. Widening of driveway entrance. - Refused - 29/04/2013
- 13/03559/HOUSE - Demolition of garage and erection of part single storey part two storey side extension. Loft conversion, involving raising the roof height of the property, with skylights at the front and dormer windows at the rear. Replace existing porch with larger porch. - Refused, allowed on Appeal - 06/03/2014
- 15/00062/DETAIL - Details pursuant to condition 3 of SE/13/03559/HOUSE. - Granted - 27/01/2015
- 16/00913/NMA - Non-material amendment to SE/13/03559/HOUSE. - Amendment Material - 14/04/2016

Consultations

- 14 Due to several versions of amended plans being submitted to the Council during the course of the application Sevenoaks Town Council were consulted numerous times, only the most recent consultation responses have been included below.

Sevenoaks Town Council -

- 15 Sevenoaks Town Council expressed frustration with the applicant's failure to comply with previous grants and the volume of subsequent applications and amendments which appear to be an attempt to circumvent the planning process.
- 16 The Town Council recommended refusal on the following grounds:

Agenda Item 4.1

- The proposals do not accord with the specific conditions laid down by the inspector
- The increase in the habitable space towards the rear of the property overlooking neighbours including Hawthorns
- The dormers as constructed are overly bulky and out of keeping with the existing house

Informative: The Town Council remains concerned at claims the revised quoted dimensions still fail to reflect the dormer windows as constructed. If the Planning Officer is minded to approve the Town Council would request conditions requiring the full retention of existing planting to protect the amenities of neighbouring properties, and a condition requiring all rear facing dormer windows to be non coloured level 5 obscure glazed to protect the amenities of neighbouring properties which have been compromised due to the failure to adhere to the approved scheme.

Representations

17 Two neighbouring residents have objected to the development. Due to the need to alter the plans several times during the course of the application and the subsequent re-consultations each resident who has objected has sent in three separate letters of objection. The issues raised in these letters are summarised below:

- The dormer windows are architecturally inappropriate and do not accord with the original style of the building
- The dormer windows are built create an extensive flat roof and the appearance of a third storey
- The dormer windows do not follow the vertical lines of the existing windows
- The dormer windows do not comply with policy, in particular the Residential Extensions SPD and Policy EN1
- The drawings submitted are inaccurate and do not reflect what has actually been built
- The drawings do not show the overhang of the flat roof over the fascia or the black guttering
- The higher position of the dormer windows in the roof allow a greater deal of overlooking of neighbours
- The tree screen referred to in the inspectors report cannot be retained in perpetuity.

Chief Planning Officer's Appraisal

Principal issues

18 The main issues for consideration are:

- The design of the development

- The impact of the development upon neighbouring amenity
- The objections raised to the development by neighbouring residents and the Town Council

19 Of particular relevant to this application is the following guidance:

Presumption in favour of sustainable development:

Para 14 of the NPPF confirms that the NPPF has a presumption in favour of sustainable development, and that development that accords with the development plan should be approved unless material considerations indicate otherwise. (See paras 11, 12, 13 of NPPF.)

Para 14 of the NPPF (and footnote 9) also advises that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless there are specific policies in the NPPF that indicate that development should be restricted. This applies to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

Appraisal

Design and Impact on Street Scene

- 20 The *NPPF* and *Policy SC1* of the *Core strategy* both express that a ‘*presumption in favour of sustainable development*’ should be used when deciding applications. *Policy SP1* of the *Core Strategy*, *Policy EN1* of the *ADMP* and the *NPPF* highlight that new developments should be of a high standard of design that responds to the character of the locality.
- 21 As permission has already been granted for the increase in ridge height at the dwelling and rear facing dormer windows, the principle of the scheme has already been established. All that can be considered under this application are the alterations between the approved scheme and that now submitted.
- 22 The reduction in height of the property to the eastern side is the only alteration that is visible from the street and so would have any impact upon the street scene. This specific alteration reduces the bulk of the dwelling and helps to retain the subservience of the two storey side extension previously added to the property and so I find it acceptable in terms of its design.
- 23 With regard to the alterations to the rear facing dormer windows, although they would not be visible in the street scene and so would have little impact upon the character of the area, the appropriateness of their design must still be considered.
- 24 The Residential Extensions SPD provides specific guidance related to loft conversions and the creation of dormer windows. It states that ‘*Loft extensions should be proportionate in scale to the roof plan and be set in line with existing doors and windows in the original house*’ They should be below the highest part of the existing roof (the ridgeline) and should be set

Agenda Item 4.1

back a minimum of 20 centimetres from the eaves and sides to maintain the visual appearance of the roofline' (pp.17).

- 25 The dormer windows as built, although of a similar bulk to those approved as the minor increase in height is offset by the reduction in width, would appear slightly more prominent on the dwelling through the increase in height. Despite this they still accord with the advice contained within the *Residential Extensions SPD*, the increase in height of the dormers still retains a gap of 0.4 metres to the ridge of the dwelling and they are still set back considerably from the eaves and sides of the roof. While they do not exactly follow the vertical lines of the windows on the dwelling, the dormer windows as previously approved were in the same location as those built and so also did not strictly follow the vertical lines of the existing windows. As the dormers do more generally accord with the vertical lines of windows on the property this was not considered to be an issue with the previous decision and so cannot be readdressed under this application, regardless of this I consider the positioning of the dormer windows to be acceptable in relation to the roof plane and the existing windows on the property anyway.
- 26 The site lies within an area identified in the Sevenoaks Character Area Assessment SPD as the Mount Harry Road Character Area. In relation to new development in the area the SPD states that; Development should be set back from the road and respect the relatively regular building line, Mature trees and hedge, or wall and hedge, boundaries which contribute to the character of the area should be retained, The character of the Lodge House and Bridle House townscape features should be retained and The views of the North Downs should be protected. The development would not impact upon any of these characteristic features of the area and therefore it is considered to accord with the is guidance.
- 27 In summary I consider the alterations between that previously approved and the dormer windows as built to be minor, the dormers as built still accord with the relevant guidance and therefore I am satisfied that they are of an appropriate design and acceptable in this respect. Consequently the development is in accordance with the *NPPF*, policy *SP1* of the *Core Strategy*, policy *EN1* of the *ADMP*, the *Residential Extensions SPD* and the *Sevenoaks Residential Character Area Assessment SPD*.

Amenity

- 28 The *NPPF* and *Policy EN2* of the *ADMP* both require new developments to safeguard neighbouring amenity as well as to provide an adequate standard of residential amenity for the current and future occupiers.
- 29 The development consists of two parts, a reduction in height to part of the dwelling and the alteration to the dormer windows. The reduction in height to the dwelling would only have a positive impact upon neighbouring amenity as it reduces the built form of the development.
- 30 The alterations to the dormer windows however have the potential to impact negatively upon neighbouring amenity as their bulk and scale has been increased and the glazing has been located slightly higher in the windows.

- 31 The principle of the dormer windows has already been considered by an inspector at appeal and has been found to be acceptable in relation to neighbouring amenity. Only the alterations between the approved scheme and that built can be assessed, this comes down to the raising of the glazing within the windows by 0.08 metres, the reduction in width of the dormers by 0.2 centimetres and their increase in height by 0.3 metres.
- 33 Although the glazing has been raised slightly through the development, the actual difference between the two schemes is minimal at 8 centimetres and would normally be considered de minimis. Regardless of this, having reviewed the scheme because the internal floor level remains unchanged and so the portion of window being considered is the very top 8 centimetres, which are above the line of sight of any individual stood at the windows looking out I do not consider that this minimal change would result in any significant or unacceptable loss of privacy to the neighbouring properties to the rear of the dwelling.
- 34 With regard to light and outlook to surrounding properties, given the fact that the dormer windows are located within the roof plane of the existing dwelling, despite the increase in height they remain below the ridge of the property and would not actually result in a loss of either outlook or light to surrounding properties.
- 35 In summary, I am satisfied that the development would not be detrimental to the amenity of surrounding residents and therefore it is in accordance with the *NPPF*, policy *EN2* of the *ADMP* and the *Residential Extensions SPD*.

Highways, Access issues and Parking

- 36 There are no highways, access or parking issues related to the development.

Trees and Landscaping

- 37 There are no landscape alterations or works to trees proposed.

CIL

- 38 The development has not resulted in an increase in floorspace of over 100 square metres and therefore it is not CIL liable.

Other issues

Sevenoaks Town Council's Recommendation

- 39 Sevenoaks Town Council have recommended refusal of the scheme and raised a number of issues. These issues are that the development does not accord with the specific conditions laid down by the inspector, the increase in the habitable space towards the rear of the property overlooking neighbours including Hawthorns and that The dormers as constructed are overly bulky and out of keeping with the existing house.
- 40 The concern regarding the bulk and design of the dormer windows has been addressed in the design and impact on the street scene section earlier in

Agenda Item 4.1

this report and so will not be addressed again here. Similarly the issues regarding neighbouring amenity have also already been addressed.

- 41 The final concern relates to the conditions laid down by the inspector in relation to the previous permission granted. The conditions attached to the previous decision were standard conditions linking the plans approved to the permission as well as covering materials and restricting additional windows in the eastern side elevation. Clearly the resubmission seeks approval for different plans, the previous condition does not preclude any future applications being made, they should simply be considered against the Council's policy as this report does and therefore I do not consider this point to be relevant to the decision.
- 42 The Town Council also requested conditions to be attached to the permission requiring the windows to be obscure glazed and existing planting to be retained, as these issues were not previously deemed necessary to condition by the inspector for the previous decision it would be unreasonable to now condition them as only the changes between the two schemes are being addressed.
- 43 Finally the Town Council expressed concern that the plans are still incorrect. While the plans were incorrect the first two times they were submitted, I can confirm having visited the site that the existing plans are correct. The assertion that they are incorrect seems to hinge on a photograph taken from a neighbouring property which offers an unusual perspective of the development where it initially seems that the plans do not reflect what has been built, but when tiles heights are considered it can be seen that the plans as currently submitted do reflect what has been built accurately.

Neighbour representations

- 44 A number of issues have been raised by neighbours related to the development. The majority of these issues have already been addressed earlier in this report. The only issues still outstanding regard the trees which are referred to as a screen in the inspector's previous report. The objection states that these cannot be retained in perpetuity and so should not be given any weight when determining the application. This issue has already been addressed by the inspector in his report for the previous decision and was not deemed to be an issue. I would add that a number of the mature trees in the rear garden of Fleetwith are covered by tree preservation orders and so can be retained going forward, without the need for a condition, while a significant amount of the screening is located within the gardens of neighbouring properties and so it is within the control of neighbouring residents and not the applicant and can therefore be retained if the neighbouring residents wish to.

Conclusion

- 45 I consider for the reasons detailed above that the development is in keeping with the character and appearance of the area and preserves neighbouring

amenity. Consequently it is in accordance with the development plan and therefore my recommendation is to grant planning permission.

Background Papers

Site and Block Plans

Contact Officer(s): Paul Dadswell Extension: 7463

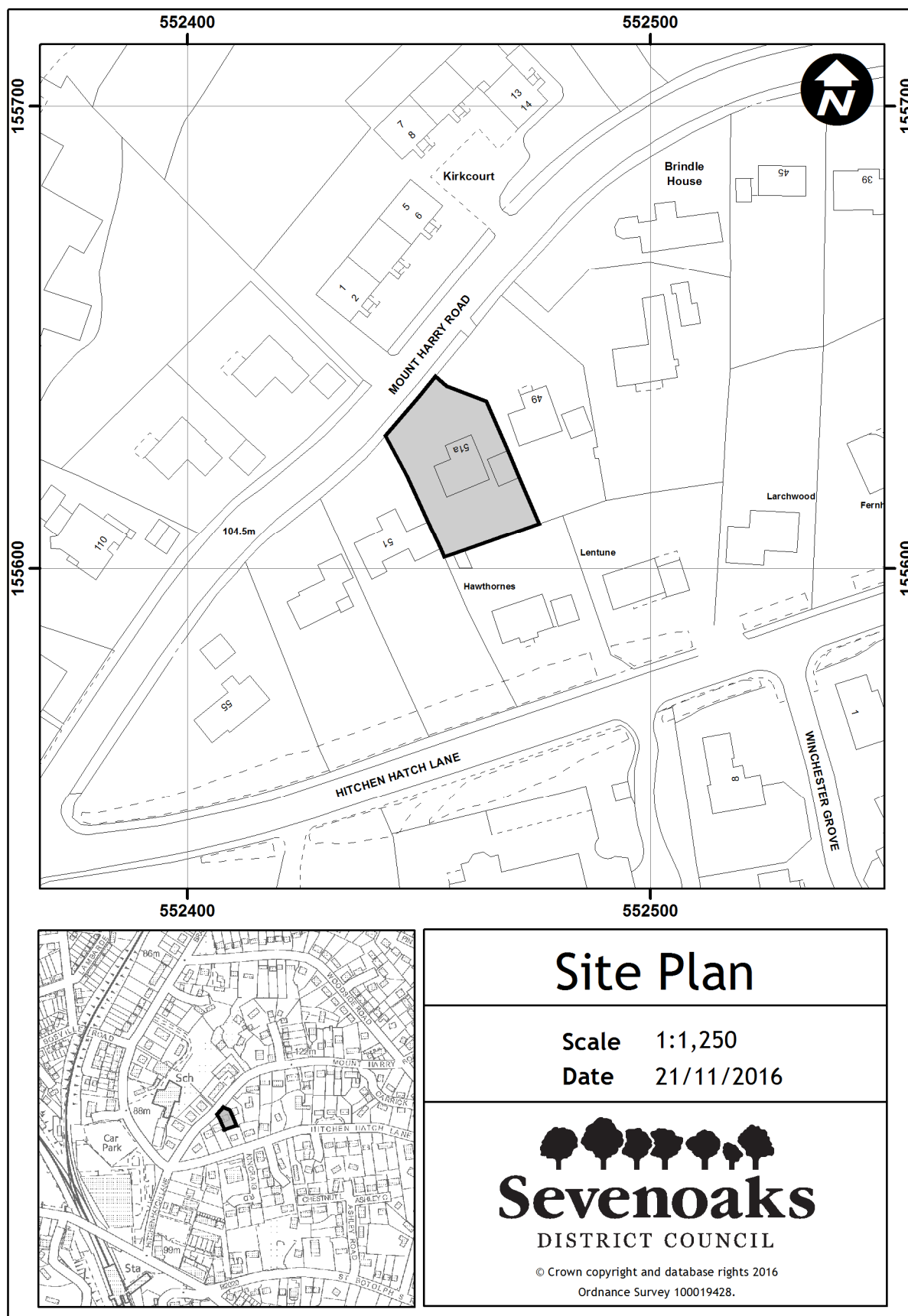
Richard Morris
Chief Planning Officer

Link to application details:

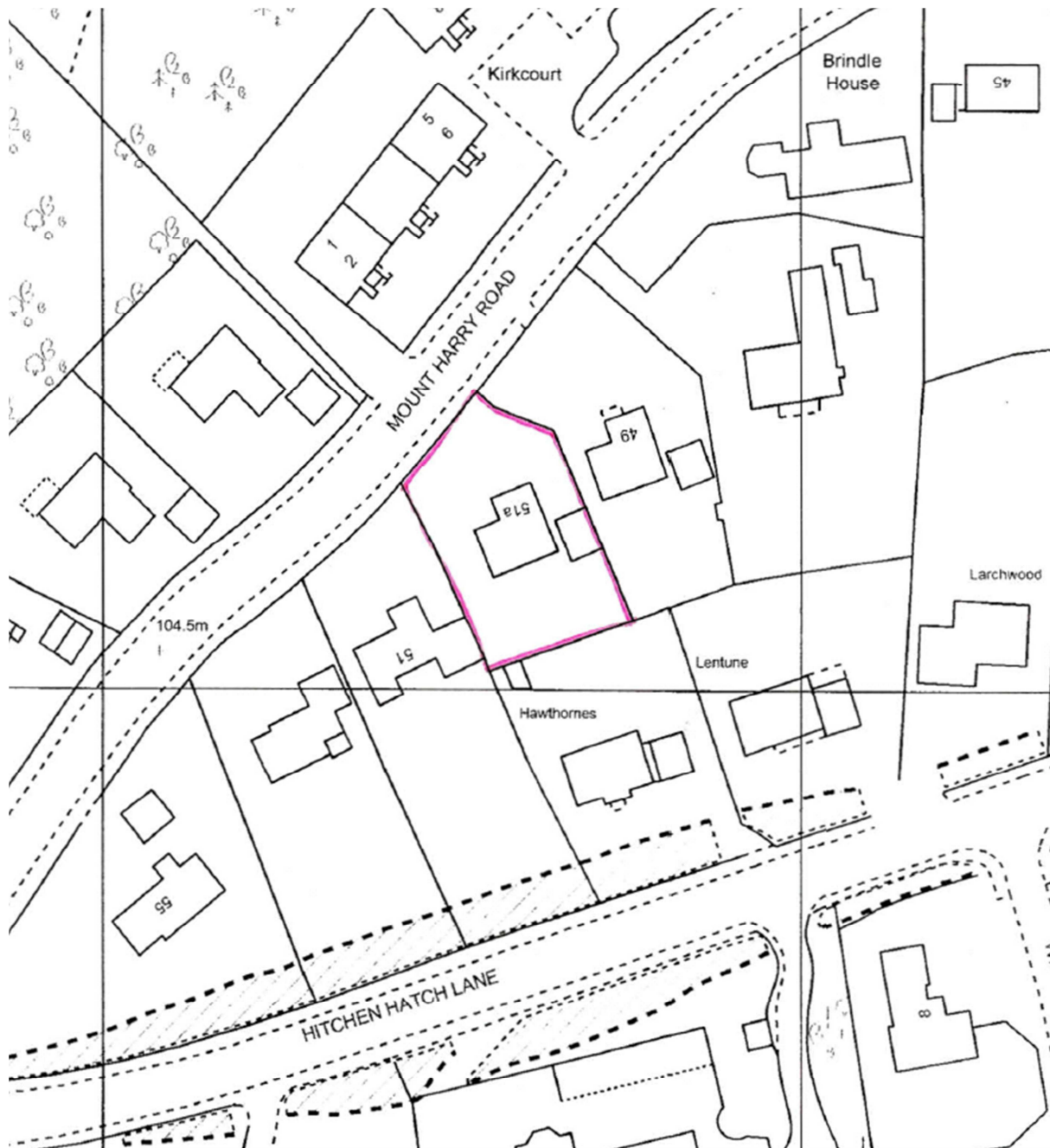
<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=09JJ7ZBKGRG00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=09JJ7ZBKGRG00>



Site Plan



This page is intentionally left blank

4.2 - SE/16/02830/FUL

Date expired 15 November 2016

PROPOSAL: Erection of 2 mews style dwellings with associated parking and landscaping

LOCATION: Land Adjacent To Tubs Hill House, London Road, Sevenoaks TN13 1BL

WARD(S): Sevenoaks Town & St Johns

ITEM FOR DECISION

The application has been referred to Development Control Committed by Councillor Fleming on the following grounds:

- 1 The development is contrary to para 9 of the NPPF as it fails to make positive improvements in (particular regard) people's (the neighbours) quality of life; 'improving the conditions in which people live'
- 2 The development is contrary to para 17 of the NPPF as it fails at least one of the 12 principles, this is that the development doesn't 'improve the places in which people live their lives', again the neighbours.
- 3 The development is contrary to policy EN2 of the Sevenoaks District Council ADMP insofar as it would (not) safeguard existing and future occupants of nearby properties by (failing to ensure) that development does not result in an unacceptable loss of privacy enjoyed by the occupiers of nearby properties.

Councillor Fleming also expressed a concern regarding the cumulative impact of development that has been permitted in the area, referencing the following text from the ADMP:

The effects of some developments can have direct impacts on neighbouring occupiers. Others can cumulatively impact on the general amenity of an area. As such, all development proposals, including intensification of uses and cumulative impacts of similar uses, will be expected to have regard to the amenity of neighbouring uses and occupiers.

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 development shall be those indicated on the approved plan 16149-P-311-.

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

Development Management Plan..

3) Before any equipment, machinery or materials are brought on to the land for the purposes of the development, the means of protection for any retained tree shall be undertaken in accordance with the details in the submitted arboricultural survey, arboricultural impact assessment and arboricultural method statement (4059/16-01, 4059/16-02 and 4059/16-03). In this condition a "retained tree" means an existing tree which is to be retained in accordance with the submitted arboricultural survey Also:-The means of protection shall be maintained until all equipment, machinery and surplus materials have been removed from the land;-Within a retained tree protected area:-Levels shall not be raised or lowered in relation to the existing ground;-No roots shall be cut, trenches cut, or soil removed;-No buildings, roads, or other engineering operations shall be constructed or carried out;-No fires shall be lit;-No vehicles shall be driven or parked over the area; and-No materials or equipment shall be stored.

To prevent damage to the trees during the construction period of the patio 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 be carried out on the land until a method statement regarding the proposed patio has been submitted and approved in writing by the Council providing details for the protection of the TPO trees on site in consequence of the proposed patio. The construction of the patio shall be carried out in accordance with the approved method statement.

To prevent damage to the trees during the construction period of the patio 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.

5) No construction shall take place outside of the hours 08:00 to 18:00 hrs Monday to Friday, 08:00 to 13:00 hrs Saturdays and no work shall take place on Sundays or public holidays

To safeguard the amenity of neighbouring residents during the construction period as supported by Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

6) The development hereby permitted shall be carried out in accordance with the following approved plans: 16149-P-2101-C, 16149-P-310B, 16149-P-311- and 16149-P312C.

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

Proposal

- 1 Erection of 2 mews style dwellings with associated parking and landscaping.

Description of Proposal

- 2 The proposal seeks permission to create 2 mews style units at the site.
- 3 The proposed units would be located in the existing car park towards the rear of Tubs Hill House. They would be single storey units situated above the existing level of the car by 2.4 metres at their base. The proposal would result in the loss of 3 car parking spaces where the stairs, support pillars and cycle store would be located but would retain 7 parking spaces below the units.
- 4 The units together would be 17.5 metres wide by 8.1 metres deep and would have a maximum height of 6.1 metres above ground level, including the 2.4 metres of car parking space located below the dwellings. Due to the land levels at the site and the fact that the existing green space to the rear of the units is located approximately 2.7 metres higher than the level of the car

Agenda Item 4.2

park, when viewed from the rear the units would only appear to be 3 metres high when measured from the ground level at the rear of the site.

- 5 The proposed units would have flat roofs with large glazed sections on the front and rear elevations and zinc cladding to the exterior walls. The pillars supporting the units would be created from facing brickwork to match Tubs Hill House while the proposed curtilage would be enclosed to the sides by black painted metal railings.
- 6 Gardens would be provided to the rear of each unit on the raised land which is currently green space, a small patio is to be created to the immediate rear of each unit and several existing trees are to be retained in the rear garden of each dwelling. The garden of the unit proposed for plot one would be approximately 30 square metres while that for plot 1 would measure approximately 40 square metres.

Description of Site

- 7 The application site consists of a section of car park and a small area of open space to the rear of Tubs Hill House. The site is within the built confines of Sevenoaks and contains several TPO trees, it also abuts the Sevenoaks Town and St Johns Conservation Area to the south and west. The site is split over two levels, the open space is located significantly higher than the existing car park.

Constraints

- 8 Abuts the Sevenoaks Town and St Johns Conservation Area
- 9 TPO Trees - 16/006/TPO
- 10 Designated employment Land

Policies

Allocations and Development Management (ADMP)

- 11 Policies - SC1, EN1, EN2, EN4 and EMP1

Core Strategy (CS)

- 12 Policies - SP1, SP8, LO1 and LO2

Other:

- 13 Sevenoaks Residential Character Area Assessment, Granville and Eardley Road Conservation Area Appraisal
- 14 National Planning Policy Framework (NPPF)

Planning History

- 15 SE/06/03211 - Proposed remodelling and change of use to provide hotel and support services to level 5 with 3 floors of residential over comprising 18

dwellings, with car parking, pedestrian and vehicular access - Granted
14.03.07

SE/10/00600 - Application to extend the time limit of an extant planning permission approved under reference SE/06/03211/FUL (Proposed remodelling and change of use to provide hotel and support services to level 5 with 3 floors of residential over comprising 18 dwellings, with car parking, pedestrian and vehicular access) - Granted 30.09.10

SE/13/03481 - Prior notification for a change of use from B1(a) (offices) to C3 (dwellinghouses). This application is made under Class J of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 - Prior Approval not required 15.01.14

SE/14/01527 - Erection of 4 new dwellings at roof level, changes to elevations including projections at the front of the existing building, and associated landscaping - Refused 01.10.14, Appeal dismissed, 07.05.2015

15/00466/FUL - Change of use from Class B1(a) Offices to Residential Use (Class C3) - Granted, 22.05.2015

15/00489/FUL - Modifications to the existing facade including associated landscaping works - Granted, 10.04.2015

15/01449/LDCPR - Replacement of existing fenestration, repairs to brickwork, infill panels and render as required, re painting of existing railings - Granted, 10.07.2015

15/01507/FUL - Infilling of existing under-croft for the creation of 4 residential units. Modifications to the existing facade including associated landscaping works - Granted, 13.07.2015

15/01508/FUL - Infilling of existing under-croft for the creation of 4 residential units. Replacement of existing windows, restoration of the existing facade and associated landscaping - Granted, 13.07.2015

15/03231/FUL - Roof extension to form 8 duplex apartments - Refused, 15.12.2015

16/00929/CONVAR - Variation of conditions 2 (approved plans) and 3 (materials) of SE/15/01507/FUL to Infilling of existing under-croft for the creation of 4 residential units. Modifications to the existing facade including associated landscaping works with amendment to window fenestration and increase in parking spaces - Granted, 31.05.2016

Consultations

Sevenoaks Town Council

16 Recommend Approval

Agenda Item 4.2

SDC Arboricultural Officer

- 17 *'The success of this application or not is dependent on the soil on the raised area being left undisturbed or at least having limited disturbance that is acceptable in what is a rooting area of a number of trees. The main build is shown to be located over the lower level with a metre overhang above and not in the raised area. This extends to 2.5 metres when including the patio area. I have also noted that there is an intention to raise some soil levels over the raised area adjacent to the retaining wall.'*

Assuming that the above is correct and the disturbance to the raised area is limited as stated, I can see no reason to object. One area that needs further clarification however is the construction process for the patio area. What materials are to be used and how many supports will be required. What sized holes etc. I am assuming that such supports will need to be concreted into position. What root protection is in place if roots are come across during excavations, what protection is there to avoid concrete spillage onto and into the soil. I consider the answers to these questions could await the response of a condition applied to any consent you may grant.'

SDC Environmental Health

- 18 *'Having reviewed the acoustic assessment, air quality report and assessed the possibility of ground contamination at the site I have no adverse comments regarding this application. However if you are minded to grant permission I recommend that a condition restricting the hours of construction for the development to 08:00 to 18:00 hrs Monday to Friday, 08:00 to 13:00 hrs Saturdays with no work on Sundays and public holidays.'*

Thames Water

- 19 *Waste Comments - Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.*

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these

pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to developer.services@thameswater.co.uk to determine if a building over / near to agreement is required.

Water Comments

- 20 ‘With regard to water supply, this comes within the area covered by the South East Water Company.’

South East Water

- 21 No response received.

Representations

- 22 Eleven letters of representation have been received related to the development, all eleven letter objected to the proposed development for a variety of reasons. The reasons for objection to the proposal have been summarised below:
- It would result in a loss of privacy to the residents of Tubs Hill Parade
 - It would cause a loss of light to the residents of Tubs Hill Parade
 - It would result in a loss of privacy to the residents of Granville Road
 - It would result in an unacceptable loss of parking in the area
 - It would impact negatively upon the value of the properties along Tubs Hill Parade
 - It would result in pressure to remove the remaining trees on site
 - It constitutes overdevelopment of the site
 - The location is not suitable for residential development, being overshadowed by the existing Tubs Hill House
 - It would be detrimental to the character and appearance of the adjacent Conservation Area

Chief Planning Officer’s Appraisal

Principle issues

- 23 The main issues for consideration are
- The principle of development
 - The design of the proposal and its impact proposal on the street scene
 - The impact of the proposal on the setting of the Conservation Area
 - The impact of the proposal upon neighbouring amenity
- 24 Of particular relevant to this application is the following guidance:
Presumption in favour of sustainable development

Agenda Item 4.2

- 25 Para 14 of the NPPF confirms that the NPPF has a presumption in favour of sustainable development, and that development that accords with the development plan should be approved unless material considerations indicate otherwise. (See paras 11, 12, 13 of NPPF.)
- 26 Para 14 of the NPPF (and footnote 9) also advises that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless there are specific policies in the NPPF that indicate that development should be restricted. This applies to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

Conservation Area

- 27 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 28 Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.

Appraisal

Principle of development

- 29 The site falls within the built confines of Sevenoaks and so policy LO2 of the Core Strategy applies. This policy seeks to protect the setting of the urban area and the distinctive character of the local environment. In my view, the site is suitable for residential development, given that it currently has a residential use as land related to the residential use of Tubs Hill House and is located close to the services offered within Sevenoaks town centre. The question of whether the development would protect the setting of the urban area and the distinctive character of the local environment will be addressed below.
- 30 Annex 2 of the NPPF provides a definition for previously developed land stating that it is land '*which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.*' This definition excludes, amongst other categories, '*land in built-up areas such as private residential gardens, parks, recreation grounds and allotments*'. As such the development site would not be considered previously developed land.
- 31 However, this does not preclude development on the site as a matter of principle. Policy LO1 of the Core Strategy advises that development will be focused within the built confines of existing settlements, with Sevenoaks being a location for development of a scale and nature consistent with the needs of the town and the surrounding rural area.

- 32 There is a policy presumption in favour of the re-use of appropriately sited land within urban areas, which have good access to a range of services (in this instance Sevenoaks Town Centre). The proposed scheme constitutes the efficient use of land within an existing settlement which would make a contribution to the housing need in the district and reduce pressure for housing in more constrained areas.
- 33 Although the site appears appropriately sited it does fall within an area of employment land designated under policy EMP1 (j) of the ADMP as land for business. Policy SP8 of the Core Strategy seeks to retain and intensify existing business areas, however the land in questions has already been granted permission for a change of use to residential land under planning application 15/00466/FUL, this is in the process of being implemented and therefore there is no objection to the principle of re-development of the site provided the development complies with all relevant planning policies.

Design and Impact on the Street Scene

- 34 The *NPPF* and *Policy SC1* of the *Core strategy* both express that a ‘*presumption in favour of sustainable development*’ should be used when deciding applications. *Policy SP1* of the *Core Strategy*, *Policy EN1* of the *ADMP* and the *NPPF* highlight that new developments should be of a high standard of design that responds to the character of the locality.
- 35 In proposing new development within the Tubs Hill, London Road, Pembroke Road Character Area the Residential Character Area Assessment SPD states that:
- Individual buildings should be of a high standard of intrinsic design quality
 - The domestic scale and character of properties in Pembroke Road and the central section of London Road should be respected
 - The increased scale and enclosure of properties at the node of London Road, Pembroke Road and Eardley Road should be respected
 - The unity of the row of Edwardian and 1930s properties at the corner of Tubs Hill and St Botolph’s Road should be respected.
- 36 The proposed development would utilise a small area of car park to the rear of Tubs Hill House to create two mews style units. The units would be elevated above the existing car park but would not appear overly prominent, set back significantly from the road and largely obscured from view in the street scene by the existing developments of Tubs Hill House and the properties along Tubs Hill Parade.
- 37 The proposed units are to be of a contemporary design with a zinc clad frontage incorporating a number of large aluminium framed windows and aluminium panel detailing. This would largely accord with the character and design of the Tubs Hill House redevelopment which is to be finished in three materials; Sevenoaks yellow stock brick and two different shades of aluminium panelling with aluminium framed windows. In addition the area

Agenda Item 4.2

already exhibits a variety of building styles, sizes and finish material, in light of this I consider the design of the proposed units and the materials proposed to be in keeping with the character of the area and therefore to be acceptable.

- 38 The units would not impact upon any of the key features of the area highlighted in the Character Area Assessment and would be of a high quality design which as detailed above respects the existing character of the area.
- 39 Although each unit proposed would have a fairly limited curtilage, this is not uncharacteristic of the area in which a number of properties have significantly smaller areas of amenity space than are common to the wider area of Sevenoaks and therefore in terms of the size of the proposed plots I consider the proposal to be acceptable. The suitability of the amenity space will be assessed in more detail later on in this report.
- 40 In summary I consider that the proposed units would preserve the character and appearance of the area, consequently the proposal is in accordance with the *NPPF*, *policy SP1* of the *Core Strategy*, *policy EN1* of the *ADMP* and the *Sevenoaks Residential Character Area Assessment SPD*.

Impact on the setting of the adjacent Conservation Area

- 41 The *NPPF*, *Section 72 of the Planning (Listed Buildings and Conservation Areas) Act* and *Policy EN4* of the *ADMP* all place a requirement on the Council to ensure that proposals preserve or enhance the character of Conservation Areas.
- 42 The site is located adjacent to the Granville And Eardley Road Conservation Area which abuts the rear of the site to the south. As the proposed units would be raised above the level of the car park they would be situated level with the rear gardens of the properties fronting Granville Road. Due to the topography of the area the units would only appear 3 metres high when viewed from the Conservation Area to the south and would be entirely obscured from public view from within the Conservation Area, only being visible from the rear gardens of a number of properties fronting Granville Road. As such due to the limited height of the proposed units and their lack of visibility from within the adjacent Conservation Area I consider the proposed development to preserve the character and setting of the Conservation Area and therefore to be in accordance with the *NPPF*, *Policy EN4* and the *Eardley and Granville Road Conservation Area Appraisal and Management Plan*.

Amenity

- 43 The *NPPF* and *Policy EN2* of the *ADMP* both require new developments to safeguard neighbouring amenity as well as to provide an adequate standard of residential amenity for the current and future occupiers.
- 44 In relation to the amenity of the future occupants of the proposed units there are several potential issues related to the development. As the units are to be located above an existing car park I initially had concerns regarding the potential noise levels and air quality that the future occupants would be

subject to. An impact assessment in regards to both noise and air quality has been submitted with the proposal which has been assessed by the Council's Environmental Health department. Having reviewed the submitted information the Environmental Health officer has advised that '*Having reviewed the acoustic assessment, air quality report and assessed the possibility of ground contamination at the site I have no adverse comments regarding this application*'. Consequently, based on the advice of the Councils Environmental Health Officer I am satisfied that the proposed development would provide a suitable level of amenity for the future occupants in regard to noise and air quality.

- 45 A judgment also needs to be made regarding the suitability of the proposed amenity space for each unit. The units would each be served by a small garden and patio area to the rear which would be the only amenity space associated with the units. Having carefully considered this aspect of the proposal I have calculated the approximate area of each rear garden as being 30 square metres and 40 square metres. Although small this is a sufficient amount of amenity space for the future occupants to use and while smaller than the majority of amenity spaces enjoyed by the residents of Sevenoaks it would not be dissimilar to the amount of amenity space enjoyed by a number of other properties in the immediate area and would be greater than that enjoyed by many flats of this size, as such I consider the proposed amenity areas acceptable.
- 46 The proposal must also be assessed against its impact upon the amenity of surrounding residents. The proposed units have the potential to impact upon a number of surrounding properties, including the residents of the properties along Tubs Hill Parade, the residents along Granville Road to the rear and the future occupants of Tubs Hill House.
- 47 In regard to the units to the rear, fronting Granville Road, as the proposed dwellings would only be 3 metres above the land level towards the rear of the site and they would be situated 27 metres from the rear elevation of the closest property (64 Granville Road) I do not consider that they would have any impact upon the outlook or light received to the properties in question.
- 48 With regards to privacy an objection has been raised by a resident of Granville Road. Although the proposed units would have rear facing windows which would view towards the rear gardens of the dwellings along Granville Road, the rear boundary of the site is heavily vegetated which provides a screen between the properties and the proposed units. In addition the rear boundaries of the properties along Granville Road are fenced and occupied by a number of sheds which further obscure any views into their amenity spaces.
- 49 Furthermore the rear gardens of the dwellings along Granville Road slope steeply upwards away from the site, further reducing the impact of the proposed units and further obscuring the sight lines from the rear facing windows of the units. Consequently due to the existing boundary treatments, outbuildings, mature vegetation, changing land levels and distances between the units and the properties in question I do not consider the proposed units to cause any significant loss of privacy to the residents of the dwellings along Granville Road.

Agenda Item 4.2

- 50 With regard to the properties forming Tubs Hill Parade, the front elevation of the proposed units would be situated 26 metres from their rear elevations, this is a sufficient distance to ensure that the proposed units would not obscure the outlook or amount of light received to the existing dwellings.
- 51 With regards to privacy the front elevations of the proposed units would be situated just over 21 metres from the 5 metre rear amenity space of the properties along Tubs Hill Parade. As a general rule, a distance of 21 metres is required between properties to ensure that there is no loss of privacy, the proposal would comply with this rule. In addition the rear gardens of each of the properties along Tubs Hill Parade is occupied by a shed at the southern end, due to the angle of view from the proposed units which I was able to review while on site these outbuildings provide a screen which would prevent the future occupants of the proposed units from viewing the rear amenity space of the existing dwellings.
- 52 In addition the existing situation must also be considered which is such that any individual standing in the existing car park would be stood substantially closer to the rear elevations of the dwellings along Tubs Hill Parade than the proposed units and would also be elevated significantly above the units due to the height of the car park. Consequently I do not consider that the proposed development would cause any greater a loss of privacy than the existing situation. As such, given the suitable separation distances, the screening in place in the form of the existing outbuildings and the existing situation I do not consider the proposed development to impact negatively upon the privacy of the residents of Tubs Hill Parade.
- 53 Finally the proposal may impact upon the amenity of the future occupants of Tubs Hill House, the proposed units would not offer any direct views into windows serving the development and therefore they would not impact upon the privacy of any future occupants.
- 54 For similar reasons as no windows serving Tubs Hill House would directly view the proposed development it is not considered to impact upon the outlook of the future occupants either.
- 55 Finally, in terms of light the windows on the rear of Tubs Hill House which have the potential to suffer a loss of light from the proposal serve the hallways of the development and not the flats, and therefore it would not be unacceptable for the proposed development to obscure a degree of light to these windows. However as the windows are located centrally on the rear elevation of each block, due to the location of the proposed units in relation to Tubs Hill House and their limited height I do not consider that they would cause a loss of light to the Tubs Hill House development.
- 56 In summary, for the reasons stated above I consider the proposed development to provide a suitable level of amenity for the future occupants while at the same time ensuring that the amenity of the surrounding residents is not impacted upon unacceptable. Consequently the proposal is in accordance with the *NPPF* and policy *EN2* of the *ADMP*.

Highways and Parking

- 57 The proposed units would be situated within the Tubs Hill House development which is served by an existing access onto London Road. The additional of two extra units is not considered to cause an unacceptable increase in traffic using the site and access point and therefore it is not considered to impact upon highways safety.
- 58 In relation to parking, the proposed development would result in a net reduction in parking spaces on site by three, through the use of several existing parking spaces to accommodate supports for the proposed units. This would reduce the number of parking spaces at the site from 116 to 113, it would also increase the number of units at the site by two from 95 to 97, leaving a total of 113 parking spaces for 97 residential units. This equates to 1.16 parking spaces per unit.
- 59 In accordance with the guidance for residential parking contained within appendix 2 of the ADMP a maximum of 1 parking space per unit is required in this town centre location. In light of this and given the location of the site which is in close proximity to the station, major bus routes and the amenities provided by Sevenoaks Town Centre I am satisfied that the parking provision to be retained on site would be sufficient and would comply with Policy T2 and Appendix 2 of the ADMP.

Trees and Landscaping

- 60 The proposed development is to be built in close proximity to a number of trees to the rear of the site that are protected by a recent TPO. An arboricultural survey and assessment has been submitted with the application which has been reviewed by the Council's Arboricultural Officer. The Arboricultural Officer has advised that provided that the disturbance to the raised area of land is kept to a minimum then there is no reason to object to the proposed development. He has however requested that further details are provided with regard to the construction of the patio but has advised that these could be dealt with via a condition attached to any permission.
- 61 In accordance with this advice several conditions will be attached to the permission to ensure the protection of the trees on and surrounding the site. The first condition will require the protective measures submitted to be fully implemented, a second condition will require details of the construction method of the patio area to be submitted to an approved in writing by the Council prior to the commencement of development.

CIL

- 62 As the proposal is for 2 new residential units it is CIL liable. The applicants have indicated on the submitted CIL questions form that they do not wish to apply for an exemption from CIL and therefore CIL is payable for the development.

Contamination

- 63 There is potential for the land at the site to be contaminated due to the previous use of the site. The Council's Environmental Health department have

Agenda Item 4.2

reviewed the submitted contamination report and have advised that they are satisfied that there are no issues regarding contaminated land with the proposed development.

Working Hours

- 64 During the Consultation with the Council's environmental Health team it was requested by the Environmental Health Officer that a condition restricting the hours of construction to *'08:00 to 18:00 hrs Monday to Friday, 08:00 to 13:00 hrs Saturdays with no work on Sundays and public holidays'*. This is in order to ensure that the development does not impact upon the amenity of surrounding residents. I consider this justified and therefore the suggested condition will be attached to any permission granted.

Water and Waste

- 65 Thames water and South East Water have been consulted on the proposed development. South East water did not respond to the consultation while Thames Water advised that *'with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application'*, they have also advised that South East Water are the body who control the water supply in this particular area. Given that Thames Water are satisfied with the waste arrangement I am satisfied that the proposal is acceptable in terms of waste.
- 66 Regarding water supply, although South East Water have not responded, due to the fact that the proposed development is located centrally in Sevenoaks in an existing urban area I am satisfied that there would be adequate provision in the local water supply to serve the development.

Other issues

- 67 A number of objections have been raised to the proposed development. Many of these have already been covered earlier on in this report; two however are outstanding and will be addressed here.
- 68 The first issue raised by neighbours which has not yet been addressed is that the proposal would impact negatively upon the value of the properties along Tubs Hill Parade. This is not a planning consideration and so cannot be considered as part of the application.
- 69 The second concern relates to trees on site and argues that there will be pressure to remove the trees on site at a later date. The majority of the trees on site which the future occupants would have the ability to potentially remove are covered by a recent TPO and so permission would be required to remove them and would need to be agreed by the Council's Arboricultural Officer before any trees could be removed. Consequently the future occupants would not be able to remove the trees on site without prior agreement of the Council and so I am satisfied that the trees are sufficiently protected.
- 70 In response to the concerns raised by local Councillors it is important to recognise that the NPPF advises that sustainable development should be

supported, paragraph 7 sets out that there are three dimensions to sustainable development: economic, social and environmental while paragraph 9 states that *'Pursuing unsustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life'*. The proposed development would be a good use of land within an urban environment which has good transport links and access to local services while at the same time making a meaningful contribution to the Districts housing supply by providing two much needed small residential units.

- 71 Paragraph 17 of the NPPF has also been raised by local Councillors as a concern as in their view the proposal does not accord with all of the 12 planning principles that underpin plan making and decision taking. It is worth noting here that decisions should be considered 'in the round' as advised in paragraph 12 of the NPPF and Section 70(2) of the Town and Country Planning Act and that development that accords with up to date plans should be approved unless material considerations indicate otherwise.
- 72 An important consideration in regard to this application are the other 12 planning principles including to name just one that *'allocations of land for development should prefer land of lesser environmental value'* such as the application site. As set out in this report when considered as a whole the proposed development complies with the development plan and there are no material considerations to override the presumption in favour of sustainable development, consequently planning permission should be granted.

Conclusion

- 73 I consider for the reasons detailed above and subject to conditions the proposal would be in keeping with the character and appearance of the area and would preserve neighbouring amenity. Consequently it is in accordance with the development plan and therefore my recommendation is to grant planning permission.

Background Papers

Site and Block plans

Contact Officer(s): Paul Dadswell Extension: 7463

Richard Morris
Chief Planning Officer

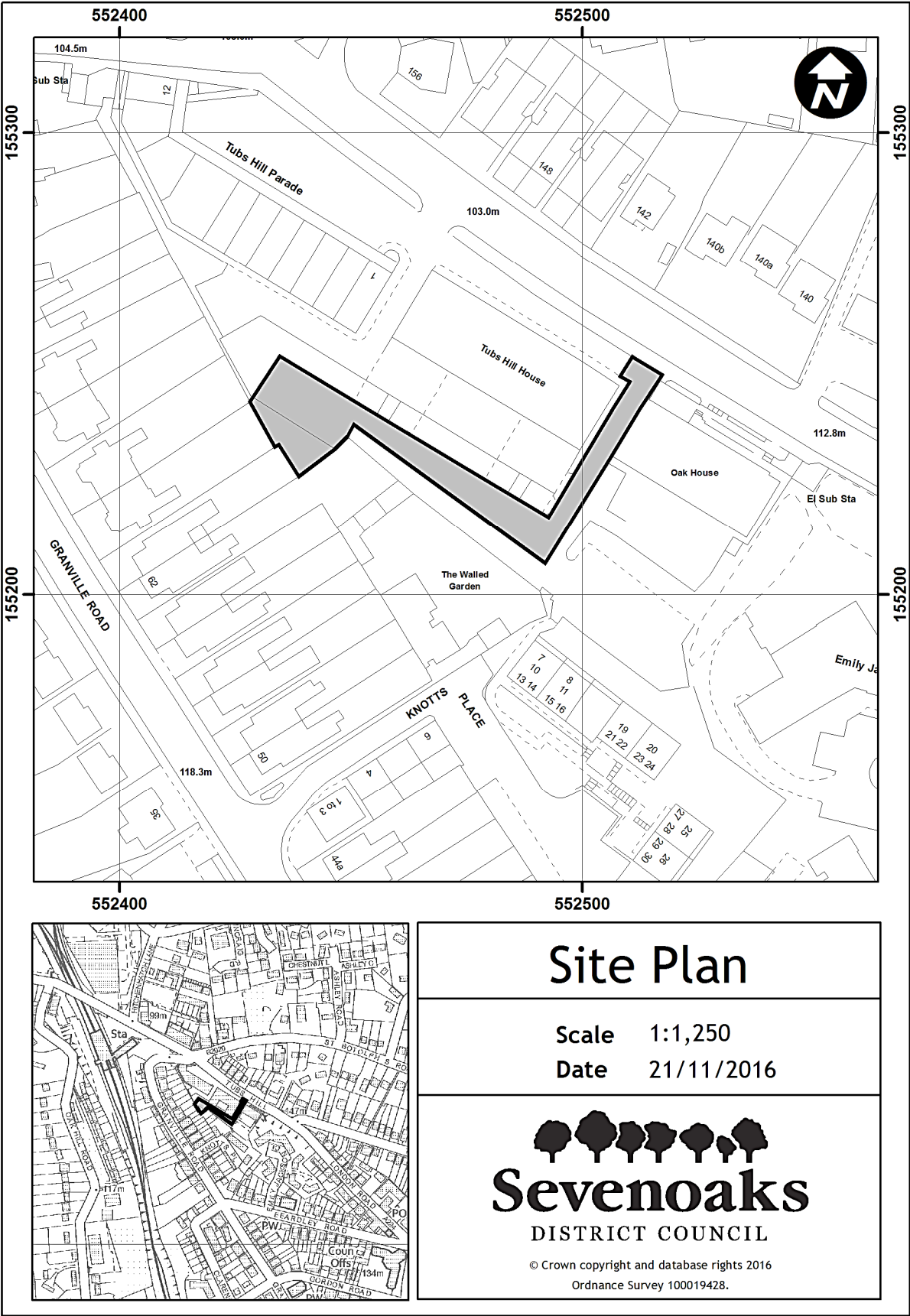
Agenda Item 4.2

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=ODJGPSBK0L000>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ODJGPSBK0L000>



Block Plan



4.3 - SE/16/02931/FUL

Revised expiry date 9 December 2016

PROPOSAL: Construction of a new 4/5 bedroom detached chalet bungalow with integral garage.

LOCATION: Land South Of 162, Hever Avenue, West Kingsdown
TN15 6DU

WARD(S): Fawkham & West Kingsdown

ITEM FOR DECISION

This application is referred to the Development Control Committee as the Council is both the applicant and the landowner of the application site.

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: 5335-PD-01/B; 02, Acoustic Assessment (by Able Acoustics, dated August 2016), Reptile Survey Report (dated 21 April 2016 / Ref. 2016/02/09), Preliminary Ecological Appraisal (dated 20 October 2015 / Ref. 2015/10/03), Arboricultural Method Statement (dated 22 October 2015), Tree Protection Plan, Design and Access Statement.

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

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

To ensure that the appearance of the development is in harmony with the existing character of the area 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) Notwithstanding the details shown on the hereby approved plans a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details: a) soft plantings, including trees, grass and turf areas, shrub and herbaceous areas; their location, species (use of native species where possible) and size; b) enclosures: including types, dimensions and treatments of boundaries (including a more appropriate

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

To enhance the visual appearance of the area 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.

5) 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 have been submitted to and approved in writing by the Local Planning Authority. The details may include, but not be limited to the recommendations set out in section 4.10 of the Preliminary Ecological Appraisal (dated 20 October 2015 / Ref. 2015/10/03). 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.

6) Prior to the commencement of development, full details of the noise mitigation measures set out in section 6.5.1 of the hereby approved Acoustic Assessment (by Able Acoustics, dated August 2016), including details of a mechanical ventilation system, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved details prior to the first occupation of the dwelling and the noise mitigation measures shall be retained and maintained as such thereafter.

To ensure the provision of adequate residential amenities for future occupiers 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.

7) Before the first occupation of the development hereby permitted, the car parking and turning areas shown on the approved drawing 5335-PD-01/B shall be provided and shall be kept available for the parking of cars at all times.

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

8) No development shall be carried out on the land until details for the provision of an electric vehicle charging point for the dwelling has been submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging point shall be installed in accordance with the details so approved prior to the first occupation of the dwelling hereby approved and retained and maintained as such thereafter.

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.

9) The first floor level windows in the side (north and south) elevations of the dwelling 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.

10) Prior to the commencement of any development on the site, full details regarding the protection of the protected Oak tree to the front of the site and trees located immediately adjacent to the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved. The details shall include: a) Details of the no-dig construction method for the hereby approved access and driveway and timetable for implementation; b) Details of the utility routes, method for installation and timetable for implementation; c) Details of the specification and position of fencing or other measures to create a 'retained tree protected area' for the protection of retained trees from damage before or during the course of development and a timetable for implementation; d) Details of the location and extent of any area on the land to be used during the construction period for storage (including materials, plant and machinery) and/or for siting any temporary ancillary structures, such as a site office. The development shall be carried out in accordance with the details so approved.

To secure the retention and long term health of existing trees 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.

11) Details of any external lighting shall be submitted to and approved in

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

To mitigate the impact of development on nature conservation and to preserve the visual appearance of the area as supported by policy SP11 of the Core Strategy (2011), 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.

12) No development shall be carried out on the land until a detailed method statement setting out a precautionary mitigation approach in relation to the potential presence of dormice on the site has been submitted to and approved in writing by the Local Planning Authority. The mitigation strategy shall be implemented in accordance with the details so approved.

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.

13) The development shall be implemented in accordance with the recommendations for mitigation contained in the hereby approved Preliminary Ecological Appraisal (dated 20 October 2015 / Ref. 2015/10/03).

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.

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.

2) It appears that the proposal involves works that affect the highway and / or its verge. Before commencing such works, you must obtain the separate consent of the Highway Authority. Please contact Kent Highway Services, Network Operations on 01474 544068.

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 encouraged to seek professional advice.

Description of Proposal

- 1 Construction of a new 4/5 bedroom detached chalet bungalow with integral garage.

Description of Site

- 2 The application site is rectangular in shape and comprises approximately 0.0962ha of relatively flat land located on the east side of Hever Avenue. The site is located within the built confines of West Kingsdown. The north (side) boundary is shared with 162 Hever Avenue and the south (side) boundary is shared with a 3m wide tract of land which serves as an access to an area of woodland behind the site and the rear of neighbouring properties beyond. The other side of the access is bound by 156 Hever Avenue. The site is partially enclosed to the front by a post and rail fence. As existing the site comprises several mature trees (one of which is subject to a Tree Preservation Order) and scrub. The site and adjacent woodland is owned by Sevenoaks District Council.

Constraints

- 3 Urban confines of West Kingsdown
- 4 Tree Preservation Order (TPO/15/10/SDC)

Agenda Item 4.3

Policies

Allocations and Development Management Plan -

5 Policies - EN1, EN2, EN6, EN7, GI2, SC1, T2, T3, LT3

Sevenoaks Core Strategy

6 Policies - L01, L07, SP1, SP2, SP3, SP5, SP7, SP10, SP11

Other

7 National Planning Policy Framework

8 Planning Policy Guidance

Planning History

9 SE/15/02798/FUL: Erection of a new detached chalet bungalow with integral garage and associated works. WITHDRAWN 22.04.2016

SE/86/00815/HIST: Development of District Council land after disposal. Outline application. Erection of detached House. WITHDRAWN

Consultations

West Kingsdown Parish Council:

10 Objection: *'The Parish Council objects to the proposal on the grounds that it is contrary to Policy WK6 of the Saved Policies of the Sevenoaks District Local Plan (or its successor). In view of the site's close proximity to Brands Hatch, even if the proposed dwelling was triple glazed and insulated, the occupants would still be precluded from sitting in their garden due to the level of noise.'*

11 Further comments:

1) Members are concerned that the proposal would detract from the light levels currently enjoyed by the residents of 162 Hever Avenue.

2) The Parish Council have been advised that both 156 and 162 Hever Avenue have been underpinned. Therefore Members are concerned that the removal of large trees could result in heave that would cause further damage to the neighbouring properties as well as harm to the proposed dwelling.

3) The loss of mature landscape trees would detract from the visual amenity of the area.

4) Members would express concern that although the access track has been widened for most of the way, it is still less than 3m at the entrance from Hever Avenue and at the rear where the boundary deviates around a mature oak tree.

5) The location plan is inaccurate as it includes land at the rear of 162 and 164 Hever Avenue that is owned by the residents of those properties.

6) Should SDC be mindful to grant permission in this instance then the Parish Council would wish it to contain a condition requiring protection of the tree and roots of the oak at the front of the site.'

KCC Ecology (summary)

- 12 Advise sufficient information has been provided. No reptiles recorded and satisfied that reptiles likely to be absent from site, therefore no mitigation required. Potential for dormice to be present, therefore recommend a detailed method statement relating to a precautionary mitigation approach be secured by condition. Trees on site have low potential for roosting bats, therefore recommend that precautionary mitigation implemented if trees felled and any external lighting adheres to the Bat Conservation Trust's Bats and Lighting in the UK guidance. Recommend details of ecological enhancements be secured by condition.

Natural England: (summary)

- 13 Statutory nature conservation sites - no objection.

Protected species - recommend application of Standing Advice.

Biodiversity enhancement - recommend consideration to enhancement measures.

SDC Tree Officer

- 14 *'Prior to this application becoming valid, I was made aware that this land may be disposed of by SDC. My inspection of the site has identified a number of mature trees growing upon it. It is also very overgrown with garden waste dumped upon it at varying locations. Two mature Oak trees are located within the proposed build space and will need to be removed to accommodate the proposed new dwelling. The third mature Oak tree located adjacent to the frontage highway has been afforded protection by TPO 10 2015. I decided not to protect the aforementioned Oak trees as they are less aesthetically pleasing with poorer form. Being set back as they are they are also less visible than the frontage Oak. I am also aware of the closer proximity of these two Oaks to both 156 and 162 Hever Avenue.*
- 15 *With regards to this proposal and the aforementioned in mind. I feel that there is sufficient space for the proposed dwelling to be constructed. The frontage Oak would need to be protected for the duration of the works and such detail would need to be provided either up front or as a condition. The proposal to create a hard landscaped drive would need to be carried out by using a no dig construction method. Unfortunately due to the amount of overgrown vegetation and dumped garden waste near to the Oak tree at the front. I was unable to ascertain the correct ground levels for the no dig construction for the drive to be based upon. This level would link directly to the level of the highway. The level of the land is slightly higher than the highway and as such I need to be sure that a no dig*

Agenda Item 4.3

operation can be accommodated. Clarification of this aspect would need to be up front as part of the application and not dealt with by way of condition. Other conditions that would need to accompany any consent would be landscaping proposals and tree pruning details.

- 16 *I have since ascertained that the frontage levels from the paved area into the site are acceptable as far as creating a no dig driveway into the site. It has also been made clear that no pruning to the protected Oak tree is proposed. Details of the hard landscaping inclusive of the no dig construction for the driveway needs to be conditioned. Soft landscaping should also be conditioned. All utility roots and method of insertion should also be conditioned.'*

SDC Environmental Health Officer

- 17 *'I had extensive consultation with the acoustic consultant prior to the acoustic assessment being undertaken, also measurements were taken during noisier events at the circuit. I am therefore satisfied that the design and acoustic protection of both internal and external areas are the best that could reasonably be expected to be achieved. However, it is clear that during some track use the upper guideline value of 55 dB LAeq,T will be exceeded in outdoor amenity areas. As all reasonable attenuation methods for the outdoor amenity space were considered and found to be unable to achieve the desired upper guideline value we can refer to the design criteria for external noise in section 7.7.3.2 of BS 8233:2014 allowing development in higher noise areas if the property is designed to achieve the lowest practicable levels in the external amenity spaces. The levels used for the evaluation were not the absolute measured values but enhanced levels to take account of the potential intrusiveness of the perceived level, this is a very high bar that has been met for the internal space of the property and used to ensure that if noise track activity is taking place residents will be well protected from intrusive noise within the dwelling. I therefore have no adverse comments regarding this application.'*

Environment Agency:

- 18 *No comments.*

Thames Water: (summary)

- 19 *Advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.*

Representations

- 20 *Notification letters were sent to the occupiers of 7 properties surrounding the site. Site notice and press notice displayed. The statutory consultation period ended on 13.11.2016.*

1 objection received raising the following concerns:

- Right of Way to woodland needs to be retained;*
- Proposed gate would reduce width and restrict use of right of way;*

- Loss of mature trees;
- Concerns regarding adequacy of tree protection measures;
- Concerns regarding bias of submitted Open Space Assessment;
- Request recommendations of submitted Ecological Appraisal are secured;
- Loss of footpath bisecting site;
- Loss of daylight, sunlight, overshadowing and outlook to 162 Hever Avenue;
- Layout and density;
- Blocking of satellite dish and telephone cable;
- Excessive noise levels contrary to planning policy;
- Inaccurate site location plan.

Chief Planning Officer's Appraisal

- 21 The main issues requiring assessment relate to the principle of development in this location, including the acceptability of any loss of open space, design and impact on the street scene, impact on trees and ecology, impact on neighbouring amenities, proposed standard of accommodation for future occupiers (particularly in respect of noise) and CIL (Community Infrastructure Levy).

Principle of development

- 22 The NPPF has a general presumption in favour of sustainable development, and amongst other things encourages the delivery of homes of a high quality design and a good standard of amenity for all. Whilst the NPPF places an emphasis on development of previously developed land, it does not preclude other land, including garden land, from being developed for residential use, provided such development is in suitable locations and relates well to its surroundings.
- 23 At a local level, policies L01 and L07 of the Core Strategy requires development to be focussed within the built confines of existing settlements and identifies West Kingsdown as a settlement suitable for small scale infilling and redevelopment where appropriate taking account of the limited range of service and facilities available.

Loss of Open Space

- 24 Paragraph 74 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- *An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
 - *The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a sustainable location; or*
 - *The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

Agenda Item 4.3

- 25 Policy SP10 of the Core Strategy states that a Green Infrastructure Network will be developed of accessible multi-functional green space, primarily based on maintaining and linking existing areas of open space. Open space, sport and recreation facilities, including indoor sports facilities of value to the local community will be retained. Development may exceptionally be allowed where replacement provision of at least equivalent value to the local community is provided. For the purposes of policy SP10 open space is defined as including ‘amenity open space, parks and formal gardens, natural and semi-natural open space, children’s play areas, outdoor sports facilities, churchyards and allotments’.
- 26 Policy GI2 of the ADMP relates to the loss of open space and states that the change of use or redevelopment of Green Infrastructure, Open Space, Sport or Recreation sites within the urban confines of towns and villages will not be permitted unless the applicant demonstrates that:
- *The open space is surplus to requirements and that there is no need for an appropriate alternative community, sports or recreational use, or*
 - *The loss will be mitigated by equivalent replacement provision (in terms of quality, quantity and accessibility) or*
 - *The development is for alternative sports/recreational use.*
- 27 There should be no significant adverse impact on the character of the local environment and any potential loss of biodiversity interests should be mitigated.
- 28 Paragraph 6.19 of the ADMP states that open space can be amenity space and ‘includes both public and private spaces and covers any open space which contributes to the character of the locality and is important to the local community’.
- 29 Appendix 9 of the ADMP sets out the schedule of Open Space Allocations in the District (over 0.2ha in area). There are three areas of allocated open space within West Kingsdown (Hever Avenue Recreation Ground and Western Amenity Green Space and Millfield Road Amenity Green Space). By reason of its size the application site is not allocated Open Space. Notwithstanding this, local residents are known to use the land and in particular a strip adjacent to the southern boundary which provides pedestrian access to the woodland at the rear. Although the application site is currently overgrown and poorly maintained I am satisfied that it constitutes open space for the purposes of policies SP10 and GI2.
- 30 The application is accompanied by an Open Space Assessment which amongst other things cites the Sevenoaks Open Space, Sport and Recreation Study (2009). This study surveyed all types of open space across the District and was used as an evidence base in the preparation of the ADMP. Of relevance to this application are the findings in relation to natural and semi-natural green space and amenity green space. The study identified 170 natural and semi-natural sites, of which 81 are located in the north of the District and 223 amenity green spaces encompassing an area of 81ha. Whilst the study identified no future need for either natural or semi-natural or amenity green spaces in the north of the District it did identify a shortfall of parks and gardens. For the purposes of the study, parks and gardens are

defined as urban parks, formal gardens and country parks that provide opportunities for informal recreation and community events. I concur with the findings of the assessment that the application site would be too small to be appropriate for such a use and that the loss of 0.1ha of existing poor quality open space would not result in a deficiency of open space in this area thereby satisfying the first criterion of policies SP10 and GI2.

- 31 It is noted that the Sevenoaks Open Space, Sport and Recreation Study recommends a focus on accessibility and quality improvements to existing sites rather than new provision. The development includes the retention and enhancement of a dedicated public access to the woodland at the rear of the site (principally through the formal delineation of the land) and in this regard would comply with the recommendations of the Sevenoaks Open Space, Sport and Recreation Study.
- 32 In summary the development would result in the loss of existing open space; however it has been identified that it is surplus to requirements and by reason of its limited size and poor quality does not make any positive contribution to open space in the area. Hever Avenue and the surrounding area is predominantly residential in character. The erection of a detached dwelling would reflect the general pattern of development in the area and is considered to be acceptable in land use terms provided the scheme complies with all other relevant development plan policies.

Design and impact on the street scene

- 33 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’. Policies SP1 and L07 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.
- 34 Policy SP7 of the Core Strategy is relevant to density and states that all new housing will be developed at a density consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. Subject to this overriding consideration new residential development will be expected to achieve a density of 30 dwellings per hectare. Without prejudice to an assessment of the development against relevant design policies the proposal would equate to a density of approximately 10dph (dwellings per hectare) and would not represent overdevelopment of the land.
- 35 The application site is located within a ribbon of predominantly detached dwellings fronting Hever Avenue. The prevailing character of the road is of closely spaced bungalows and chalet bungalows (with accommodation in the roof) of differing architectural styles and materials. The majority of dwellings are located within similar sized plots and set back from the road

Agenda Item 4.3

behind verdant front gardens and off-street parking. There are a number of mature trees within the area that contribute to a pleasant sylvan character. The application site is comparable in terms of size and shape with other plots in the road and the erection of a detached dwelling in this infill location would be consistent with the general character of the area.

- 36 The proposed dwelling would be set back in excess of 13m from the pavement such that the single storey front building line would be aligned with that of 162 Hever Avenue to the north and stepped back towards the front building line of 156 Hever Avenue to the south. The rear building line would extend approximately 2.2m beyond the rear of 162 Hever Avenue and align with the rear building line of 156 Hever Avenue. The dwelling would be located 1m from the north boundary of the site and 1.2m from the southern boundary adjacent to the woodland access. The development would allow for the retention of the protected tree and a generous area of soft landscaping to the front. In this respect the proposed layout and site coverage would be consistent with the established character of Hever Avenue.
- 37 Although described as a chalet-bungalow, the bulk of the proposed dwelling would comprise two-storeys. First floor accommodation would be provided within the purpose built roof space and incorporate front and rear dormer windows. In terms of height the proposed dwelling would be equivalent to the height of 156 Hever Avenue and marginally higher than the adjacent dwelling, 162 Hever Avenue, however by reason of the set back and hipped roof design this height differential would not be prominent in the street scene.
- 38 The east side of Hever Avenue is characterised by detached dwellings, including chalet bungalows with dormer windows. Whilst the buildings are modestly scaled as viewed from the street, many have been significantly extended at the rear, including at roof level. In this context the incorporation of a single storey gabled projection to the front and a larger two-storey gabled extension to the rear is considered to be in keeping with the general scale and massing of surrounding development.
- 39 In terms of detailed design and materials the dwelling would incorporate traditional fenestration with brick elevations and feature gables clad in plain tile hanging. The design and materials would reflect the architectural styles and use of materials in surrounding buildings and help integrate the development into its setting.
- 40 In summary it is considered that the proposals would result in a sympathetic development that would contribute to the local character of the area consistent with national and local planning policy and guidance.

Neighbouring amenities

- 41 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.

- 42 The proposed dwelling would be located over 5m to the north of 156 Hever Avenue and separated by the retained woodland access. By reason of the orientation and separation distance the proposed dwelling would have no harmful impact on the daylight or outlook from the windows in the side elevation of no. 156 (the ground floor of which is obscure glazed). It is recommended that a condition be imposed to ensure the non-habitable and secondary windows in the first floor flank elevation of the proposed dwelling be obscure glazed (and fixed shut) to protect the privacy of neighbouring occupiers.
- 43 The dwelling would be located closer to 162 Hever Avenue to the north. The part of the proposed building adjacent to the boundary would project beyond the rear of no.162 by approximately 2.2m; however this part would be single storey with a pitch roof. It would be located approximately 1m beyond the boundary and would comply with the 45 degree daylight test set out in the Council's Residential Extensions SPD. The proposed two-storey rear projection would extend further beyond the rear of no.162 however by reason of its set back would also comply with the 45 degree daylight test. No part of the development would result in an unacceptable loss of daylight. The development would not result in any loss of sunlight to habitable room windows. There is potential for some overshadowing of the adjacent garden although this would be limited by reason of the proposed siting and modest height of the dwelling.
- 44 Whilst the introduction of built form where none currently exists will inevitably be noticeable to the occupiers of no.162, the form and design of the development, including the location of the greatest bulk approximately 6m from the shared boundary would ensure the development would not appear unacceptably intrusive or overbearing and would not be harmful to outlook.
- 45 The proposed dwelling would incorporate ground and first floor windows in the flank (side) elevation adjacent to no.162. Notwithstanding the absence of windows in the flank elevation of the neighbouring dwelling it is recommended that a condition be imposed to ensure the non-habitable and secondary windows in the first floor flank elevation of the proposed dwelling be obscure glazed (and fixed shut) to prevent views into the glazed roof of the lean-to extension and thereby protect the privacy of neighbouring occupiers. By reason of the height of the roof light in the side roof of the rear extension no outward views that could compromise privacy would be permissible.
- 46 The development would also include a dormer window on the rear roof slope which would be located within approximately 3m of the boundary with no.162. Hever Avenue is a residential road where many dwellings are closely spaced and as previously noted the resultant gap between the buildings would not be out of character. The dormer window would be orientated to the rear garden and woodland beyond the application site and although some views of the rear garden of no.162 would be available these views would be towards the centre of the garden. By reason of the rear projection

Agenda Item 4.3

of the proposed dwelling relative to its neighbour, the part of the garden closest to the rear of no.162 (defined in the Residential Extensions SPD as the private amenity area within a depth of 5m from the back of the property) would be screened by the building itself. In coming to this conclusion I am mindful that the site is located within the built confines of West Kingsdown and it is not unusual in suburban settings such as this for some views of neighbours' gardens to be available from upper rooms. Taking all of the above into account I conclude that the development would not result in unacceptable harm to the living conditions of the occupants of surrounding buildings and that there would be no breaches of policy EN2 of *the ADMP or the Residential Extensions SPD*.

Standard of accommodation

- 47 Policy EN2 of the ADMP requires that any development should ensure a satisfactory environment for future occupants. In terms of size, layout, daylight and outlook the proposed dwelling would provide an adequate living environment for future occupiers. The site is however located within approximately 150m of Brands Hatch motor racing circuit and has the potential to be affected by noise from motorsport events. Brands Hatch holds events for both two and four wheeled vehicles across two operational race circuits known as the GP circuit and Indy circuit. The application site is located closest to the GP circuit.
- 48 Paragraph 123 of the NPPF is relevant and 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. The NPPF refers to The Noise Policy Statement for England (NPSE) which sets out the long term vision for government noise policy and aims to: *'avoid significant adverse impacts on health and quality of life; mitigate and minimise adverse impacts on health and quality of life; and where possible, contribute to the improvement of health and quality of life'*.
- 49 The NPSE identifies 3 tiers of Observed Effect Levels; No Observed Effect Level, Lowest Observed Effect Level and Significant Observed Adverse Effect Level. A Significant Observed Adverse Effect is defined in the 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.
- 50 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.
- 51 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.

- 52 To assess the level and likely impact of motorsport noise affecting the site, a noise impact assessment has been submitted. Noise recordings were taken when the GP circuit was in use and the Environmental Health Officer is satisfied that the technical data represents a likely worst case noise scenario at the site.
- 53 The assessment identifies that subject to an appropriate glazing specification and installation of a mechanical ventilation system the dwelling would be capable of providing an internal living environment that complies with relevant standards as set out in British Standard BS8233: 2014. The provision of mechanical ventilation is commonly accepted as an appropriate means of achieving a satisfactory living environment when external noise conditions would preclude the opening of windows for natural ventilation. In my view the achievable internal noise levels would be below the Lowest Observed Adverse Effect Level thereby satisfying the requirements of national and local planning policy and I concur with the Environmental Health Officer that future occupiers of the dwelling would have an acceptable standard of amenity.
- 54 Turning to the external amenity space, the WHO guidelines are relevant. Specifically the guidance states that *“During the daytime, few people are seriously annoyed by activities with LAeq levels below 55 dB; or moderately annoyed with LAeq levels below 50 dB”*. BS2833:2014 states that it is ‘desirable’ that the external noise does not exceed this level and acknowledges that whilst in some situations development should be designed to achieve the lowest practicable levels in external amenity spaces, they should not be prohibited.
- 55 It is important to note that BS8233: 2014 and WHO guidance on noise use a daytime 16 hour continuous equivalent noise level, that is if all the noise energy in the 16 hours between 07:00 hrs and 23:00 hrs were to be expressed as a continuous unchanging level and uses the expression LAeq,16hr. The purpose is to protect sensitive receptors (including residents) from harm through prolonged exposure to noise above levels that have been found to have adverse effects in some of the population.
- 56 The noise assessment concludes that measured external levels during non-event days are below the upper guideline limits set in the WHO guidelines; however on some event days would exceed these thresholds.
- 57 Paragraph 006 of the Noise section of the NPPG states that *“If external amenity spaces are an intrinsic part of the overall design, the acoustic environment of those spaces should be considered so that they can be enjoyed as intended”*. The proposed development comprises a 4/5 bedroom dwelling and includes a generous sized private rear garden which would include patio areas directly adjacent to the rear of the building. The patios

Agenda Item 4.3

would be capable of being accessed by full-width glazed doors on three elevations to provide direct access from a large kitchen/dining room and playroom/family room; the Design and Access Statement refers to a '*patio area which seamlessly connects the main family living spaces with the garden*'. In my view the garden forms an integral part of the development and the size and layout of the dwelling would be likely to appeal to families. For this reason I consider that providing an acceptable standard of external amenity space is necessary to enable the garden to be enjoyed as intended.

- 58 Whilst I am mindful that noise is a subjective term I consider that the highest recorded levels are loud and that this would constitute a Significant Observed Adverse Effect for the purposes of NPSE. The Noise Exposure Hierarchy in the NPPG states that this level of noise would be noticeable and disruptive and cause a material change in behaviour and/or attitude e.g. avoiding certain activities during periods of intrusion. The NPPG recommended response is to avoid such situations. Nevertheless in assessing noise impact it is also necessary to consider the nature and frequency of the noise. The noise from Brands Hatch is intermittent and of limited duration; the noisiest events at the circuit are restricted to 5 days in any calendar year through the noise management plan for the venue and the circuit adjacent to this location is only used by race vehicles on 24 occasions in any year. On the vast majority of occasions when track activity would be heard in the garden of the proposed dwelling the 16hr LAeq will be below 55 dB.
- 59 Whilst I am mindful that it would not be possible to eliminate noise for future residents I am satisfied that taking all of the above into account, including the limited nature of the most significant noise impacts, the adverse effects on the quality of the external amenity space would not be unacceptable. In this respect the development would comply with policies EN2 and EN7 of the ADMP.

Highways and parking

- 60 Policy T2 of the ADMP requires that proposed development should ensure the satisfactory means of access for vehicles and provides parking facilities in accordance with the relevant standards. Policy T3 requires the provision of electric vehicle charging infrastructure.
- 61 Vehicular and pedestrian access to the site would be provided adjacent to the access to the woodland. Hever Avenue is subject to a 30mph speed limit and the site benefits from good visibility in both directions. The development would include the erection of set back access gates and ample turning space and does not raise any highway safety concerns in this regard. The parking standards as set out in the Kent Design Guide: Interim Guidance Note 3 require 2 spaces per 4-bed house. The proposals include the provision of at least 2 independently accessible off-street car parking spaces and a garage and would comply with policy T2 of the ADMP.
- 62 Policy T3 seek to ensure provision of new charging facilities to be provided within new residential development for electric cars. This can be secured by the imposition of an appropriate condition.

Trees and landscaping

- 63 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.
- 64 There are 3 notable oak trees on the site, the most prominent of which is located towards the front of the site and protected by a Tree Preservation Order. The proposals would necessitate the removal of two oak trees. At the time of serving the preservation order on the single oak at the front, the two other oak trees located towards the centre of the site were also assessed; however were found to be of inadequate aesthetic quality to warrant protection. The reasons for this relate in part to their less prominent location and contribution to the visual amenity of Hever Avenue and in part to their lesser quality and poorer form arising from pruning works. The pruning works were carried out in a response to a subsidence claim made to the owner, Sevenoaks District Council. Notwithstanding the objections received I concur with the Tree Officer's view that the removal of the two unprotected oak trees would not detract from the wider visual amenity of the area and is considered acceptable.
- 65 The Tree Officer is satisfied that there is sufficient space for the proposed dwelling to be constructed and subject to implementation of appropriate tree protection measures for the duration of works the protected tree is capable of being retained. Whilst the hard landscaped drive would be located within the Root Protection Area (RPA) of the protected tree, the Tree Officer is satisfied this could be achieved using a no dig construction method without compromising the health or stability of the tree.
- 66 The mature trees to the front of nos. 156 and 162 Hever Avenue adjacent to the site also need to be taken into account as parts of the proposed development would encroach into the RPA of these trees. Subject to implementation of a no dig construction method the Tree Officer is satisfied that the trees on neighbouring land would also be adequately protected.
- 67 Subject to appropriate conditions to secure the above tree protection measures and details of quality soft and hard landscaping (including appropriate means of enclosure) the development would comply with policy EN1 of the ADMP.

Biodiversity and ecology

- 68 Section 11 of the NPPF relates to conserving and enhancing the natural environment and includes discussion relating to biodiversity. Paragraph 118 explains that the planning system should protect and enhance valued landscapes, minimise impacts on biodiversity and provide net gains in biodiversity where possible. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity and if significant harm resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. At a local level, policies SP11 of the Core Strategy and GI1 of the ADMP state that the biodiversity of the District will

Agenda Item 4.3

be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity.

- 69 As existing the application site comprises mature trees and shrubs and shares its east boundary with an area of woodland. The application is accompanied by an Ecological Appraisal and Reptile Survey. KCC Ecologists are satisfied that sufficient information has been submitted.
- 70 The Ecological Appraisal identifies potential for Hazel Dormice to be present on site and it is therefore recommended that a detailed method statement requiring a precautionary mitigation approach be secured by condition. There is also potential for breeding birds and hedgehogs and a low potential for roosting bats. It is recommended that precautionary mitigation be implemented if trees are felled.
- 71 KCC Ecology recommended that any external lighting adheres to the Bat Conservation Trust's Bats and Lighting in the UK guidance; it is recommended this and details of wider ecological enhancements be secured by appropriate condition. On this basis I am satisfied that the proposed development would appropriately mitigate ecological impacts and provide for net gains in biodiversity value consistent with relevant national and local planning policy and Natural England's Standing Advice.

Affordable housing

- 72 In relation to affordable housing, on 28 November 2014 the Government issued a Written Ministerial Statement that amended National Planning Practice Guidance (PPG) to restrict the circumstances where contributions for affordable housing should be sought. Under that guidance, other than in designated rural areas, contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. This is a material consideration that should be taken into account when determining planning applications and must be weighed against Policy SP3 of the Core Strategy. It is noteworthy that the material consideration post dates the Core Strategy and was confirmed by the Court of Appeal in 2015 and thus afforded weight. Since the development size is below the threshold introduced in the Written Ministerial Statement a strict adherence to the edicts of Policy SP3 is unlikely to be substantiated at appeal as such a contribution to affordable housing would not therefore be sought on a development of this size.

Other issues

- 73 Concerns raised by the Parish Council regarding the stability of the land are not material to the planning application and would be subject to control under the relevant Building Regulations.
- 74 The proposals would by their nature preclude public access across the site itself, however in the absence of any evidence that such rights of way exist I can afford this no weight. The proposals include the retention of the adjacent access to the woodland over which there are established rights of way, including for neighbouring occupiers. This access would be enhanced by the introduction of appropriate boundary treatment to the curtilage of

the new dwelling. Whilst the installation of gates to the woodland access do not form part of this planning application it is likely that they would in any case constitute permitted development.

- 75 Notwithstanding that concerns relating to the potential interruption of television signals are rarely a material planning consideration, the modest scale of the development is such that this could be mitigated in the event that the development proceeds.
- 76 The site location plan was amended during the course of the planning application and relevant parties notified.

Community Infrastructure Levy

- 77 The application is accompanied by a CIL Additional Information Form and Assumption of Liability Form which identifies that the development would be CIL liable. There is no application for an Exemption or Relief.

Conclusion

- 78 The principle of the development of the site is considered to be acceptable in land use terms. The development would be appropriate in terms of height, scale, form and design and would respect the character and appearance of the area. It would not be harmful to neighbour amenity and would provide for adequate parking and ecological mitigation and enhancement. I have found that the dwelling is capable of providing an adequate internal living environment and although the external amenity space would be subject to episodes of high noise impact this would not be harmful to the living conditions of future occupiers. There are no other issues that could not be addressed by appropriate condition.

Recommendation: Grant planning permission subject to conditions

Contact Officer(s): Matthew Durling Extension: 7448

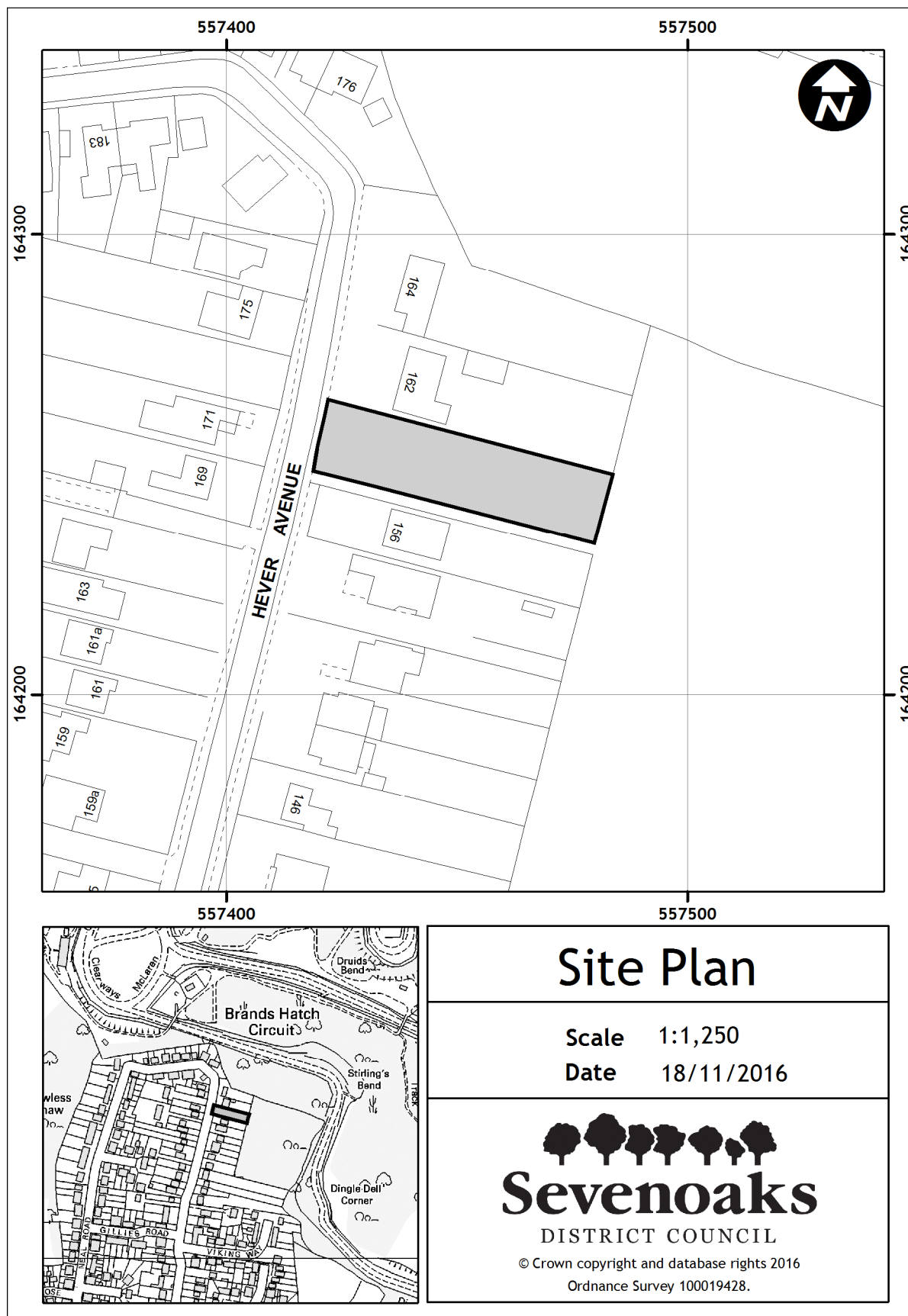
Richard Morris
Chief Planning Officer

Link to application details:

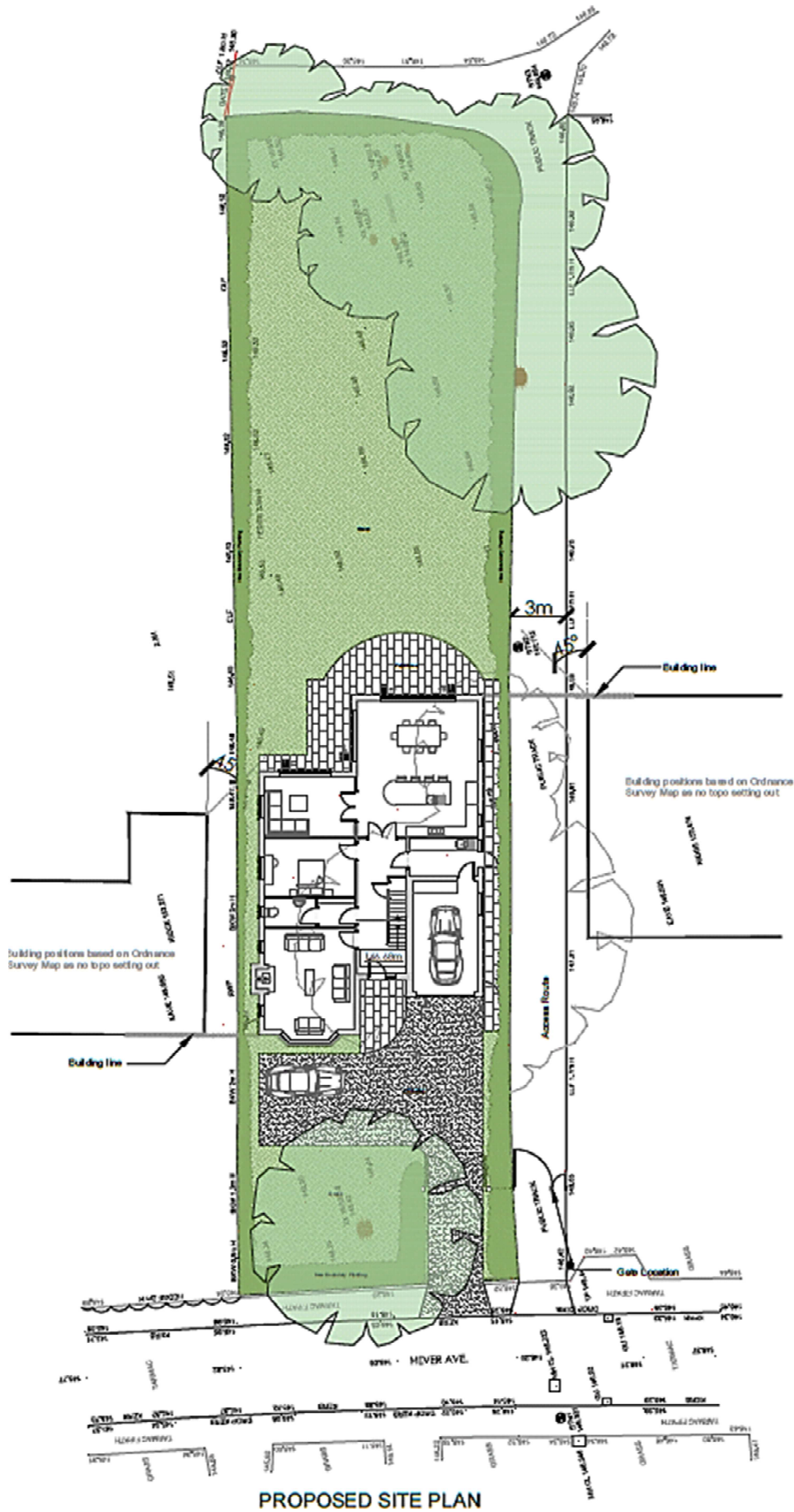
<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OE4CJUBKM3F00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OE4CJUBKM3F00>



Block Plan



This page is intentionally left blank

4.4 - SE/16/02659/HOUSE Date expired 2 November 2016

PROPOSAL: Erection of single storey outbuilding.

LOCATION: Forge House, Charcott, Leigh TN11 8LG

WARD(S): Leigh & Chiddingstone Causeway

ITEM FOR DECISION

The application has been referred to the Development Control Committee by Councillor Lake because he feels that the materials used, the careful positioning and the construction itself will be in keeping with the village of Charcott, and will not affect the site or its surroundings. In addition he feels this accords with Policies SP1 and L08 of Sevenoaks District Core strategy, Policies EN1 and EN4 of ADMP and Residential extensions SPD and that The Heritage Statement states that there will be no harm to the setting for the purposes of the decisions maker's duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

The proposed outbuilding would have a harmful impact on the setting and significance of Forge House, no justification has been given to show that there are public benefits that would outweigh the harm. As such the proposal 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 proposed outbuilding would be unacceptable through its location to the front of Forge House. The introduction of an outbuilding in this location would have a detrimental impact upon the character and appearance of the local area. This is contrary to Policy EN1 of the Sevenoaks Allocations and Development Management Plan and the Sevenoaks Residential Extensions SPD.

Note to Applicant

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

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all

consultees comments on line
(www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),

- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

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 It is proposed to erect a single-storey outbuilding to the front of Forge House that would be used as a garage, carport and workshop.

Description of Site

- 2 The application site comprises of a two-storey detached house situated at the centre of the Hamlet of Charcott, opposite The Green. The house is Grade II Listed. The listing reads; *Forge House and Forge Cottage TQ 54 NW 50/726 II 2. Forge House C15 or early C16 house, probably a hall. 2 storeys, 2 windows. Very large hipped tiled roof brought forward to form lean-to at left. Ridge stack. Early C19 tile hung 1st floor. Red brick ground floor with blue headers. C19 1-bar casements and 4-panel door. Forge Cottage is a set-back 2-storey, 1-window right extension which has massive offset end chimney with stone base, red brick dressings and shafts.* The site sits within Leigh & Chiddingstone Causeway Ward.

Constraints

- 3 Listed Building - LB/G2/50/0726
- 4 Metropolitan Green Belt

Policies

Allocations and Development Management (ADMP):

- 5 Policies - EN1, EN2, EN4, GB3

Core Strategy (CS):

- 6 Policies - LO1, SP1

Other:

- 7 Leigh Village Design Statement
- 8 National Planning Policy (NPPF)

Relevant Planning History

- 9 06/03341/FUL - Demolition of existing redundant workshop, lean-to, link, and conservatory. Construction of dining room and music/guest room. REFUSE.
- 11 06/03344/LBCALT - Demolition of existing redundant workshop, lean-to, link, and conservatory. Construction of dining room and music/guest room. REFUSE.
- 12 07/02140/FUL - Demolition of existing redundant workshop and lean-to link. Construction of dining area and music/guest room. GRANT
- 13 07/02143/LBCALT - Demolition of redundant workshop and lean-to link. Construction of dining area and music/guest room. GRANT
- 14 08/01808/FUL - Erection of timber garden shed. GRANT

Consultations

SDC Conservation Officer

- 15 SDC Conservation Officer was consulted and has the following comments;

'The issue is whether the proposed development would affect the setting of the listed Forge House and preserve the character and appearance of the locality which forms the wider setting.'

Description of significance and character of setting

Forge House sits at the centre of Charcott to the south of the triangular Green that forms the heart of this small hamlet. The building is set well back from the road in a large corner plot where the road turns into south-easterly direction towards Camp Hill.

Forge House originated in the 15th century as one house, probably as a yeoman's house of some status. By the 19th century it was subdivided into cottages and is referred to in the 1840s tithe map as 'two cottages with gardens'. In the 19th century, it served as home for the local blacksmith with the smithy located to the north-west on the edge of the road (today's Charcott Garage).

Historic maps confirm that Forge Cottage is one of the oldest houses of the hamlet. Until the mid 19th century, Charcott consisted only of a small number of dispersed buildings. This changed in the Victorian period when the population of the hamlet increased, resulting in a number of workers cottages, a beer house (The Greyhound Pub) and a bakery and village shop being built on the northern side of the lane opposite Forge House and the smithy, forming a proper village core. The triangular Green was laid out at

the same time. Development continued in the 20th century with predominantly semi-detached houses to the east of the Green and road, leaving the core of the hamlet unchanged. Complemented by features such as the K6 telephone kiosk and a water pump on the Green, and a historic Royal Mail wall letter box within the walls of the former smithy, Charcott presents today a quintessential Kentish hamlet.

Historic maps show that the large corner plot to the north-east and east of Forge House has formed its garden since at least the 19th century. In the mid-19th century, a barn stood to the east on the western edge of the road in a separate plot, but this has disappeared by the end of the 19th century and the plot been included in the garden, which was used as an orchard. More recently, the plot seems to have been subdivided since the north-eastern/eastern corner part is no longer shown as being part of the curtilage.

The garden makes an important contribution to the setting of the listed buildings as well as to character and appearance of Charcott. The open gaps via the former yard of the smithy and the estate gate provide attractive views on to the building from the lane and The Green respectively. The contrast between the intimate enclosure of the road when approaching the core from the west, and the openness and green character provided by The Green and large garden to Forge House when approaching from the east, have been the defining spatial characteristic of Charcott since Victorian times.

Assessment

I do not feel that the existence of the former smithy (Charcott Garage) or of a barn long since gone to the east would set a precedent for development intruding into the open space between Forge House and the Green. The introduction of the garage and workshop in the proposed location would result in the loss of openness and greenery and irreversibly damage the existing balance of buildings and spaces right at the centre of the hamlet. The bulk of the garage/workshop would be fully visible from the road via the large parking area as well from The Green via the estate gate. As a result, Forge House would appear framed by development in views from the north, while the view from the Green (north-east) would be altogether obscured, diminishing the contribution of the building and its front garden to the street scene. The curtilage may now be divided and the north-eastern/eastern part of the garden in different ownership. Notwithstanding this, the garden is still perceived as front garden to the listed building and has significance as setting to it. In this context, the location of the garage within what appears as the centre of the front garden would look random and inappropriate.

The D&A states that the setting will be improved by the reduction of cars being parked to the front of the building. However, with no proposals in place to reduce the actual amount dedicated to off-street parking, the construction of the garage/workshop building would simply result in further development and loss of greenery for off-street parking.

The corner plot currently benefits from a high hedge providing screening in

views from the road. This cannot be relied on in perpetuity and there are no controls in place that would prevent the removal of the hedge should any new owner choose to do so. Any loss or removal of the hedge would reveal the building to full views from the road and the Green and give it unduly prominence within the street scene.

Summary and Recommendation

For the reasons set out above, the proposed development would have a harmful impact on the setting and significance of Forge House and the character and appearance of Charcott.

The NPPF requires for any harm to heritage assets ‘clear and convincing justification’. The contentious issue of this application is the proposed prominent location of the garage/workshop within the front garden. Given the overall size of the plot, it is felt that more options for the siting of a garage and workshop building could be explored, notably to the rear, and that the overall bulk of the proposed building could be reduced by separating different functions from each other i.e. workshop/storage use from garaging. The rear garden seem to offer alternative locations and although the long views towards Charcott from Camp Hill are important, they would not prevent any development to the south of the building if of suitable design and subservience.

The NPPF requires a distinction to be made between substantial and less than substantial harm. For this purpose, the harm to the setting of the Listed Building is considered to be less than substantial. The NPPF requires in such cases that the harm must be outweighed by the public benefits of the scheme.

There are no public benefits arising from the scheme. The house has been extensively extended and has a viable future as a single family.

For the reasons set out above, this application should be refused on Conservation grounds’

Parish Council

16 Leigh Parish Council supports this application.

Representations

17 None.

Chief Planning Officer’s Appraisal

Principle issues

18 The main issues for consideration are:

- Impact on the Street Scene

Agenda Item 4.4

- Impact on the setting of the Listed Building
- Impact on Neighbouring Amenity
- Impact on the Green Belt

19 Of particular relevant to this application is the following guidance:

Presumption in favour of sustainable development:

- 20 Para 14 of the NPPF confirms that the NPPF has a presumption in favour of sustainable development, and that development that accords with the development plan should be approved unless material considerations indicate otherwise. (See paras 11, 12, 13 of NPPF.)
- 21 Para 14 of the NPPF (and footnote 9) also advises that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless there are specific policies in the NPPF that indicate that development should be restricted. This applies to a variety of designations, including SSSI's, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

Green Belt considerations:

- 22 Having established that the site is within the Green Belt the Authority must consider both its own Development Plan Policy and edicts of the NPPF.
- 23 As set out in para 87 of the NPPF, where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances.
- 24 Para 88 of the NPPF advises that LPAs should give substantial weight 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.
- 25 Therefore, the harm in principle to the Green Belt remains even if there is no further harm to openness because of the development.
- 26 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principle to the Green Belt from inappropriate development.

Impact on Listed Buildings and their setting:

- 27 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.
- 28 The NPPF also states that great weight should be given to the conservation of heritage assets (para.132).

- 29 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.

Appraisal

Green Belt

- 30 Policy GB3 of the ADMP outlines that outbuildings located more than 5 metres from the existing dwelling will be permitted where the building, including the cumulative impact on other outbuildings and extension within the curtilage of the dwelling, would be ancillary to the main dwelling in terms of function and design, and would not materially harm the openness of the Green Belt through excessive bulk or visual intrusion.
- 31 The proposed outbuilding would be located more than 5 metres from the existing dwelling and would have a height of 4 metres. The outbuilding is proposed to be used as a carport, garage and workshop and will be of traditional design with a catslide roof and timber weatherboarding. The outbuilding would clearly be ancillary to the main dwelling in terms of function and design.
- 32 The Development in the Green Belt SPD states that in order to minimise the impact of outbuildings on the openness of the Green Belt, the Council will seek to restrict any outbuildings to a limit of 40 square metres (measured externally). The proposed garage would measure 40 square metres. It is considered for the reasons stated above that the single garage would not materially harm the openness of the Green Belt through excessive bulk.

Impact on the character and appearance of the area

- 33 The NPPF states that the Government ‘attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.’ (para 56).
- 34 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.
- 35 Policy EN1 of the ADMP states that the form of proposed development should respond to the scale, height, materials and site coverage of the area. This policy also states that the layout of proposed development should respect the topography and character of the site and the surrounding area.

Single-storey outbuilding

- 36 It is proposed to erect a single-storey outbuilding that will be used as a carport, garage and workshop/storage area. The outbuilding would measure 5.2 metres by 7.7 metres and would have an overall height of 4 metres.
- 37 The Residential Extensions SPD states that outbuildings in the Green Belt should be well designed in relation to the dwelling, compatible with the character of the area and designed and sited to minimise visual intrusion. It

Agenda Item 4.4

goes further onto say that the Residential Extensions SPD states that garages and outbuildings should not generally be located in front of the building line.

- 38 The proposed outbuilding would be positioned to the front of Forge House close to the highway. I have visited the application site and other properties within the vicinity and have noted that ancillary outbuildings to the front of properties are not a character of the area. Next to the application site is Charcott Garage which is a large historic building set close to the highway. In the 1840's tithe map Forge House is referred to as 'two cottages with gardens' which served as a home for the local blacksmith with the smithy located to the north-west on the edge of the road (now Charcott Garage). I do not consider that the existence of Charcott Garage which is a historic building sets a precedent for development intruding into the open space between Forge House and the Green.
- 39 The land to the north east, although appears to be part of the residential curtilage of the site, is not shown on the red line plan to be in the same ownership as Forge House. Therefore, the hedgerow surrounding this site could be removed further increasing the prominence and visual intrusion of the building. No condition could be imposed and enforced preventing the removal of this hedgerow and therefore the hedge can be given limited weight as mitigation to minimise the visibility of the outbuilding from the Green.
- 40 In light of the above, I consider that the proposed outbuilding would be an intrusive feature that would not be in-keeping with the area, resulting in a detrimental impact on the character and appearance of the area, contrary to Policy EN1 of the ADMP and The Residential Extensions SPD.

Listed Building

- 41 The Listed Buildings and Conservation Area Act 1990 states that proposals should protect the historic character and the setting of the listed building.
- 42 The Councils Conservation Officer has carried out a detailed assessment of the proposal above with which I wholly concur.
- 43 The proposed works would have a harmful impact on the setting of Forge House and would result in less than substantial harm to its significance.
- 44 The NPPF requires in such cases that the harm must be outweighed by the public benefits of the scheme. There are no public benefits arising from the scheme. The house has been extensively extended and has a viable future use as it stands today as a single family dwelling.
- 45 Therefore, for the reason that the works would harm the setting of Forge House and would result in less than substantial harm to the significance of Forge House the proposal would not accord with the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF or Policy EN4 of the ADMP.

Amenity

- 46 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.
- 47 Policy EN2 of the Allocations and Development Management Plan outlines that proposals will be permitted where they would provide adequate residential amenities for existing and future occupiers of the development, and would safeguard the amenities of existing and future occupants of nearby properties by ensuring that development does not result in excessive noise, vibration, odour, air pollution, activity or vehicle movements, overlooking or visual intrusion and where the build form would not result in an unacceptable loss of privacy, or light enjoyed by the occupiers of nearby properties.
- 48 The outbuilding is well detached from neighbouring properties with an approximate distance of 13 metres to the nearest dwelling. Therefore the proposed works would not result in a loss of privacy, daylight or private amenity space to the surrounding neighbours or to the site. As such, it is considered that there would not be a negative impact on neighbouring amenity. The proposal would comply with Policy EN2 of the ADMP.

Off-street vehicle parking provision

- 49 The existing site has parking to accommodate multiple cars (at least 3). It is proposed to reduce the gravel area at the front of the property by 1.5 square metres, a marginal decrease; however this area would still be able to accommodate at least 3 cars. The guidance for residential parking suggests that a garage should measure 6 metres by 3 metres and a parking space should measure 5 metres by 2.5 metres to count as a space. I have measured the proposed carport and this complies with the guidance however, the garage does not. The addition of the outbuilding would provide parking for one additional vehicle.

CIL

- 50 This proposal is not CIL liable.

Conclusion

- 51 I consider that the proposed development would not harm neighbouring amenity and would amount to appropriate development in the Green Belt. The proposal would however harm the setting of the listed building and the significance of Forge House and the character of the area. Consequently the proposal is not in accordance with the development plan and therefore the Officer's recommendation is to refuse.

Agenda Item 4.4

Background Papers

Contact Officer(s): Rebecca Fellows Extension: 7390

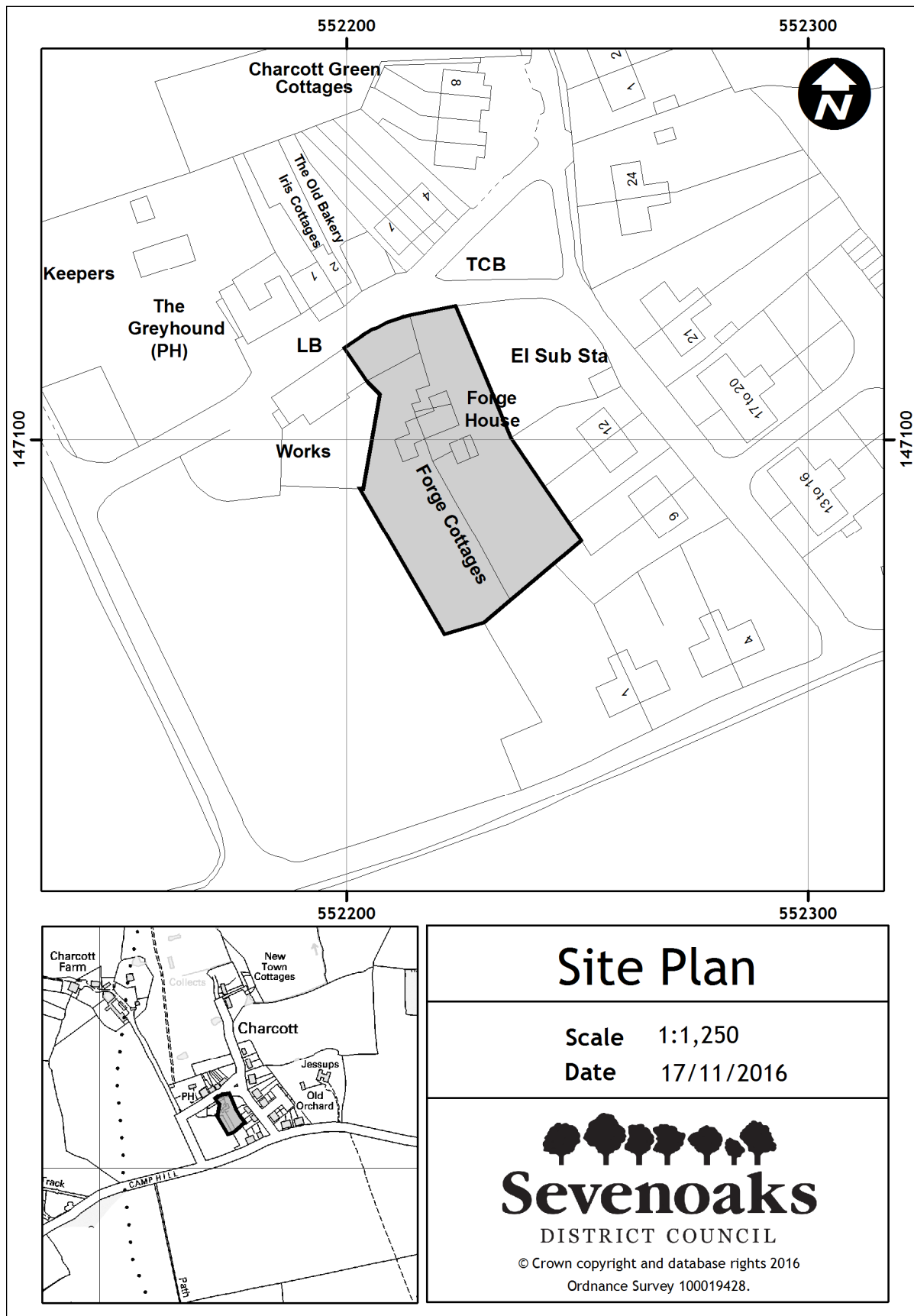
Richard Morris
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OCIXXJBKJK400>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OCIXXJBKJK400>





4.5 - SE/16/02861/HOUSE Revised expiry date 9 December 2016

PROPOSAL: Erection of a single storey side extension

LOCATION: Berrys Maple Cottage, Pease Hill, Ash TN15 7ET

WARD(S): Ash And New Ash Green

ITEM FOR DECISION

This application was referred to Development Control Committee by Councillor Clark as it is considered that the proposal has a case for Very Special Circumstances in accordance with the NPPF.

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

The proposal, by virtue of its additional cumulative bulk, scale and mass, represents inappropriate development in the Green Belt, is harmful to its openness, and does not comply with policy GB1, and the NPPF.

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 of any issues after the initial site visit.

Description of Proposal

- 1 The proposal includes the demolition of a log store to the east of the property. The log store consists of wooden pillars elevating a wooden roof, with plastic covered extensions.
- 2 The proposal includes the construction of a 1.65m deep extension, of 3.25m in width.
- 3 It is proposed the extension has an eaves height of 2.3m to match existing, and a ridge height of 4.4m, below existing. The extension has a gable end.
- 4 Materials are to match existing.

Description of Site

- 5 The application site is located in a rural and picturesque valley to the east of Ash and south of Hartley.
- 6 The property consists in a small bungalow, understood to once be a school building, situated within a small farm complex within the valley. The complex now has a more residential characteristic; however, the bungalow sits visually relatively isolated on a rural road junction.
- 7 The bungalow sits close to the road, and has a reasonable garden to the rear. It is brick built, surrounded by hedges of a approximately 2m in height, screening it from the road significantly, bar its roof.
- 8 Planning history identifies that the property has been extended significantly historically.

Constraints

- 9 Metropolitan Green Belt

Policies

ADMP:

- 10 Policies EN1, EN2, GB1

Core Strategy:

- 11 Policy - SP1

Other

- 12 NPPF

13 Residential Extensions SPD

Planning History (relevant only)

14 84/01451/HIST - New bedroom and alterations - Allowed on Appeal - 12.11.84

78/00499/HIST - Extension to rear of dwelling - 05.06.1978

Consultations

Parish Council

15 No objection - The Parish Council does not object to this application as long as it does not conflict with local planning policy, including the 50% rule.

Representations

16 None received.

Chief Planning Officers' Appraisal

Principle Issues

17 The principle issues to consider in the determination of the application concern:

- The principle of the development in the Green Belt, including whether the proposal would be inappropriate development in the Green Belt and the effect of the proposal on the openness of the Green Belt;
- Impact on the character and appearance of the area;
- Impact on residential amenity
- If it is inappropriate development, whether the harm by reason of inappropriateness, is clearly outweighed by other consideration, so as to amount to the Very Special Circumstances necessary to justify the development.

18 Of particular relevance to this application is the following guidance:

Para 14 of the NPPF confirms that the NPPF has a presumption in favour of sustainable development, and that development that accords with the development plan should be approved unless material considerations indicate otherwise. (See paras 11, 12, 13 of NPPF.)

Green Belt

19 Having established that the site is within the Green Belt the Authority must consider both its own Development Plan Policy and edicts of the NPPF.

Agenda Item 4.5

- 20 As set out in para 87 of the NPPF, where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances.
- 21 Para 88 of the NPPF advises that LPAs should give substantial weight 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.
- 22 Therefore, the harm in principle to the Green Belt remains even if there is no further harm to openness because of the development.
- 23 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principle to the Green Belt from inappropriate development.
- 24 Policy GB1 of the ADMP (in part) states that applications for residential extensions within the Green Belt will be permitted where:
- ‘B) the design is in keeping with the original form and appearance of the building and the proposed volume of the extension, taking into consideration any previous extension, is proportional and subservient to the ‘original’ dwelling and does not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion’, and;*
- C) the applicant provides clear evidence that the total floorspace of the proposal, together with any previous extension, alterations and outbuilding would not result in an increase of more than 50% above the floorspace of the ‘original’ dwelling (measured externally) including outbuildings within 5m of the existing dwelling’.*
- 25 The following calculations assist in understanding the impact of the proposal on the Green Belt:

Original:	66.27sq.m
+50% Allowance:	94.05sq.m
Existing property:	121.35sq.m (+83.11%)
Existing log-store:	9.5sq.m. (Total 131.85sq.m)
Proposed extension:	5.34sq.m
Proposed property:	126.69sq.m (+91.17%)

- 26 The property has been extended significantly within its history, both in the 1970s for conversion from a small school to a dwelling, and then again in the mid-1980s.
- 27 The proposed extension is modest, however, under local policy the extension would represent an unacceptable addition to a property already extended further than local policy allows.
- 28 The existing log-store is a makeshift structure with little degree of permanence and is considered an informal structure that would not be suitable for conversion into living space itself. Its presence may be an issue of relevance in relation to the case for very special circumstances. Given the aforementioned, little weight is given to the presence of the log-store, as apposed to the ‘substantial’ weight given to the harm to the openness of the Green Belt from an inappropriate addition.
- 29 Further to the above, the proposal would have a further material impact on the Green Belt above that of the log-store, as it has a greater visual impact, as the eaves and ridge height are higher than the existing log-store, which is almost entirely screened by existing hedging. The proposal thus represents an increase in built form by virtue of its bulk.
- 30 Giving consideration to the other criteria of policy GB1 set out in b), being that extensions must be *‘subservient to the original dwelling and does not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion’*, note is given to the appearance of the proposal.
- 31 The footprint of the proposed extension is proportional and subservient to the existing property, and would, at 5.34sq.m, be proportional and subservient to the original property were it a stand-alone extension. However, the bulk of the proposal with the ridged roof would be visible and harmful to the openness contrary to part b) of GB1 particularly when taking into account cumulative impact with the existing extensions.
- 32 The extension has a limited visual impact above the existing property, given its proposed position and design.
- 33 Given the above, the proposal is considered to comply with GB1 part b) in its own right.
- 34 Overall, the proposal is contrary to policy GB1 of the ADMP, and the NPPF, due to the cumulative impact of the proposal and historic extensions and would be inappropriate development in the Green Belt and harmful to its openness.

Impact on character and appearance of the area

- 35 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).
- 36 Policy EN1 (- Design Principles) of the ADMP states that the form of the proposed development should respond to the scale, height, materials and

Agenda Item 4.5

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.

- 37 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*'.
- 38 The proposal includes the removal of an existing log store. The log store has a limited degree of permanence by virtue of its make-shift nature. The log-store is heavily screened by existing hedging around the property, and thus its visual impact is extremely limited. Given the aforementioned, the removal of the log-store would represent a very limited enhancement to the properties visual character, as it cannot be seen from the surrounding landscape.
- 39 The proposal includes the erection of a modest extension of 5.34sq.m. The proposed extension would build towards a highway. The proposed extension is higher than the screening hedge that hides the existing log-store, and as both the eaves and ridge of the proposed building would be higher, there would be some additional impact to consider, although the proposal does not suggest the hedge is to be removed, and thus there would remain some screening effect.
- 40 The roof design proposed matches that of the existing buildings. Given this, from any angle from which it is particularly visible, giving thought to Pease Hill Road to the north-east, it would be seen within the context of the existing building. This significantly reduces the impact on the landscape.
- 41 The original characteristic of the building, which is that of a rural cottage albeit that the building was historically a school, will be maintained by this proposal. Local character, which is of a rural area with small farmstead style developments forming part of a rural fabric, is maintained.
- 42 The use of materials matching those of the existing building is suitable.
- 43 Overall, the proposal complies with EN1 of the ADMP.

Impact on residential amenity

- 44 Para 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.

- 45 Policy EN2 of the ADMP seeks to safeguard the amenities of existing and future occupants of nearby properties, including from excessive noise, activity or vehicle movements.
- 46 By virtue of significant distance between the cottage and any residential neighbours, and by virtue of the positioning of the proposed extension, the proposal has no impact on neighbouring amenity.
- 47 The proposal complies with EN2 of the ADMP.

Whether there are any very special circumstances

- 48 The NPPF section paras 87-89 read that development in the Green Belt is inappropriate unless the harm in principle and any other harm is clearly outweighed by other considerations.
- 49 The applicant in this instance has not advanced a case for very special circumstances.
- 50 However, in this case there may be some material considerations that may amount to or contribute to a case for very special circumstances.
- 51 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 any other consideration. Weight given to inappropriate development in the Green Belt is 'significant'.
- 52 The harm in this case is from the proposal of inappropriate development and its harm to the openness, which must be given significant weight.
- 53 The proposed extension is to sit in place of an existing log-store structure which has a greater footprint than the proposed extension.
- 54 Taking careful note of this structure, the applicant mentioned upon the Officer's site visit that the log-store has been on site for a significant amount of time. However, the level of 'permanence' of the log-store is limited. It would appear to have no foundation other than the pathway it crosses, and it does not have the appearance of a permanent structure.
- 55 Further to the above, the log store has a significantly reduced visual impact due to screening by existing hedging; the proposed extension would be visible from the road and thus from the wider landscape. It thus has a greater visual impact than the log store to be removed. The current log-store is screened behind existing boundary hedging, and has a height of approximately 2.2m. The proposed extension has an eaves height of 2.3m, with a ridge height of 4.4m, giving it a degree of visibility not afforded to the log-store, as it would be higher than the existing hedge.
- 56 In a separate matter to the above, the applicant has submitted a covering letter, outlining medical justification for the bathroom. Whilst sympathy is expressed for the applicant's position, it has been assessed that the requirement for a second bathroom could be fulfilled through internal alterations, and that this alone does not outweigh the harm caused to the openness of the Green Belt.

Agenda Item 4.5

- 57 No case for a Permitted Development fall-back position has been advanced.
- 58 The harm from the proposal extension is consider to be greater than the harm from the existing log store, due to the bulk and height of the proposal. The provision of an additional bathroom could, it appears, be accommodated within the existing dwelling. Accordingly, neither potential very special circumstances, either individually or cumulatively, can be given the significance weight to 'clearly outweigh' the harm in principle to the Green Belt and its openness.
- 59 The proposal is contrary to GB1 of the ADMP and the NPPF.

Community Infrastructure Levy

- 60 The proposal has been assessed against CIL legislation. The proposal is for additional floorspace of less than 100sq.m and thus is not CIL liable.

Access Issues

- 61 Access to the site is not affected by this proposal.

Conclusion

- 62 Giving consideration to local policies, the proposal would not contradict policy EN1 as it conserves local character, nor EN2, as no neighbouring amenity is detrimentally impacted.
- 63 The cumulative impact of historic extensions and the proposed extension mean that the proposal represents a 91.17% addition to the property cumulatively, and would be inappropriate development, harmful in principle to the Green Belt and its openness. As a result, the proposal fails to comply with GB1 of the ADMP and the NPPF. It has been assessed that there are no Very Special Circumstances that would clearly outweigh the harm.

Contact Officer(s): Matthew Besant Extension: 7235

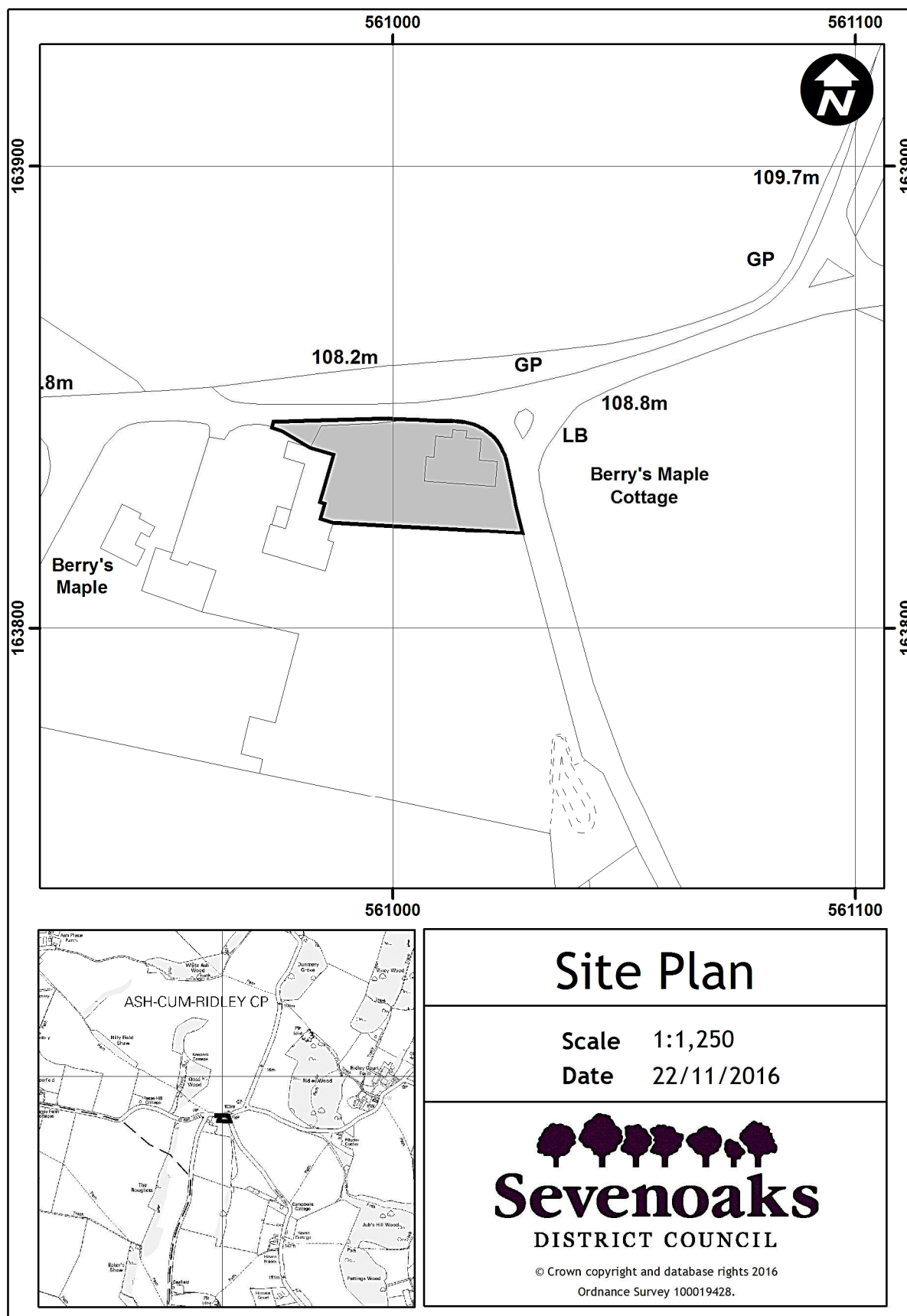
Richard Morris
Chief Planning Officer

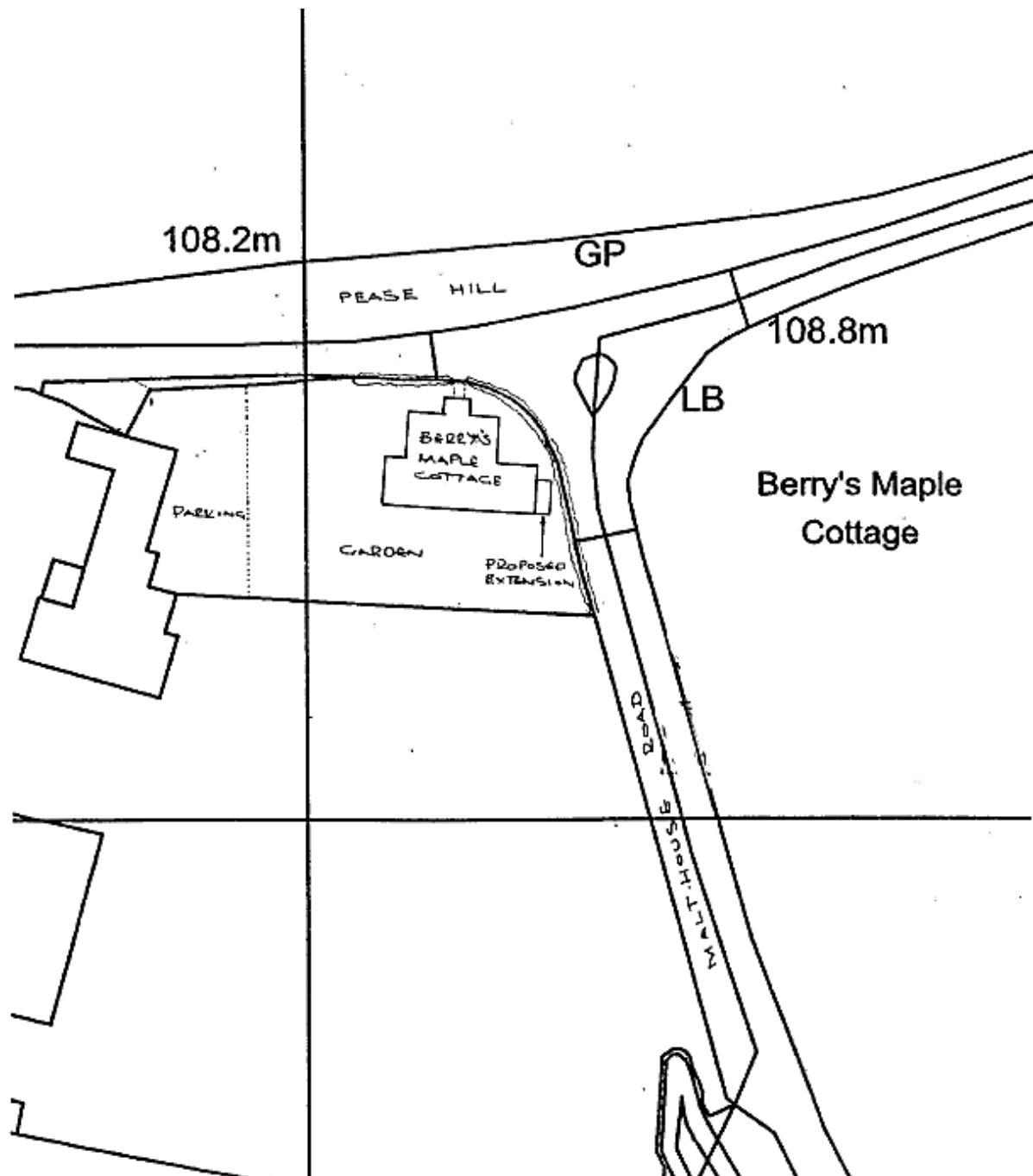
Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=ODR580BK0L000>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ODR580BK0L000>





4.6 - SE/16/02010/FUL Date expired 9 November 2016

PROPOSAL: Full planning application for 9no. 3-bedroom dwellings, parking and access from Croft Road; including the retention of the existing footpath connecting Croft Road and Croydon Road.

LOCATION: Field North Of Junction With Farley Lane, Croft Road, Westerham

WARD(S): Westerham & Crockham Hill

ITEM FOR DECISION

This application is referred to Development Control Committee as the land is owned by the District Council.

RECOMMENDATION: That planning permission be GRANTED subject to the completion of a satisfactory legal agreement to secure the provision of an affordable housing contribution 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) No development shall take place until details of all proposed engineering works including: - existing and proposed levels, including proposed slab levels, - the proposed extent of any cut and fill; and - existing and proposed site sections have been submitted to and approved in writing by the Council. The works shall be carried out in their entirety and in accordance with the approved details before the land is first brought into use for the development hereby permitted.

To safeguard the visual appearance of the area and the amenities of neighbouring occupiers as supported by policies SP1 of the Council's Core Strategy and policies EN1 and EN2 of the 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.

3) No development shall commence until a Construction Management Plan providing details of parking for construction operatives, parking, unloading and turning space for delivery vehicles, and wheel washing facilities have been submitted to and approved by the District Planning Authority. The approved statement shall be adhered to throughout the construction period.

In the interests of protecting the amenity of adjoining/nearby residential properties in particular and safeguarding the amenities of the surrounding area in general as supported by policy EN2 of the 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 be carried out on the land until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan. 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) Before any equipment, machinery or materials are brought on to the land for the purposes of the development, the means of protection for any retained tree as indicated on the Tree Protection Plan F589TPP shall be undertaken in accordance with the details set out in the BS5837 Tree Report (Site No.2 (North) dated June 2016. In this condition a "retained tree" means an existing tree which is to be retained in accordance with the plan referred to above. Also: A) The means of protection shall be maintained until all equipment, machinery and surplus materials have been removed from the land. B) Within a retained tree protected area, unless strictly in accordance with details set out in the report referred to above; -Levels shall not be raised or lowered in relation to the existing ground level; -No roots shall be cut, trenches cut, or soil removed; -No buildings, roads, or other engineering operations shall be constructed or carried out; -No fires shall be lit; -No vehicles shall be driven or parked over the area; -No materials or equipment shall be stored.

To prevent damage to the trees during the construction period and secure their retention afterwards 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

6) Once development has begun to be carried out on the land no retained tree or hedging within the site as indicated on the approved Tree Protection Plan F589TPP as being retained shall be cut down, up-rooted, topped, lopped or destroyed, nor shall any hedge within the site be cut down or grubbed out, without the prior approval in writing of the Council.

To safeguard the character the area and the amenities of neighbouring occupiers as supported by EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan

7) No development shall commence until a landscaping scheme for the site based on the indicative landscaping proposals illustrated on drawing JEC/424/01 have been 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; b) soft plantings, grass and turf areas, trees, shrub and herbaceous areas; their location, species (use of native species where

possible) and size, to include enhancement of the eastern boundary adjacent to the flank of Propose Unit 9;c) enclosures: including types, dimensions and treatments of walls, fences, pedestrian and vehicular gates, screen walls, barriers, rails, retaining walls and location, including details of acoustic protection to the northern boundary of the site and species and size of hedges; d) hard landscaping: including ground surfaces, 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. f) Incorporation of ecological enhancements as recommended in the Preliminary Ecological Appraisal and also the bat mitigation statement. All landscaping and ecological enhancements in accordance with the approved scheme shall be completed/planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

To safeguard the visual appearance of the area, the amenities of neighbouring occupiers and the ecological interests of the site as supported by EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan and policy SP11 of the Council's Core Strategy. 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) This proposal could involve the importation of soil. Before any imported soil (the term 'soil' includes subsoil and any similar material) and / or any re-used soil is distributed or finally placed on the land, any such soil shall be certified by a 'competent person' to provide: A) Confirmation as to the soil's origin; B) Evidence that the source is of a homogenous nature and quality;(Both the above to be determined via sampling of the soil at source and as it is imported.) C) The sampling to take place at appropriate intervals during the importation (minimum number of samples to be agreed per quantity imported); D) A laboratory certificate shall be provided to demonstrate that the soil is not contaminated and is fit for the proposed end use. No part of the condition shall be discharged and no properties shall be occupied or first brought into use until the certification for the import of soil for the development or each phase of it, has been completed. No dwelling shall be occupied until a certificate has been provided to the Council, by an appropriately qualified environment specialist, certifying that the development and the land is suitable for the permitted end use. The wording of the certificate shall be agreed in advance as part of the details required to be approved under (B) above. For the purposes of this condition, an "appropriately qualified environment specialist" is a person who has a recognised qualification and / or appropriate experience in environmental chemistry and risk assessment. This will be the person(s) who has designed and specified the remediation works, unless otherwise agreed in writing by the Council.

To ensure that risks from land contamination to the future users of the land and

adjoining land are minimised as supported by policy SP1 of the Council's Core Strategy and policy EN2 of the 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.

9) The scheme of acoustic protection to each dwelling shall be provided in accordance with Noise Impact Assessment AC102513-1R0 dated October 2016 prior to occupation of that dwelling.

To ensure a satisfactory standard of accommodation for future occupiers of the properties as supported by policy EN2 of the Allocations and Development Management Plan.

10) The garages, forecourt parking spaces and communal/visitor parking spaces shown on the approved Site Layout Plan no.: 051506:N-FER-02 A (Information Layout) shall be provided concurrently with the development and shall be kept available for such use at all times and no permanent development shall be carried out on the land so shown or in such a position as to preclude vehicular access to the garages and parking spaces.

To ensure permanent retention of vehicle parking for the properties as supported by policy EN1 of the Allocations and Development Management Plan.

11) Prior to occupation of the development details of the size, design and materials of cycle stores for all dwellings and bin storage to the rear of the car port to units 8 and 9 shall be submitted to the District Planning Authority for approval in writing. The development shall be carried out in accordance with the approved details.

To ensure the provision satisfactory cycle and refuse stores as supported by policy EN1 of the Allocations and Development Management Plan

12) The development hereby permitted shall not be occupied until visibility splays have been provided in accordance with drawings 8090/303A (Visibility Splay). Thereafter the visibility plays shall be maintained free from obstruction at all times at a height not exceeding 0.6m above the level of the adjacent carriageway.

In the interests of road safety as supported by policy EN1 and T1 the Sevenoaks Allocations and Development Management Plan.

13) No part of the development shall be occupied until all off-site highway works to be subject of agreement under s278 of the Highways Act have been completed. Such works to include the new pedestrian and vehicular access to the public highway and section of pedestrian footway to the eastern end of the site to provide a link between the new vehicular access and the existing public footway immediately to the east as indicated on drawing 051506:N-FER-02 B.

In the interests of highway safety and the convenience of occupiers of the site as supported by policy T1 of the Allocations and Development Management Plan.

14) The sustainable urban drainage proposals set out in the Monson Drainage

Strategy and Sustainable Drainage Maintenance and Management Plan shall be implemented prior to the occupation of the dwellings hereby approved.

To minimise the risk of flooding and ensure the satisfactory means of surface water disposal using sustainable drainage methods for the lifetime of the development in accordance with paragraph 99 of the National Planning Policy Framework.

15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development falling within Classes A, B, D or E of Part 1 of Schedule 2 or within Class A, Part 2 of Schedule 2 of the said Order shall be carried out to the dwellings hereby approved.

To protect the amenities of the occupiers of the site and neighbouring dwellings and to protect the landscaping of the site as supported by Government advice in the form of the National Planning Policy Framework policies EN1 and EN2 of the Council's Core Strategy

16) The first floor flank windows in the flank elevations of the semi-detached units (no.2-9 inclusive) shall be obscure glazed at all times.

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

17) Details of the means of obscured screening to the full depth of the flanks of the rear balconies shall be submitted to the District Planning Authority for approval in writing. The approved means of screening shall be implemented in accordance with the approved details prior to occupation of the dwelling and maintained as approved thereafter.

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

18) There shall be no external illumination on the exterior of any building, or within the confines of the application site unless in accordance with details which have been submitted to and approved in writing by the Local Planning Authority giving the precise design including the method and intensity of illumination, including type of bulbs to be used, the angle of any light fittings and associated light spillage.

In the interests of the impact on protected species and residential amenity as supported by Government advice in the form of the National Planning Policy Framework, policy SP11 of the Council's Core Strategy and EN2 of the Allocations and Development Management Plan

19) Prior to commencement of development a scheme to show the provision of electric vehicle charging points, including their proposed locations, type and specifications shall be submitted to and approved by the Local Planning Authority. The charging points shall be installed in accordance with the approved details prior to first occupation of the relevant phase of the development.

To ensure the sustainability of the site in accordance with policy T3 of the 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) Due to the proximity of residential properties to the proposed site the site, working hours should be controlled to protect residential amenity. During the enabling, demolition and construction phase, the hours of working, including deliveries and collections to and from site, shall be restricted to: Monday to Friday 08:00 to 18:00; Saturday 08:00 to 13:00; No work on Sundays or Public Holidays.

In the interests of protecting the amenity of adjoining/nearby residential properties as supported by policy EN2 of the Allocations and Development Plan.

21) For the avoidance of doubt the information to which this decision relates is as follows: 051506:N-FER-01 B (Planning Layout), 051506:N-FER-01 B (coloured), 051506:N-FER-02 B, 051506:N-FER-03 051506:N-FER-E-E1, , 051506:N-FER-E-E2, 051506:N-FER-E-P1, 051506:N-FER-F-E1, 051506:N-FER-F-E2, 051506:N-FER-F-P1, 051506:N-FER-G-E1, 051506:N-FER-G-E2, 051506:N-FER-G-P1 051506:N-FER-PER01, 051506:N-FER-PER02, 051506:N-FER-SS01, 051506:N-FER-SEC01 051506:N-CP01-E1, 051506:N-CP01-P1, 051506:N-CP02-E1, 051506:N-CP02-P1, 051506:N-CP03-E1, 051506:N-CP03-P1 JB15_11_FH1_B, F589TCP, F589TPP, 8090-300B, 8090-301B, 8090-302B, 8090-303A, JEC/424/01 (Landscape Proposals) Also:- Planning Statement and Design and Access Statement.- KB Ecology Preliminary Ecological Appraisal dated July 2015, Bat Surveys 5th October 2015 and Bat Mitigation Strategy October 2016.- Noise Impact Assessment AC102513-1R0 dated October 2016.- Tree Ventures BS5837 Tree Report (Site No.2 (North) dated June 2016 (including Arboricultural Impact Assessment and Method Statement).- DHA Transport Assessment for Croft Road Westerham dated June 2016.- Landscape and Visual Assessment June 2016.- Southern Testing Desk Study and Site Assessment Report June 2016.- Monsoon Drainage Strategy and Sustainable Drainage Maintenance and Management Plan June 2016.

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

Informatives

1) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is

therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

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

Thames Water recommend the following informative be attached to any planning permission: There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact

Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.

3) The applicant is advised to have regard to the following Ecological advice:

Bats and Lighting in the UK

Bat Conservation Trust and Institution of Lighting Engineers

Summary of requirements

The two most important features of street and security lighting with respect to bats are:

1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.

2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

UV characteristics:

Low

- Low pressure Sodium Lamps (SOX) emit a minimal UV component.
- High pressure Sodium Lamps (SON) emit a small UV component.
- White SON, though low in UV, emit more than regular SON.

High

- Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps
- Mercury lamps (MBF) emit a high UV component.
- Tungsten Halogen, if unfiltered, emit a high UV component
- Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

Variable

- Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output.

Glass glazing and UV filtering lenses are recommended to reduce UV output.

Street lighting

Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels.

Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided.

If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

Security and domestic external lighting

The above recommendations concerning UV output and direction apply. In addition:

- Lighting should illuminate only ground floor areas - light should not leak upwards to illuminate first floor and higher levels;
- Lamps of greater than 2000 lumens (150 W) must not be used;
- Movement or similar sensors must be used - they must be carefully installed and aimed, to reduce the amount of time a light is on each night;
- Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;
- Light must not be directed at or close to bat roost access points or flight paths from the roost - a shield or hood can be used to control or restrict the area to be lit;
- Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;
- Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

4) You are advised of the need to enter into an Agreement under Section 278 of the Highways Act 1980 with Kent County Council and for the approval of plans for the works to the highway before commencement of any works on the land. Please contact Kent Highways, West Kent Area Office, Block I, St. Michael's Close, Aylesford, Kent ME20 7TZ (Tel. 01622 605980).

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

In this instance the applicant/agent:

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

Background

- 1 This application site is allocated for housing development under policy H1(n) of the Allocations and Development Management Plan. Though the site across the road to the north is also allocated under the same policy, it is physically separated by Croft Road and both sites are self-contained.
- 2 The northern site is subject to a concurrent application. However, as the 2 sites are physically separated by Croft Road and are both essentially self-contained, the applicant has chosen to submit 2 separate applications; one relating to each site and the applicant is perfectly entitled to do this. In the circumstances, each site falls to be considered on their own individual merits. However, for the sake of consistency, both applications have been considered concurrently.

Description of site & location

- 3 Croft Road is located towards the extreme north-western edge of Westerham Town. The main built form of Westerham extends to the east

Agenda Item 4.6

with land to the north, west and south-west of the site being largely open and only sporadically developed. The site is situated to the south of the B2024 and is set some 400m south of the M25 motorway.

- 4 This application site itself, which fronts Croft Road, comprises an open grassed plot located on the northern side of Croft Road, at the western end of the road. The western boundary of the site is formed by a dense, established foliated belt of trees. The northern boundary of the site abuts a steep, densely foliated embankment, which drops steeply down towards the B2042 Croydon Road. The eastern edge of the site includes a wide strip of land which contains a steep public footpath linking Croydon Road with Croft Road. This is flanked by planted verges. The frontage of the site contains a number of more modestly sized trees and bushes. There is an existing access to Croft Road from the south-eastern front corner of the site.
- 5 The land slopes south to north, more gently at first and more steeply to the rear. The level change is approximately 2.5m. beyond the site boundary to the north, the foliated embankment drops a further 1.5-2m or so to the level of Croydon Road. The front and eastern boundary of the site are formed by open railings/fencing.
- 6 Opposite the site is an open field. The land here rises steeply towards the south. At higher level along the southern boundary of this site is a dense tree belt, beyond which is the residential development of Marwell and Farleycroft.
- 7 These roads comprise more modern, larger, detached houses, set within gardens. Directly to the east of the site Croft Road is characterised by pairs of modest semi-detached dwellings, which are staggered in the street, with gaps between the individual blocks. As the houses continue slightly further into Granville Road eastwards, the gaps become considerably reduced and comprise regular rows of semi-detached houses.
- 8 The site is located within the built confines of Westerham. However, the Green Belt boundary runs along part of the road in front of the site and abuts the site to the north and west. However, the field to the south and land beyond all within the built confines, as is all residential development to the east.
- 9 There is a concurrent planning application for 9 houses on the field on the opposite (southern) side of the road (ref: SE/16/02196/FUL).
- 10 Both the application site and the one opposite across the road are allocated in the Council's Allocations and Development Management Plan for housing development.

Proposal

- 11 The application proposes the erection of 4 pairs of 3 bed (or 4 bed if study included as bedroom) semi-detached houses, with a further detached house on the western end. The houses would be set back some 17m from the Croft Road frontage, orientated to face the road. Access would be from Croft Road, towards the eastern end of the frontage. This would lead into an

access road containing forecourt and single storey carport parking with bin enclosures. Two of the garage blocks would be orientated side on to the road, two blocks would have a rear elevation to the road. However, they would be set comfortably within the site, separated from the road frontage by a deep verge (approx. 2.5m). The eastern-most house would be set in 2m from the existing boundary with the verge adjacent to the public footpath; thus approximately 4.5m from the footpath itself and 9m from the flank of no.12 Croft Road to the east, which itself is staggered slightly forward in the street scene and closer to the road. The houses would be set between approximately 10-15m from the rear boundary with Unit 1 approximately 14m from the western boundary.

- 12 The proposals would provide 18 allocated parking spaces (forecourt and car barns) and 3 visitor spaces. Cycle storage is also provided for each unit.
- 13 The houses are designed to reflect the ground level which falls approximately 2.5m from the front of the site to the rear and would be split level. The front elevations are designed to be 2 storey, with the rear incorporating a lower ground floor, providing 3 storeys, though the upper floor would be partially contained within the roof. The rear elevations include a small covered ground floor area with small balcony above. The balconies are indicated as including screening to the flanks. Some properties would contain flank windows, with those above ground floor indicated as obscure glazed. The detached Unit 1 would appear smaller scale as the roof would be lower than the semi-detached houses.
- 14 The existing metal railings are to be retained, together with the majority of the landscaping around the site. However, some trees/bushes are to be removed from the frontage, with replacement tree and hedging proposed along the southern and eastern boundaries.
- 15 Materials are to comprise brick with elements of render and weatherboard under a tiled roof, but are not specified. The design includes a variety of form, including a number of projecting first floor gables, dormers, with balconies and an articulated roof form with the main roof hipped, but in a more contemporary form.

Planning History

- 16 None

Constraints:

- 17 The site is within the built confines of Westerham.
- 18 Kent Downs Area of Outstanding Natural Beauty.
- 19 Adjacent to Green Belt

Policies

Sevenoaks Core Strategy:

- 20 Policies - L01, L07, SP1, SP2, SP3, SP5, SP7, SP11

Agenda Item 4.6

Allocations and Development Management Plan (ADMP):

21 Policies - EN1, EN2, EN5, EN7, H1(n), T1, T2, T3

Other:

22 NPPF

23 Sevenoaks Countryside Assessment

24 The Westerham and Crockham Hill Village Design Statement (2000)

Consultations

Westerham Town Council (in summary):

25 “WTC believes that this site and the field opposite (Planning Reference SE/16/02196/FUL) should be considered as one application as shown in the Local Plan and therefore must be considered together.

WTC’s concern with this development is the cumulative affect of the built form on the street scene. This is a fringe of town development where the rural landscape merges with the residential buildings, these are mainly detached and semi detached giving a more open appearance. If we then have rows of terrace housing on both sides of the road this could create a dominant and discordant appearance. We have no design view of the two schemes to show the effect of this.

As the sites fall within an Area of Outstanding Natural Beauty, current planning policy requires the provision of an off-site contribution towards affordable housing. Given the need for affordable homes in Westerham WTC would be very interested to know how the contribution would be spent given the lack of development sites in the local plan.

26 WTC further comments are:

- There is no reference to street lighting on the plan
- Is there a planning requirement for street lighting to be provided on new developments?
- Does the shared circulation space have an adequate turning circle, particularly for emergency service and refuse vehicles
- a possible additional vehicular entrance/exit into the development via the existing footpath on the western end of the site
- No pavements are shown on the plan.

KCC Ecology (in summary):

27 “We have reviewed the documents submitted in support of this application and advise that further information is needed prior to determination of any planning application.

Protected Species

- 28 A bat activity survey has been carried out and recorded three species of bats using the site for foraging and commuting. As the development will result in the loss of habitat, connectivity and an increase in disturbance, mitigation measures will need to be provided. This has not been included in the *Bat survey report* due to the development plans not being known; therefore we advise that as new updated plans have been provided, a bat mitigation statement is submitted to ensure there will be no detrimental effects to bats.
- 29 As the development site has habitat suitable for reptiles, a full reptile survey has been carried out. No reptiles were recorded and therefore no mitigation measures are necessary.

Enhancements

- 30 One of the principles of the National Planning Policy Framework is that “*opportunities to incorporate biodiversity in and around developments should be encouraged*”.
- 31 The ecological report has provided many suggestions of ecological enhancements which could be incorporated into the proposed development. We advise that details of site specific ecological enhancements which will be incorporated into the proposed development are provided for comment.”

Comments on additional information:

- 32 “A bat mitigation statement has been submitted in support of this application to address previous comments in regards to how the proposed development will affect the local bat population. Whilst the plans include the limited loss of foraging habitats, the majority of habitat will be retained and enhanced and consequently, there will be limited impact on the on-site bat population. Therefore, we require no additional information prior to determination of any planning application.”
- 33 The proposed mitigation and enhancement measures include:
- Sensitive lighting regime;
 - Protective measures for the retained trees in accordance with arboriculture best practice (BS 5837 2012).
 - Planting of species-rich hedgerows along western and southern boundaries.
 - Installation of 5 x Schwegler Type: 1FF bat boxes
- 34 We advise that the protective measures as well as the scheme to increase the quality and quantity of biodiversity should be secured as a condition of any planning application. Enhancement measures should include the measures outlined in both the submitted *ecological appraisal* and the *bat mitigation statement*.”

Agenda Item 4.6

Natural England (in summary):

- 35 No objection with regard to the impact on statutory nature conservation sites.
- 36 It is noted that the site is within or close to a nationally designated landscape - the Kent Downs AONB and the LPA should use national and local policies and may local Landscape Character Assessment to determine the proposal.
- 37 They have not assessed the impact on protected species, Biodiversity enhancements are recommended.

Arboricultural Officer:

- 38 These proposals to develop this site are shown to be mainly within the central area, with the important trees and hedgerows growing upon the boundaries of the site.
- 39 Appendix 4 of the tree report does however specify certain works to accommodate various works. G1 is shown to be removed to allow the construction process. I am unaware of why the construction process needs this space and as such I suggest that consideration is given to this line of trees being pruned back harshly in order to form a ready made future hedgerow. It may also be possible to pick out any existing suitable tree species to be left to form a standard within the hedgerow. It has all of the required species expected of a native hedgerow and is already in place. G6 specifies the removal of end trees to again allow the construction process. I again suggest that these trees could be pruned back away from the construction process to form a hedge. Such a ready made hedge would then grow forming a suitable amount of screening for any future resident from the adjacent footpath. A landscaping condition should be applied to any consent given to show all existing and proposed soft landscaping for the site.

Environmental Health (In summary):

- 40 I now have sufficient clarification of the impact of the M25 and the adjacent road, I am now satisfied that sufficient attenuation can be afforded to habitable rooms on the ground, first floor and amenity space from the proposed attenuation measures.

Kent Highways:

- 41 “There is no highway safety concerns with the principles of this development proposal, although there are a couple of detail issues that need addressing (listed below) which, provided they are satisfactorily addressed, would result in no highway objection being raised by the HA.
 - a. The existing footway along the northern side of Croft Road should be extended to reach the new access point, with a dropped kerb to provide pedestrian access off the access road.

b. The footpath link opposite Plot 1 between the access road and Croft Road should be deleted and the space fronting Croft Road planted to close the gap. This is to discourage vehicles (especially delivery vans) parking on Croft Road whilst accessing the houses.

c. The junction of the access road and Croft Road should either be formed with a bellmouth (as shown on Drawing ref. 8090/303A or with 45 degree splays (2.0m x 2.0m).”

- 42 Several conditions are recommended including retention of parking and provision of vehicular sightlines.

KCC Public Rights of Way Officer (in summary):

- 43 The site is adjacent to a Public Right of Way, but it is not anticipated that this would be directly affected.

- 44 It is suggested that to mitigate the visual impact of the development and cater for potential increased usage the footpath should be overlaid or reconstructed.

KCC - Lead Local Flood Authority (Sustainable Drainage)(In summary):

- 45 The site falls outside the definition of a major development and falls outside KCC's remit as a statutory consultee. It is noted that the site lies within a Source Protection Zone and may require consultation with the Environment Agency.

Thames Water (in summary):

- 46 Surface water drainage is the responsibility of the developer. Storm flows should be attenuated into the public network through on or off-site storage. There is no objection with regards to the impact on sewerage infrastructure or on water capacity grounds.

Environment Agency:

- 47 No response to date.

Representations

- 48 A letter with 9 signatories has been submitted raising the following concerns:

- Loss of light and overshadowing to neighbouring properties.
- Overlooking of neighbouring properties.
- Proposals not in keeping with area.
- Lack of parking and increased traffic generation
- General noise and disturbance.
- Too many properties proposed on site.
- Lack of footpath along site frontage to Farley Lane junction.
- Lack of affordable housing.
- Concern inadequate drainage may lead to flooding.

Agenda Item 4.6

- 49 A further petition comprising a letter with 27 signatories has been received raising objections on the following grounds:
- Noise.
 - Increased traffic.
 - Loss of open land.
 - Adverse impact on ecology.
 - Adverse impact on highway safety.
- 50 Non planning matters are also raised.

Chief Planning Officer's Appraisal

Principle issues

- Introduction
- Relevant Planning Policy Background
- Consideration against Policy Background
- Principle of Development
- Layout, scale, design and highway considerations
- Impact on landscape/AONB/setting of adjacent Green Belt
- Impact on residential amenity
- Ecological/Tree implications
- Affordable Housing
- CIL
- Other Matters
- Conclusion

Introduction

- 51 Key Government guidance is provided in the form of the National Planning Policy Framework (NPPF), which forms part of the material considerations relevant to the present application. As set out in paragraph 12, it introduces a presumption in favour of sustainable development but the guidance states that this should not be the case where the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate development should be restricted. Whilst this document does not change the statutory status of the development plan as the starting point for decision making, this now only applies where the existing Sevenoaks District Local Plan policies do not conflict with the NPPF.
- 52 Paragraph 14 of the NPPF also advises that for decision-taking, development proposals that accord with the development plan should be approved and where the development plan is absent, silent or out of date, granting permission unless:

“- any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or-specific policies in this framework indicate development should be restricted.”

- 53 Paragraph 17 of the NPPF sets out a number of core planning principles to be followed. In summary, these principles include, amongst other things;
- Be genuinely plan-led to provide a framework which within which decisions can be made with a high degree of predictability and efficiency;
 - Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
 - To always seek to secure high quality design and good standard of amenity;
 - Take account of the difference roles and character of difference areas, including protecting the Green Belt and recognising the intrinsic character and beauty of the countryside;
 - Contribute to conserving and enhancing the natural environment and reducing pollution;
 - Encourage the effective use of land by reusing land that has been previously developed (brownfield land), providing that it is not of high environmental value;
 - Promote use of public transport and focus significant development in locations which are or can be made sustainable.
- 54 Significant weight must also be given to the Councils adopted Core Strategy Development Plan (CS) Document (2011). This is the key document in the Local Development Framework. It draws together the objectives of a wide range of plans, programmes and strategies and provides the overarching principles that will deliver the essential development needs of the District.
- 55 Significant weight must also be given to the Allocations and Development Management Plan (ADMP).

Relevant Planning Policy Background

- 56 The relevant policy background is the same as the site across the road which is subject to the concurrent planning application.
- 57 The application site is within the built confines of Westerham.
- 58 Policy **L01** of the Council’s Core Strategy seeks to focus development within the built confines of existing settlements. Westerham is designated a Rural Settlement and is thus covered by policy **L07**. Within such areas development of an appropriate scale and nature will be permitted where it can take place in an acceptable manner consistent with local character.
- 59 In summary, Policy **SP1** of the Sevenoaks District Core Strategy Development Plan Document (CS) states that all new development should be designed to a high quality and should respond to the distinctive local character of the area

Agenda Item 4.6

in which it is situated. Policy **SP2** of the CS seeks Sustainable Construction and Low-Carbon Energy Generation.

- 60 Policy **SP3** of the Core Strategy, relates to the provision of affordable housing. It explains that in order to meet the needs of people who are not able to complete in the general housing market, the Council will expect the provision of affordable housing in all types of residential development. In residential developments of 5-9 units gross 20% of the total numbers of units should be affordable.
- 61 Policy **SP5** requires a mix of housing types and size, taking into account the existing pattern of housing in the area.
- 62 Policy **SP7** relates to the density of housing development, which should be consistent with achieving good design and does not compromise the distinctive character of the area in which it is located. The supporting text to this policy explains that the ADMP and Development Briefs will give guidance on the density of development for identified sites. The application site is identified as an allocated housing site in the ADMP.
- 63 Policy **SP11** states that the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity.
- 64 Policy **EN1** of the ADMP sets out the general Design Principles which should apply to all development. In summary, the policy states that proposals which would create high quality design and meet the following criteria will be permitted where the form of the proposed development would respond to the scale, height, materials and site coverage of the area, respect the topography and character of the site and preserve the character of the area. The design of new development should be permeable and provide connectivity with neighbouring areas and should ensure satisfactory means of access for vehicles and pedestrians and provide adequate parking.
- 65 Policy **EN2** of the ADMP states that proposals will be permitted where they would safeguard the amenities of existing and future occupants of nearby properties. Of particular relevance here is the impact in terms of visual intrusion, potential overlooking and loss of privacy and the impact of associated vehicular movements.
- 66 Policy **EN7** of the ADMP relates to Noise Pollution and seeks to safeguard both the locality and potential occupiers from unacceptable noise levels.
- 67 Most significantly, policy **H1(n)** of the ADMP allocates the application site for housing (together with the site to the north). Appendix 3 provides amplification. It states, in summary, that development of this site should protect and enhance the landscape features. The site should reflect the layout and scale of adjacent attached and detached housing. Existing tree screening should be maintained and enhanced with access from Croft Road. The footpath to the east of the northern site should be retained.
- 68 Policies **T1** and **T2** explain that new development would mitigate any adverse travel impacts and should meet the required parking standards.

- 69 The Westerham and Crockham Hill Village Design Statement helps set the context for development proposals. Broad criteria include ensuring that the height and scale of houses respond to the locality and is designed to reflect levels across the site; roofscape should be well articulated and reflect local character and landscape proposals should retain existing planting and provide enhancements.
- 70 The site lies within the Kent Downs Area of Outstanding Natural Beauty. The Countryside and Rights of Way Act 2000 states that the Local Planning Authority should conserve and enhance Areas of Outstanding Natural Beauty. Designating an Area of Outstanding Natural Beauty protects its distinctive character and natural beauty and can include human settlement and development.
- 71 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.
- 72 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 the conserve the landscape and secure enhancements. Policy SP1 of the CS is relevant and has been referred to above. It states that account should be taken of guidance including the Sevenoaks Countryside Assessment.

Consideration against Planning Policy

Principle of development

- 73 Policies L01, L07, SP7 and H1(n) are relevant to the consideration of the principle of development on this site. These policies have been summarised above.
- 74 The policy H1(n) allocation identifies the application site in its entirety (southern and northern portions) as suitable for an approximate density of 25 dwellings per hectare (dph), with an approximate net capacity of 15 dwellings.
- 75 The present application relates to the northern portion of the allocation only. This has a site area of approximately 0.33 hectares. The present application seeks 9 units. In isolation, the density of development proposed on this site equates to approximately 27 dph. This is slightly above that suggested in the policy allocation.
- 76 If combined with the southern site (also 9 units), the number of dwellings would total 18 units. This is above the approximate net capacity of 15 units recommended in the H1(n) allocation, but equates to a density of some 23 dwellings per hectare (dph) when both sites are combined. Though the housing in Marwell is lower density, that in Croft Road/Granville Road is higher. For example, nos. 2-12 Croft Road together with the adjoining houses of 34-52 Granville Road have a density of approximately 28 dwellings

Agenda Item 4.6

per hectare. The development of Marwell is lower density (approximately 18 dph). In this context, I do not consider the proposed density to be inconsistent with that of the locality.

- 77 Furthermore, I would note that the accompanying text to Policy SP7 states that;

“Densities, as proposed in Core Strategy Policy SP7, are generally sought in order to achieve sustainable forms of development, and reduce unnecessary use of greenfield land (I note SP7 would recommend a minimum density of 30 dph on sites such as this). However, to ensure that new development integrates well within the local character of established areas, some allocations have been subject to densities below those set out in Policy SP7. It must be emphasised that the yields are approximate and the actual dwelling yield that might be achieved on each site could vary from that indicated. It will be for planning applications to demonstrate how high quality sustainable designs can achieve an appropriate density for each site.” (my italics).

- 78 In light of the above, I do not consider density alone can be used to determine the development form on site. In the circumstances, subject to the proposals representing an acceptable balance between the requirement to make efficient use of this allocated site whilst providing an acceptable layout and design which would preserving the character of the area, I consider the proposals would be acceptable in principle.

Layout, scale, design and highway considerations:

- 79 Policies SP1, SP2, SP5, EN1, T1 and T2 and the Westerham and Crockham Hill Village Design Statement are relevant to the consideration of the layout, scale, design and highway implications. These have been summarised above.
- 80 Linked to the impact on the character of the area generally is the impact on the character of the adjacent Green Belt.
- 81 In my view, the reasoning for the relatively modest density of development set out in the ADMP allocation is that the site should provide a “buffer” between the built up area and the open Green Belt beyond. The open character of the Green Belt is readily apparent to the north and west of the site and thus, in my view, it is not desirable to encourage a form of development on the site which is either excessively dense, cramped or which would result in an unduly “hard edge”, adjacent to these boundaries.
- 82 Furthermore, whilst low density development of the site may be desirable adjacent to the Green Belt boundary, there is also a need to make the most efficient use of the land for housing. The balance between these competing issues is likely to be a delicate one.
- 83 The fact that the principle of housing development on the site is already established by the policy allocation is a material consideration of weight.

- 84 In this instance, as discussed above I consider the density of the application site itself generally reflects that of the locality, although I note it is slightly above that proposed in the housing allocation when considered in isolation to the southern site. However, in my view, it is the layout and scale of the development which will ultimately determine whether the proposals preserve the character of the area.
- 85 In this regard, the context of the site reflects a varied character. Clearly land to the north and west is predominantly open and undeveloped. Housing immediately to the east is generally of modest scale. Those immediately adjacent in Croft Road are staggered, which contributes to the sense of separation and provides a more spacious character. However, the compact nature of the built form increases rapidly towards the Town centre. Housing beyond the field to the south comprises a more modern estate of larger detached houses, which share a number of similarities with the proposals, including use of split levels I note that the housing to the south is, in plan form, slightly more spacious.
- 86 Turning to the proposed development, despite the fact that the site presently comprises an open parcel of grassland, the development of the site would “read” as a natural extension to the built form of Granville Road/Croft Road in my view. The site is very contained by dense, established planting along the northern and western boundaries. This provides a significant physical barrier to the land beyond. Approached from the west or east the proposals would be seen in the context of nos. 10-12 Croft Road which lie adjacent to the site on the same side of the road and also nos.1-3 Croft Road, though at a greater distance. However, because of the generous set back of the houses within the site, the intervening garages and potential landscaping, I do not consider they would appear prominent within the street scene and I note that their front building line would be set slightly behind that of no.12 Croft Road. I consider there would be clear gaps between the individual blocks and the space between them would be emphasised by their design, particularly the hipped roof form, which would create a greater physical gap at higher level.
- 87 Though the garage blocks would be adjacent to the road, they would be set back from the edge of the highway by a deep verge. They would be single storey structures with modest hipped roofs. I consider their impact could be considerably softened by strategic planting. Furthermore the garages would comprise a number of individual blocks with generous gaps between. Consequently I do not consider the garages would appear unduly dominant within the street scene. Furthermore, they would also provide an element of screening to the houses themselves, which together with enhancement landscaping along the frontage would help filter views of the site and soften the visual impact of the proposals. For these reasons, I consider the general layout and siting of the houses, together with the access road and forecourt and carport parking to be acceptable.
- 88 There is no question that the proposed houses would be of substantial scale. However, I consider the 2 storey appearance of the front elevations would be entirely compatible with other development in the locality. In my view, it is the significant depth of the buildings and the rear elevations which include third floor accommodation which significantly increase the visual

Agenda Item 4.6

bulk and scale of these houses. When viewed from the street, I consider this unlikely to be readily apparent. The impact would be most likely to impact views of the rear and flanks. However, in this regard, the western and rear boundaries comprise dense, established tree screen. There is no intention to remove the foliage within the site along these boundaries, and indeed much of it lies outside the site. Consequently, viewed from Croydon Road or Farley Lane, I consider the proposals would be significantly screened and any views of the site from these directions (north and west) would be heavily filtered. Thus despite the considerable scale of these particular elevations, I consider the visual impact would be limited outside the confines of the site.

- 89 In my view the most prominent elevation is likely to be that to the east, adjacent to the footpath. However, assuming the level of the land were to remain much as existing along the eastern flank boundary adjacent to the house on Plot 9 and be subject to landscaping, which could be covered by condition (I note that landscape proposals include new hedging and tree planting), the lower ground floor would not be readily apparent and I do not consider the flank would appear unduly overbearing.
- 90 In the particular circumstances, whilst I have some reservations over the scale of the buildings indicated, I consider that because of the peculiarities of the site, I consider the impact outside the confines of the site would be acceptable.
- 91 I consider the houses generally would be well articulated and would incorporate a variety of design features including modest projecting bays with gabled roofs, modestly sized dormers and a variety of materials, which could be subject to condition.
- 92 In light of the above, I consider the proposed houses would sit comfortably within this extensive site, with sufficient space between and around the dwellings to ensure that the development does not appear cramped. Notwithstanding the scale and height of the houses, because of their set-back within the site, 2 storey front elevations, the fact that the impact of the rear and flank elevations would be limited, in my view, and the opportunity for landscaping, I do not consider the scale, design or layout of the dwellings would appear so at odds as to seriously harm the established character of the area. Furthermore, both the landscaping proposed and that existing along the northern and western boundaries would considerably screen the proposals from the open Green Belt land beyond, such that any visual impact would be very limited in my view.
- 93 With regard to the highway implications, the proposals have been examined in detail by the Highway Authority who has raised no objections to the proposals. The proposals have been amended to include a new pedestrian footpath link from the vehicular access into the site to the existing public footway immediately to the east. I have confirmed with the Highway Authority that this amendment addresses their outstanding concern and that when considered both on its own merits and in conjunction with the site opposite, the proposals would not have a significant impact on highway conditions. Parking (2 spaces per dwelling plus 3 visitor spaces) and turning on site are considered acceptable and to meet the relevant standards and,

subject to conditions, the proposals represent an acceptable form of development.

- 94 In light of the above, I consider the proposals to be acceptable in highway terms.
- 95 In the event that permission were to be granted for the proposals, I would anticipate conditions requiring details of materials, hard and soft landscaping, means of enclosure, retention of parking as well as those requested by the highway Authority relating to visibility splays, amongst others.
- 96 Bearing in mind the Green Belt constraints of the district, the fact that site is allocated for housing at a similar density, is considered to occupy a sustainable location close to the urban centre and the fact that there would be sufficient parking and amenity space for the housing. I consider the strong presumption in favour of sustainable development set out in the NPPF would outweigh any modest harm to the visual amenities and character of the adjacent Green Belt.
- 97 In light of the above it is my view that the proposals would have an acceptable visual impact on the character of the adjacent Green Belt and would be compatible with the local character which forms the context of the site. I therefore consider the proposals comply with the policies set out above.

Impact on landscape/Area of Outstanding Natural Beauty:

- 98 The site lies within the Kent Downs Area of Outstanding Natural Beauty. The relevant policy background has been summarised above.
- 99 Within the Sevenoaks Countryside Assessment, the site is identified as being within the Darent Valley - Westerham and Brasted Character Area. The general landscape character for the area is assessed as being in good condition, with a moderate degree of sensitivity. Landscape actions seek to conserve and reinforce distinctiveness including conserving the positive impact of the historic built form on the area: ensure that vernacular styles are interpreted for use in new building and that the existing building groups and their landscape setting are conserved.
- 100 The wider visual impact of application site is limited by its precise location. The northern and western boundaries are contained by dense, well established tree cover. This landscaping provides a very significant screen when viewed from land well beyond the site to the north, west and south. In any event longer distance views from the north would clearly set the site in the context of the built form of Westerham Town. Thus the site is not widely visible in the landscape and views are restricted to close distance views immediately on approach from the adjacent roads. To the east the site is relatively open and it is thus set visually within the context of the adjacent housing. In my view the site is clearly set in the context of the built form of Westerham and indeed the external boundaries provide a clear visual break and a physical barrier from the wider open landscape beyond.

Agenda Item 4.6

- 102 The AONB designation includes not only the application site and open landscape beyond, but also the built villages and towns within it, including Westerham Town in its entirety. The purpose of the AONB is not to prohibit development, but to preserve, enhance and reinforce its distinctiveness. I do not consider the immediate locality a remote or unsettled landscape and the development would represent a very small incremental extension to the town of Westerham.
- 103 In light of the above, whilst I have noted that the site acts as a “buffer” between the dense urban form of Westerham and the Green Belt/open countryside to the north, west and south-west of the site, because of the very limited wider visual impact I do not consider the proposals would visually erode the open character of the land to the north. I consider the proposals would be comfortably set within the context of the wider built form of Westerham and am satisfied that the proposals would help provide a distinct edge to the urban form which would serve to positively preserve this part of the AONB and enhance the open, rural and pastoral character of the landscape beyond.

Impact on residential amenity:

- 104 Policy EN2 of the ADMP is particularly relevant when considering the impact on residential amenity. This thrust of this policy has been summarised above.
- 105 There are few properties that would be directly affected by the proposals. No.3 Croft Road has a flank elevation facing the site, but views would be partly screened by existing intervening trees and there would be a good distance between the proposed buildings.
- 106 Nos. 10 and 12 Croft Road are located directly to the east of the site, on the opposite side of the public footpath, with the flank to no.12 facing the site. No. 12 has a garage to its western side, which contains no flank windows. The flank wall to the house would be set approximately 11.5m from the flank of the closest house on site. Whilst there are first floor windows facing the proposals, 2 are obscure glazed with one to the front clear. However, the outlook would be towards the front corner of Plot 9/access road. Bearing in mind the precise relationship and distance between these properties, I do not consider the height, scale or appearance of the proposed Unit 9 would appear unduly overbearing or to result in loss of light or privacy (proposed flank windows would be obscure glazed). Viewed from the rear amenity space of no.12 Croft Road, because of the orientation of the garden and intervening screening, I consider the impact would be limited.
- 107 In light of the above, I consider the proposals would have an acceptable relationship with the neighbouring properties and would not have an overbearing or unneighbourly impact or result in an unacceptable degree of overlooking or loss of privacy and to comply with policy EN2 of the ADMP.

Ecological/Tree implications:

- 108 In summary, there is legislation which requires the Local Planning Authority to have regard to conserving biodiversity and to consider the potential ecological impacts of a proposed development and provide enhancement where possible. Policy SP11, which relates to biodiversity has been summarised above.
- 109 Various Ecological reports have been submitted following an initial Preliminary Ecological Appraisal, comprising a Reptile Survey and a Bat Survey.
- 110 KCC Ecology initially requested additional information regarding the impact on bats and proposed mitigation. Further information was subsequently submitted and on the basis that habitat removal would be limited and enhancement planting proposed, the impact on bats would be acceptable.
- 111 With regard to the impact on trees, a detailed existing survey and tree protection plan has been submitted together with a landscape proposals drawing. A detailed Tree Report accompanies the plans. This includes an arboricultural impact assessment and proposed mitigation measures and a method statement.
- 112 The proposed landscaping works include some works to existing trees and also some removal of existing planting. However, this is generally to allow other existing trees to develop. Along the western edge of the site it is also proposed to remove a preserved oak as this is in poor condition. This would be replaced by a new oak in a similar position together with further enhancement planting. I would note that it is proposed to remove some planting from the frontage (western portion) and adjacent to the proposed rear corner of the proposed house Plot 9. The Council's Arboricultural Officer has queried why the removal of these are necessary, as they could possibly be retained by significantly cut back, rather than removed and replanted. However, no objections are raised in principle and I consider the details could be adequately covered by conditions. New hedge planting along the frontage and eastern edge of the development proposals adjacent to the public footpath are also proposed and can be covered by condition.
- 113 I am therefore satisfied that subject to suitable conditions, the proposals would preserve the ecological and Arboricultural interests of the area and provide suitable replacement (and new) planting to enhance that to be retained. In time, I consider the landscaping will soften the impact of the proposals and help assimilate them into the wider landscape.

Affordable Housing:

- 114 Policy SP3 of the Core Strategy, which relates to the provision of affordable housing, has been summarised above.
- 115 On 28 November 2014 the Government issued a Written Ministerial Statement (WMS) that amended National Planning Practice Guidance (PPG) to restrict the circumstances where contributions for affordable housing should be sought. In summary, on sites within an Areas of Outstanding

Agenda Item 4.6

Natural Beauty, as this site is, proposals between 5 to 9 units would attract a financial contribution towards the off-site provision of affordable housing.

- 116 It is noteworthy that the WMS is a material consideration which post dates the Core Strategy and was confirmed by the Court of Appeal in 2015 and thus afforded weight. Since the development size meets the threshold introduced in the Written Ministerial Statement a strict adherence to the edicts of Policy SP3 requiring on site provision of affordable housing is unlikely to be substantiated at appeal. As such it is appropriate to seek a financial contribution equivalent of 20% affordable housing.
- 117 The offer of a contribution of £522,054.00 meets this requirement and a S106 legal agreement has been submitted to secure this provision.
- 118 I therefore consider the proposals to comply with the thrust of policy SP3 of the CS and current Government guidance.

CIL

- 119 The 9 residential units proposed would be liable for the Community Infrastructure Levy in full.

Other matters

- 120 Paragraph 120 of the NPPF explains that due regard must be given to the risks of pollution on health and the natural environment or general amenity and the potential sensitivity of the area or proposed development to adverse effects from pollution should be taken into account. Where a site is affected by contamination...responsibility for securing a safe development rests with the developer and/or landowner.
- 121 Policy SP2, which relates to sustainable construction of the CS and policy EN7 (noise) has been summarised above.
- 122 Notwithstanding the fact that the site does not fall to be considered by the Sustainable Drainage Officer, a preliminary drainage strategy has been provided as part of the proposals. This advises that surface water shall be disposed of by means of sustainable urban drainage systems (SUDS) prior to occupation of the dwellings. It is proposed that the new driveway and parking areas shall be designed as semi-permeable pavements with run-off to a large soakaway to the north of the dwellings. The design accounts for a 1 in 100 year + 30% annual probability storm event, allowing for climate change. Account has been taken of the Zone 3 Groundwater Source Protection designation. I am satisfied that the drainage proposals would represent a sustainable form of development.
- 123 A Desk Study and Site Assessment Report has been submitted. This concludes that there is no evidence of contamination and no remediation is necessary. There are no planning records to indicate that the site has ever been developed and appears to have remained open since the Council's records began and I consider it highly unlikely that the site would be contaminated.

- 124 A Noise Impact Assessment has also been submitted. This has identified the roads immediately adjacent to the site as the key noise sources that would impact upon the amenities of occupiers of the proposals. The assessment concludes recommends that alternative ventilation should be provided for certain habitable rooms with a line of sight to the roads as an alternative to opening windows in order to provide fresh air flow and background ventilation. Also an acoustic barrier is proposed to the rear gardens of unit 1-9. With mitigation in place, the No Observable Adverse Effect Level would be achieved for all external and internal areas that would adversely impact occupiers of the development. The Ventilation for habitable rooms can be achieved by utilising a through-frame window mounted trickle vent or through wall trickle ventilator. Environmental Health are satisfied that the measure proposed would be satisfactorily addressed by the measures proposed. This would ensure that the amenity of potential occupiers would be satisfactorily protected. These measures can be controlled by suitable conditions. I consider the acoustic barrier would be contained within the site and could be screened by landscaping to limit any impact outside the site.

Conclusion

- 125 In terms of planning policy, the application site is located within the built confines of Westerham. It is allocated for housing in the Allocations and Development Management Plan. It is therefore considered a suitable and sustainable location for housing development in principle. Notwithstanding the layout or design of the scheme, the 9 houses proposed would be set comfortably within a generously sized plot.
- 126 Though when taken in isolation from the southern site the density on this northern site would be slightly higher than that suggested in the ADMP allocation, when combined it would meet the policy guidance. Furthermore, I consider the proposals would be comparable with adjoining development to the east. However, in determining whether the present proposals are acceptable, they must also be assessed in terms of the impact on the character of the area. This will largely be dependent on their layout, scale and design and associated landscaping.
- 127 In terms of siting and layout, the site is very comprehensively screened to the north and west. From Croft Road itself, the proposed houses would be seen in the context of nos.10-12 Croft Road, but at some 17m from the highway edge, they would be set considerably further back on the plot than the other houses in the road. I do not consider the single store garage structures would flaw this approach. Much of the established landscaping would be retained with some replacement and enhancement, including new hedge and tree planting adjacent to the frontage and eastern flank. In light of the above, I do not consider the proposals would appear unduly dominant in the street scene. The considerable set back, combined with the gaps between the blocks, articulated design and hipped roof form would help to reduce the apparent bulk and massing and I do not consider the proposals would represent a cramped form of development. The 2 storey front elevations would be entirely compatible with development in the locality.

Agenda Item 4.6

The larger 2½-3 storey rear elevations would essentially be screened from view by dense, established foliage. In light of the above, I consider the proposals would have an acceptable impact on the street scene and the character of the area. Similarly, I consider the proposals would have an acceptable impact on the visual amenities and wider character of the Green Belt beyond the site.

- 128 The site is also within the AONB. However, as explained above, the site is very well contained by established foliage, such that there would be only a very limited impact outside the immediate context of the site. This is especially the case when viewed from a distance from the open land to the north and west, from which vantage points the site would be clearly set within the built context of Westerham Town Centre. The proposals would help reinforce the edge of the built confines, whilst retaining the foliated borders which act as a physical buffer to the open land beyond. In this way I consider the proposals would protect and enhance the character of this particular part of the AONB.
- 129 There are no highway objections to the proposals subject to conditions. In terms of impact on residential amenity, I am satisfied that the relationship with neighbouring dwellings, particularly nos.10-12 Croft Road, would be an acceptable one and the proposals would not appear unduly overbearing or result in loss of privacy of light.
- 130 Subject to suitable conditions relating to ecological mitigation and enhancement and landscaping, I consider the impact on ecology and trees to be acceptable. The proposals would provide the necessary affordable housing contribution as required by policy. The site is considered to be well located, close to the town centre and public transport.
- 131 In light of the above, I consider there to be no substantive material planning objections to warrant refusal of the proposals.
- 132 Bearing in mind the presumption in favour of sustainable development and the need to maximise the potential of urban sites to protect the wider Green Belt. It is my conclusion that, subject to condition, the proposals represent an acceptable form of development.

Background Papers

Site and Block Plan

Contact Officer(s):

Mr J Sperryn Extension: 7179

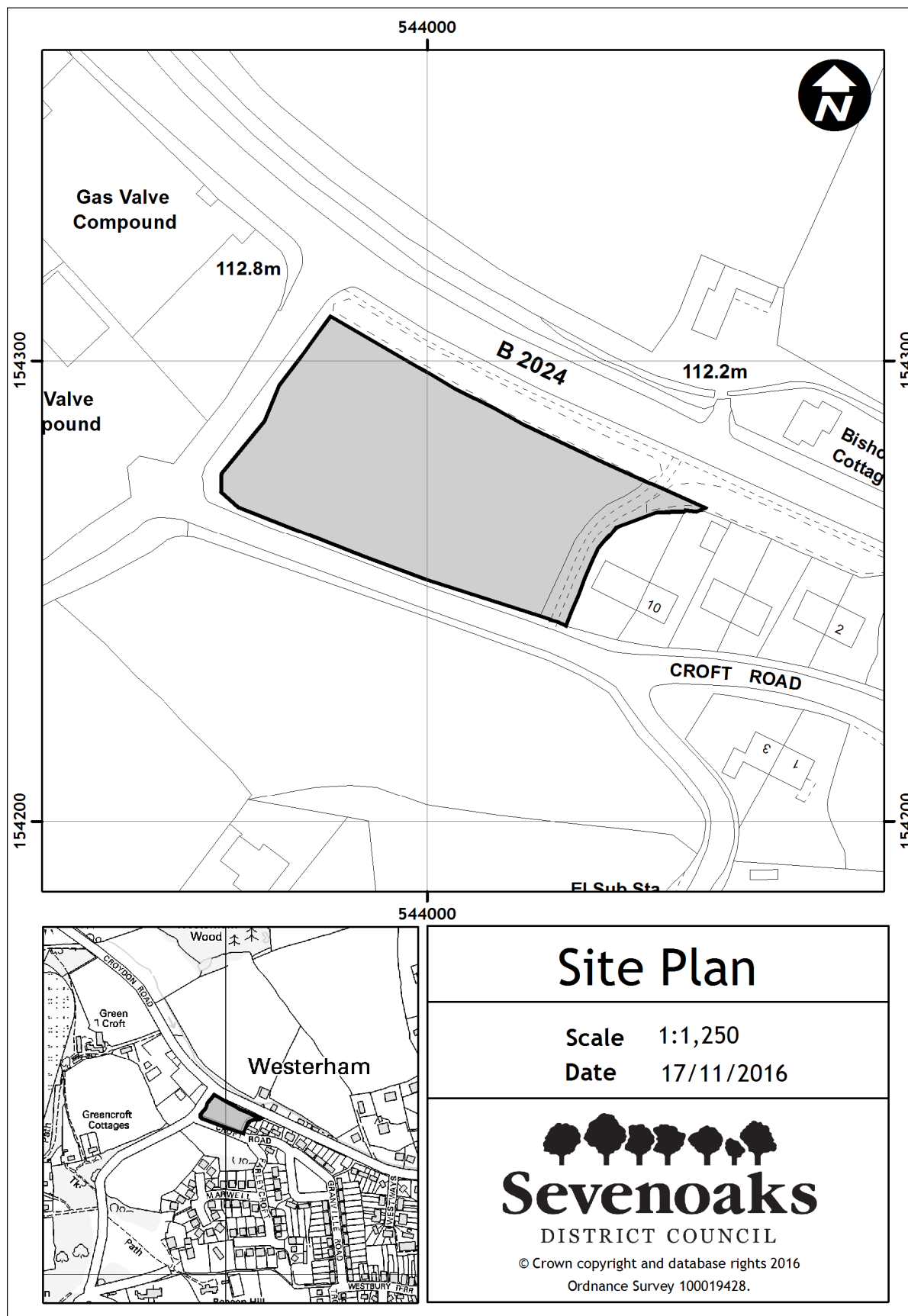
Richard Morris
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O9LDVOBKGN00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=O9LDVOBKGN00>





This page is intentionally left blank

4.7 - SE/16/02196/FUL Date expired 19 September 2016

PROPOSAL: Proposed application for 9No houses comprising 7No. 4-bedroom dwellings and 2No. 3-bedroom dwellings, with parking and landscape, and access from Croft Road.

LOCATION: Field South East Of Junction With Farley Lane, Croft Road, Westerham

WARD(S): Westerham & Crockham Hill

ITEM FOR DECISION

This application is referred to Development Control Committee as the land is owned by the District Council.

RECOMMENDATION: That planning permission be GRANTED subject to the provision of an affordable housing contribution, to secure appropriate ecological mitigation on an adjacent site 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) No development shall take place until details of all proposed engineering works including: - existing and proposed levels, including proposed slab levels, - the proposed extent of any cut and fill; and - existing and proposed site sections have been submitted to and approved in writing by the Council. The works shall be carried out in their entirety and in accordance with the approved details before the land is first brought into use for the development hereby permitted.

To safeguard the visual appearance of the area and the amenities of neighbouring occupiers as supported by policies SP1 of the Council's Core Strategy and policies EN1 and EN2 of the 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.

3) No development shall commence until a Construction Management Plan providing details of parking for construction operatives, parking, unloading and turning space for delivery vehicles, and wheel washing facilities have been submitted to and approved by the District Planning Authority. The approved statement shall be adhered to throughout the construction period.

In the interests of protecting the amenity of adjoining/nearby residential properties in particular and safeguarding the amenities of the surrounding area in general as supported by policy EN2 of the 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 be carried out on the land until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan. 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) Before any equipment, machinery or materials are brought on to the land for the purposes of the development, the means of protection for any retained tree as indicated on the Tree Protection Plan F583TPP shall be undertaken in accordance with the details set out in the BS5837 Tree Report (Site No.1 (South) dated June 2016. In this condition a "retained tree" means an existing tree which is to be retained in accordance with the plan referred to above. Also: A) The means of protection shall be maintained until all equipment, machinery and surplus materials have been removed from the land. B) Within a retained tree protected area, unless strictly in accordance with details set out in the report referred to above; -Levels shall not be raised or lowered in relation to the existing ground level; -No roots shall be cut, trenches cut, or soil removed; -No buildings, roads, or other engineering operations shall be constructed or carried out; -No fires shall be lit; -No vehicles shall be driven or parked over the area; -No materials or equipment shall be stored.

To prevent damage to the trees during the construction period and secure their retention afterwards 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

- 6) Once development has begun to be carried out on the land no retained tree or hedging within the site as indicated on the approved Tree Protection Plan F583TPP as being retained shall be cut down, up-rooted, topped, lopped or destroyed, nor shall any hedge within the site be cut down or grubbed out, without the prior approval in writing of the Council.

To safeguard the character the area and the amenities of neighbouring occupiers as supported by EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan

- 7) No development shall commence until a landscaping scheme for the site based on the indicative landscaping proposals illustrated on drawing JEC/424/02 have been 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; b) soft plantings, grass and turf areas, trees, shrub and herbaceous

areas; their location, species (use of native species where possible) and size, to include enhancement of the eastern boundary adjacent to the flank of Propose Unit 9; c) enclosures: including types, dimensions and treatments of walls, fences, pedestrian and vehicular gates, screen walls, barriers, rails, retaining walls and location, including details of acoustic protection to the northern boundary of the site and species and size of hedges; d) hard landscaping: including ground surfaces, 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; f) incorporation of ecological enhancements as recommended in the Preliminary Ecological Appraisal and also the bat mitigation statement; g) details of the precise curtilage to the rear of the dwellings to include a protected grassland strip along the southern boundary of the site. All landscaping and ecological enhancements in accordance with the approved scheme shall be completed/planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

To safeguard the visual appearance of the area, the amenities of neighbouring occupiers and the ecological interests of the site as supported by EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan and policy SP11 of the Council's Core Strategy. 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) This proposal could involve the importation of soil. Before any imported soil (the term 'soil' includes subsoil and any similar material) and / or any re-used soil is distributed or finally placed on the land, any such soil shall be certified by a 'competent person' to provide: A) Confirmation as to the soil's origin; B) Evidence that the source is of a homogenous nature and quality; (Both the above to be determined via sampling of the soil at source and as it is imported.) C) The sampling to take place at appropriate intervals during the importation (minimum number of samples to be agreed per quantity imported); D) A laboratory certificate shall be provided to demonstrate that the soil is not contaminated and is fit for the proposed end use. No part of the condition shall be discharged and no properties shall be occupied or first brought into use until the certification for the import of soil for the development or each phase of it has been completed. No dwelling shall be occupied until a certificate has been provided to the Council, by an appropriately qualified environment specialist, certifying that the development and the land is suitable for the permitted end use. The wording of the certificate shall be agreed in advance as part of the details required to be approved under (B) above. For the purposes of this condition, an "appropriately qualified environment specialist" is a person who has a recognised qualification and / or appropriate experience in environmental chemistry and risk assessment. This will be the

person(s) who has designed and specified the remediation works, unless otherwise agreed in writing by the Council.

To ensure that risks from land contamination to the future users of the land and adjoining land are minimised as supported by policy SP1 of the Council's Core Strategy and policy EN2 of the 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.

9) The scheme of acoustic protection to each dwelling shall be provided in accordance with Noise Impact Assessment AC102513-R0 dated October 2016 prior to occupation of that dwelling.

To ensure a satisfactory standard of accommodation for future occupiers of the properties as supported by policy EN2 of the Allocations and Development Management Plan.

10) The garages, forecourt parking spaces and communal/visitor parking spaces shown on the approved Site Layout Plan no.: 051506:S-FER-02 (Information Layout) shall be provided concurrently with the development and shall be kept available for such use at all times and no permanent development shall be carried out on the land so shown or in such a position as to preclude vehicular access to the garages and parking spaces.

To ensure permanent retention of vehicle parking for the properties as supported by policy EN1 of the Allocations and Development Management Plan.

11) Prior to occupation of the development details of the size, design and materials of cycle and refuse stores for all dwellings shall be submitted to the District Planning Authority for approval in writing. The development shall be carried out in accordance with the approved details.

To ensure the provision satisfactory cycle and refuse stores as supported by policy EN1 of the Allocations and Development Management Plan

12) The development hereby permitted shall not be occupied until visibility splays have been provided in accordance with drawings 8090/313A (Visibility Splay). Thereafter the visibility plays shall be maintained free from obstruction at all times at a height not exceeding 0.6m above the level of the adjacent carriageway.

In the interests of road safety as supported by policy EN1 and T1 the Sevenoaks Allocations and Development Management Plan.

13) No part of the development shall be occupied until all off-site highway works to be subject of agreement under s278 of the Highways Act have been completed. Such works to include the new pedestrian and vehicular access to the public highway and section of pedestrian footway to the eastern end of the site to provide a link between the new vehicular access and the existing public footway immediately to the east as indicated on drawing 051506:S-FER-02 A.

In the interests of highway safety and the convenience of occupiers of the site as supported by policy EN2 and T1 of the Allocations and Development Management Plan

14) The sustainable urban drainage proposals set out in the Monson Drainage Strategy and Sustainable Drainage Maintenance and Management Plan shall be implemented prior to the occupation of the dwellings hereby approved.

To minimise the risk of flooding and ensure the satisfactory means of surface water disposal using sustainable drainage methods for the lifetime of the development in accordance with paragraph 99 of the National Planning Policy Framework.

15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development falling within Classes A, B, D or E of Part 1 of Schedule 2 or within Class A, Part 2 of Schedule 2 of the said Order shall be carried out to the dwellings hereby approved.

To protect the amenities of the occupiers of the site and neighbouring dwellings and to protect the landscaping of the site as supported by Government advice in the form of the National Planning Policy Framework policies EN1 and EN2 of the Council's Core Strategy

16) There shall be no external illumination on the exterior of any building, or within the confines of the application site unless in accordance with details which have been submitted to and approved in writing by the Local Planning Authority giving the precise design including the method and intensity of illumination, including type of bulbs to be used, the angle of any light fittings and associated light spillage.

In the interests of the impact on protected species and residential amenity as supported by Government advice in the form of the National Planning Policy Framework, policy SP11 of the Council's Core Strategy and EN2 of the Allocations and Development Management Plan

17) Prior to commencement of development a scheme to show the provision of electric vehicle charging points, including their proposed locations, type and specifications shall be submitted to and approved by the Local Planning Authority. The charging points shall be installed in accordance with the approved details prior to first occupation of the relevant phase of the development.

To ensure the sustainability of the site in accordance with policy T3 of the 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.

18) Due to the proximity of residential properties to the proposed site the site, working hours should be controlled to protect residential amenity. During the enabling, demolition and construction phase, the hours of working, including deliveries and collections to and from site, shall be restricted to: Monday to Friday

08:00 to 18:00;Saturday 08:00 to 13:00;No work on Sundays or Public Holidays.

In the interests of protecting the amenity of adjoining/nearby residential properties as supported by policy EN2 of the Allocations and Development Plan.

19) No development shall take place (including any ground works or site clearance) until the mitigation strategy for reptiles has been implemented in accordance with the approved details. The receptor site shall be actively managed as detailed within the mitigation strategy and in accordance with further details of the initial aftercare and long-term maintenance of the receptor site to be submitted for approval in writing prior to occupation of the development. Such details to include a method and period of monitoring following implementation of the mitigation strategy. The works shall be carried out strictly in accordance with the approved details and shall be maintained as approved thereafter.

In the interests of the impact on protected species and residential amenity as supported by Government advice in the form of the National Planning Policy Framework and policy SP11 of the Council's Core Strategy.

20) Drawing Nos.:051506:S-FER-01 A, 051506:S-FER-02 A, 051506:S-FER-03 A, 051506:S-FER-04 A051506:S-A-E1, 051506:S-A-E2, 051506:S-A-P1, 051506:S-B-E1, 051506:S-B-E2, 051506:S-B-P1, 051506:S-C-E1, 051506:S-C-E2, 051506:S-C-P1, 051506:S-D-E1, 051506:S-D-E2, 051506:S-D-P1, 051506:S-D-P2051506:S-PER01, 051506:S-PER02, 051506:S-SS01, 051506:S-SEC01JB15_11_FH1B, F583TCP, F583TPP, 8090-310A, 8090-311A, 8090-312A, 8090A (Drainage), JEC/424/02 (Landscape Proposals)For the avoidance of doubt the information to which this decision relates is as follows: Also:- Planning Statement and Design and Access Statement.- KB Ecology Preliminary Ecological Appraisal dated July 2015, Reptile Survey dated 30th September 2015 and Bat Surveys 5th October 2015.- Noise Impact Assessment AC102513-R0 dated October 2016.- Tree Ventures BS5837 Tree Report (Site No.1 (South) dated June 2016 (including Arboricultural Impact Assessment and Method Statement).- DHA Transport Assessment for Land South of Croft Road Westerham dated July 2016.- Landscape and Visual Assessment July 2016.- Southern Testing Desk Study and Site Assessment Report June 2016.- Monsoon Drainage Strategy and Sustainable Drainage Maintenance and Management Plan.

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

Informatives

- 1) Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 2) The applicant is advised that the site is located within Zone 3 Groundwater Source Protection Zone and you are recommended to consultant with the Environment Agency's groundwater protection team regarding the use of infiltration on this site.

3) The applicant is advised to have regard to the following Ecological advice:

Bats and Lighting in the UK

Bat Conservation Trust and Institution of Lighting Engineers

Summary of requirements

The two most important features of street and security lighting with respect to bats are:

1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.
2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

UV characteristics:

Low

- Low pressure Sodium Lamps (SOX) emit a minimal UV component.
- High pressure Sodium Lamps (SON) emit a small UV component.
- White SON, though low in UV, emit more than regular SON.

High

- Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps
- Mercury lamps (MBF) emit a high UV component.
- Tungsten Halogen, if unfiltered, emit a high UV component
- Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

Variable

- Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output.

Glass glazing and UV filtering lenses are recommended to reduce UV output.

Street lighting

Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels.

Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided.

If possible, the times during which the lighting is on overnight must be limited to

provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

Security and domestic external lighting

The above recommendations concerning UV output and direction apply. In addition:

- Lighting should illuminate only ground floor areas - light should not leak upwards to illuminate first floor and higher levels;
- Lamps of greater than 2000 lumens (150 W) must not be used;
- Movement or similar sensors must be used - they must be carefully installed and aimed, to reduce the amount of time a light is on each night;
- Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;
- Light must not be directed at or close to bat roost access points or flight paths from the roost - a shield or hood can be used to control or restrict the area to be lit;
- Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;
- Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

4) You are advised of the need to enter into an Agreement under Section 278 of the Highways Act 1980 with Kent County Council and for the approval of plans for the works to the highway before commencement of any works on the land. Please contact Kent Highways, West Kent Area Office, Block I, St. Michael's Close, Aylesford, Kent ME20 7TZ (Tel. 01622 605980).

5) 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 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/65)

4.asp),

- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

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

Background

- 1 This application site is allocated for housing development under policy H1(n) of the Allocations and Development Management Plan. Though the site across the road to the north is also allocated under the same policy, it is physically separated by Croft Road and both sites are self-contained.
- 2 The northern site is subject to a concurrent application. However, as the 2 sites are physically separated by Croft Road and are both essentially self-contained, the applicant has chosen to submit 2 separate applications; one relating to each site and the applicant is perfectly entitled to do this. In the circumstances, each site falls to be considered on their own individual merits. However, for the sake of consistency, both applications have been considered concurrently.

Description of site & location

- 3 Croft Road is located towards the extreme north-western edge of Westerham Town. The main built form of Westerham extends to the east with land to the north, west and south-west of the site being largely open and only sporadically developed. The site is situated to the south of the B2024 and is set some 400m south of the M25 motorway.
- 4 This application site itself, which comprises an open grassed plot, is located at the western end, and southern side, of Croft Road, with the western boundary abutting a densely foliated strip, beyond which is Farley Lane. To the east of the site is Farleycroft (road), which in turn leads southwards into Marwell. These roads comprise more modern, larger, detached houses, set within gardens. The application site rises steeply from the northern boundary adjacent to the road towards the south-western rear corner. The houses directly to the south of the site are set at raised level, but are separated by a densely foliated tree belt. Directly to the east of the site Croft Road is characterised by pairs of modest semi-detached dwellings, which are staggered in the street, with gaps between the individual blocks.

Agenda Item 4.7

As the houses continue into Granville Road eastwards, the gaps become considerably reduced.

- 5 The site is located within the built confines of Westerham. However, the Green Belt boundary runs along the road adjacent to the frontage of the site and abuts the site to the west and south-west, with land to the south, east and field to the north all within the built confines.
- 6 There is a concurrent planning application for 9 houses on the field on the opposite side of the road (ref: SE/16/02010/FUL).
- 7 Both the application site and the one opposite across the road are allocated in the Council's Allocations and Development Management Plan for housing development.

Proposal

- 8 The application proposes the erection of 7 detached, 4-bed houses and one pair of 3-bed semi-detached houses, set centrally within the site. The houses are aligned to front Croft road, from which a single vehicular access point would be provided to serve all units, thus retaining an enhanced landscaped strip along the road frontage, with the front boundary retaining open railings. The houses would be set within the central portion of the site with access, hardsurfacing and landscaping to the front. The houses would be set in from the sides and rear of the site, with the intention of retaining and enhancing the majority of existing, established planting.
- 9 The houses are designed to reflect the ground level which rises significantly from front to rear of the site. The front elevations would appear as 2½ storey (or 3 storey with the upper floor within the roof served by dormers), whilst the rear elevations would clearly read as 2 storey. Each detached house would have garage and forecourt parking for 2 cars. The exception would be house type D - the centrally placed semi-detached pair, which would be 3 storeys to the front, though 2 storey to the rear. These 2 units would have no garage but have forecourt parking in front. There would also be 2 visitor parking spaces
- 10 Unit 9, located at the east end of the development, would be orientated to front the junction of Croft Road and Farleycroft and thus set at a slight angle to other units. This house would essentially read as fully 3 storeys to the front and flanks and 2 storey to the rear.
- 11 Materials are to comprise brick with elements of render, weatherboard under a tiled roof, but are not specified. The design includes a variety of form, including a number of projecting gables, dormers, with some balconies and an articulated roof form with the main roof hipped, but in a more contemporary form.
- 12 The proposals include the removal of 2 category "C" trees, together with a modest length of hedging and a small amount of landscaping to the south of the site, but include new hedging along the entire front boundary of the site

together with further tree and shrub planting. All other established tree planting is to be retained and protected.

Planning History

13 None

Constraints

14 The site is within the built confines of Westerham.

15 Kent Downs Area of Outstanding Natural Beauty.

16 Adjacent to Green Belt.

Policies

Sevenoaks Core Strategy

17 Policies -L01, L07, SP1, SP2, SP3, SP5, SP7, SP11

Allocations and Development Management Plan (ADMP)

18 Policies - EN1, EN2, EN5, EN7, H1(n), T1, T2, T3

Other

18 NPPF

19 Sevenoaks Countryside Assessment

20 The Westerham and Crockham Hill Village Design Statement (2000)

Consultations

Westerham Town Council (in summary):

21 WTC believes that this site and the field opposite should be considered as one application as shown in the Local Plan and therefore must be considered together. At this time WTC comments are that the visitor parking is inadequate given the narrowness of Croft Road and therefore lack of street parking. All site construction traffic will need to enter via Croydon Road entrance as New Street is too narrow to take construction traffic.

KCC Ecology (in summary):

22 “We advise that additional information is required prior to the determination of the planning application.

23 The submitted ecological scoping survey, bat survey and reptile survey provide SDC with a generally good understanding of the ecological constraints associated with the proposed development site. The submitted surveys have detailed that at least 3 species of bats are foraging/commuting within the site, there is a low population of grass snake and slow worms

Agenda Item 4.7

present within the site and Tree 16 (arboricultural report) has suitable features to contain roosting bats.

Reptiles

- 24 The proposed development will result in the loss of reptile habitat and the submitted survey has advised that to facilitate the development the reptiles will have to be translocated to an offsite receptor site. We query whether if the site layout is amended to retain larger areas of suitable reptile habitat if the reptiles could be retained on site - for example is there potential to retain (and actively manage) a grassland strip/buffer along the southern and the western boundaries?
- 25 The creation of the grassland buffer could avoid the need to identify an offsite receptor site and it could also benefit other species present within the site and surrounding area - for example foraging bats and breeding birds.
- 26 If that is not possible details of the proposed off site receptor site and outline Reptile Mitigation Strategy must be provided prior to determination of the planning application.

Bats

- 27 Tree 16 has been assessed as having high potential to be used by roosting bats. The arboricultural survey details that works are proposed to be carried out on the tree so we question why the recommended bat emergence survey was not carried out at the same time as the activity surveys? It is now nearing the end of the bat survey season so there may not be sufficient time to carry out the surveys this year.
- 28 If the bat emergence surveys were carried out (and not submitted) we advise that the reports are submitted prior to determination of the planning application.
- 29 Lighting can be detrimental to roosting, foraging and commuting bats and there is a need to ensure that any lighting proposed avoids impacting bats. The current design of the development means that the gardens are adjacent to the southern boundary and any lighting within these gardens may have a negative impact on bats. The creation of a buffer area (as detailed above) could reduce the amount of light spill on the vegetated boundaries.
- 30 We also advise that the Bat Conservation Trust's Bats and Lighting in the UK Guidance is adhered to in the lighting design (see end of this note for a summary of key requirements).

Enhancements

- 31 One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged".

- 32 The ecological report has provided suggestions of ecological enhancements which could be incorporated in to the proposed development. We advise that details of site specific ecological enhancements which will be incorporated into the proposed development are provided for comment.”

Comments on additional information (in summary)

- 33 Further information has been submitted in the form of a detailed Bat Assessment of Oak Tree. This reported included tree climbing examination. The report concludes there is no bat presence on this tree. In addition, the woodland abutting the southern boundary of the site has been identified as a suitable habitat for the translocation of reptiles.
- 34 The County Ecologist raises no objections on bat grounds and recommends control over external lighting on the site. No objection is raised to the detailed Reptile Mitigation Strategy subject to implementation prior to commencement of works. Ecological enhancements should be provided as suggested in the ecological report.

Natural England (in summary)

- 35 No objection with regard to the impact on statutory nature conservation sites.
- 36 It is noted that the site is within or close to a nationally designated landscape - the Kent Downs AONB and the LPA should use national and local policies and may local Landscape Character Assessment to determine the proposal.
- 37 They have not assessed the impact on protected species, Biodiversity enhancements are recommended.

Kent Wildlife Trust (Summary)

- 38 Consider submitted scheme is an overdevelopment which would lead to significant harm to wildlife interests, including protected species. In particular, the bat report concludes that there may be loss of trees and habitat, loss of foraging habitat and increased use of artificial lighting. Buffer space between trees and hedge habitat should be increased with new landscaping and control over lighting. Removal of the access and replacement with individual access points is recommended.

Arboricultural Officer

- 39 “This area of land can be segregated into three separate areas, where the southern boundary strip is mixed species and wooded, the central space is grassed paddock and the northern boundary is sporadic indigenous hedge plants.
- 40 The bulk of the proposed dwellings inclusive of the access drive and parking areas are shown to be located within the central area. The southern wooded strip is an important buffer between this and the existing dwellings to the south of it in Marwell. The main development and the build process required

Agenda Item 4.7

does not appear to threaten these southern edge trees as adequate space and protection proposals have been included within this application. The rear gardens of the proposed 9 dwellings are shown to reach up to the northern edge of this southern strip. I would assume that at this point a garden boundary fence will be erected to separate the trees from the garden. Had the trees been shown to be located within the proposed gardens, I could foresee future residents of individual properties carrying out their own form of management, which could have been a threat to the trees long term retention.

- 41 An ideal situation would be to carry out a tidy of the wooded strip with smaller poorer specimens removed in favour of better quality trees. The aim being to make these trees a good backdrop for future residents that they can enjoy bearing in mind the proposed change of use. The tree protection and proposed pruning details appear acceptable. I would expect to see landscaping conditioned.”

Kent Highways

- 42 In summary the Highway Authority have commented as follows:
- “I have no objection on highway grounds to this application provided the Conditions referred to below are applied to any consent granted.
- 43 The application is accompanied by a comprehensive Transport Assessment which covers the highway issues and is found to be robust and acceptable. The parking provision of 2 independently accessible spaces per dwelling plus 2 visitor spaces (20%) is in accordance with the minimum standard defined in IGN3. Cycle parking (2 spaces per dwelling) is also in accordance with KCC Standards. Adequate turning for service vehicles is provided.
- 44 Junction visibility shown on drawing ref. 8090/313A is in accordance with the KCC standard for a 30mph road (IGN2 - 43 metres) and is acceptable provided it is conditioned to be maintained as such in the future.
- 45 My only concern is pedestrian access to the site which appears to rely on pedestrians walking along Croft Road where the section fronting the development has no footway. I would like to see a pedestrian connection between the site and the existing footways further along Croft Road to the east and alongside Farleycroft. This could be readily achieved by providing a footway link from the shared surface access road to the Croft Road / Farleycroft junction at the eastern end of the site. Also dropped kerb pedestrian crossing points should be provided across Croft Road (existing vehicle dropped kerb on northern side of Croft Road could be utilised). The works within the existing highway should be covered by a Section 278 Agreement with KCC Highways and could possibly be the subject of a Condition whereby details should be submitted and approved prior to first occupation.”
- 46 Several conditions are proposed relating to parking provision, wheel washing and loading/unloading facilities during construction.

KCC - Lead Local Flood Authority (Sustainable Drainage)(In summary)

- 47 The site falls outside the definition of a major development and falls outside KCC's remit as a statutory consultee.

Thames Water (in summary)

- 48 Surface water drainage is the responsibility of the developer. Storm flows should be attenuated into the public network through on or off-site storage. There is no objection with regards to the impact on sewerage infrastructure or on water capacity grounds.

Representations

- 49 Representations have been received from 11 local residents raising the following concerns:

- Insufficient parking will lead to overflow parking in Croft Road and traffic congestion generally.
- Lack of access for larger vehicles.
- There is no requirement for additional housing in Westerham.
- Access into site sub-standard.
- The proposals should not damage the AONB.
- Should be a condition regarding wheel cleaning.
- Increased traffic could be dangerous for children in the locality.
- Houses should not overlook Marwell.
- Adverse impact on adjacent common to south of site because of extra traffic.

- 50 A letter with 8 signatories has been submitted raising the following concerns:

- Loss of light and overshadowing to neighbouring properties.
- Overlooking of neighbouring properties.
- Proposals not in keeping with area.
- Lack of parking and increased traffic generation.
- General noise and disturbance.
- Too many properties proposed on site.
- Lack of footpath along site frontage to Farley Lane junction.
- Lack of affordable housing.
- Concern inadequate drainage may lead to flooding.

- 51 Non planning matters are also raised.

- 52 One writer requests site vehicles enter via Croydon Road and tree cutting should be kept to a minimum.

Chief Planning Officer's Appraisal

Principle issues

- Introduction
- Relevant Planning Policy Background
- Consideration against Policy Background
- Principle of Development
- Layout, scale, design and highway considerations
- Impact on landscape/AONB/setting of adjacent Green Belt
- Impact on residential amenity
- Ecological/Tree implications
- Affordable Housing
- CIL
- Other Matters
- Conclusion

Introduction

- 53 Key Government guidance is provided in the form of the National Planning Policy Framework (NPPF), which forms part of the material considerations relevant to the present application. As set out in paragraph 12, it introduces a presumption in favour of sustainable development but the guidance states that this should not be the case where the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate development should be restricted. Whilst this document does not change the statutory status of the development plan as the starting point for decision making, this now only applies where the existing Sevenoaks District Local Plan policies do not conflict with the NPPF.
- 54 Paragraph 14 of the NPPF also advises that for decision-taking, development proposals that accord with the development plan should be approved and where the development plan is absent, silent or out of date, granting permission unless:
- “- any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or-specific policies in this framework indicate development should be restricted.”
- 55 Paragraph 17 of the NPPF sets out a number of core planning principles to be followed. In summary, these principles include, amongst other things;
- Be genuinely plan-led to provide a framework within which decisions can be made with a high degree of predictability and efficiency;
 - Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;

- To always seek to secure high quality design and good standard of amenity;
- Take account of the difference roles and character of difference areas, including protecting the Green Belt and recognising the intrinsic character and beauty of the countryside;
- Contribute to conserving and enhancing the natural environment and reducing pollution;
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land), providing that it is not of high environmental value;
- Promote use of public transport and focus significant development in locations which are or can be made sustainable.

- 56 Significant weight must also be given to the Councils adopted Core Strategy Development Plan (CS) Document (2011). This is the key document in the Local Development Framework. It draws together the objectives of a wide range of plans, programmes and strategies and provides the overarching principles that will deliver the essential development needs of the District.
- 57 Significant weight must also be given to the Allocations and Development Management Plan (ADMP).

Relevant Planning Policy Background

- 58 The relevant policy background is the same as the site across the road which is subject to the concurrent planning application.
- 59 The application site is within the built confines of Westerham.
- 60 Policy **L01** of the Council's Core Strategy seeks to focus development within the built confines of existing settlements. Westerham is designated a Rural Settlement and is thus covered by policy **L07**. Within such areas development of an appropriate scale and nature will be permitted where it can take place in an acceptable manner consistent with local character.
- 61 In summary, Policy **SP1** of the Sevenoaks District Core Strategy Development Plan Document (CS) 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 **SP2** of the CS seeks Sustainable Construction and Low-Carbon Energy Generation.
- 62 Policy **SP3** of the Core Strategy, relates to the provision of affordable housing. It explains that in order to meet the needs of people who are not able to complete in the general housing market, the Council will expect the provision of affordable housing in all types of residential development. In residential developments of 5-9 units gross 20% of the total numbers of units should be affordable.
- 63 Policy **SP5** requires a mix of housing types and size, taking into account the existing pattern of housing in the area.

Agenda Item 4.7

- 64 Policy **SP7** relates to the density of housing development, which should be consistent with achieving good design and does not compromise the distinctive character of the area in which it is located. The supporting text to this policy explains that the ADMP and Development Briefs will give guidance on the density of development for identified sites. The application site is identified as an allocated housing site in the ADMP.
- 65 Policy **SP11** states that the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity.
- 66 Policy **EN1** of the ADMP sets out the general Design Principles which should apply to all development. In summary, the policy states that proposals which would create high quality design and meet the following criteria will be permitted where the form of the proposed development would respond to the scale, height, materials and site coverage of the area, respect the topography and character of the site and preserve the character of the area. The design of new development should be permeable and provide connectivity with neighbouring areas and should ensure satisfactory means of access for vehicles and pedestrians and provide adequate parking.
- 67 Policy **EN2** of the ADMP states that proposals will be permitted where they would safeguard the amenities of existing and future occupants of nearby properties. Of particular relevance here is the impact in terms of visual intrusion, potential overlooking and loss of privacy and the impact of associated vehicular movements.
- 68 Policy **EN7** of the ADMP relates to Noise Pollution and seeks to safeguard both the locality and potential occupiers from unacceptable noise levels.
- 69 Most significantly, policy **H1(n)** of the ADMP allocates the application site for housing (together with the site to the north). Appendix 3 provides amplification. It states, in summary, that development of this site should protect and enhance the landscape features. The site should reflect the layout and scale of adjacent attached and detached housing. Existing tree screening should be maintained and enhanced with access from Croft Road. The footpath to the east of the northern site should be retained.
- 70 Policies **T1** and **T2** explain that new development would mitigate any adverse travel impacts and should meet the required parking standards.
- 71 The Westerham and Crockham Hill Village Design Statement helps set the context for development proposals. Broad criteria include ensuring that the height and scale of houses respond to the locality and is designed to reflect levels across the site; roofscape should be well articulated and reflect local character and landscape proposals should retain existing planting and provide enhancements.
- 72 The site lies within the Kent Downs Area of Outstanding Natural Beauty. The Countryside and Rights of Way Act 2000 states that the Local Planning Authority should conserve and enhance Areas of Outstanding Natural Beauty. Designating an Area of Outstanding Natural Beauty protects its distinctive

character and natural beauty and can include human settlement and development.

- 73 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.
- 74 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. Policy SP1 of the CS is relevant and has been referred to above. It states that account should be taken of guidance including the Sevenoaks Countryside Assessment.

Consideration against Planning Policy

Principle of development

- 75 Policies L01, L07, SP7 and H1(n) are relevant to the consideration of the principle of development on this site. These policies have been summarised above.
- 76 The policy H1(n) allocation identifies the application site in its entirety (southern and northern portions) as suitable for an approximate density of 25 dwellings per hectare, with an approximate net capacity of 15 dwellings.
- 77 The present application relates to the southern portion of the allocation only. This has a site area of approximately 0.5 hectares. The present application seeks 9 units. In isolation, the density of development proposed on this site equates to approximately 17 dph, according to my calculation. Thus I consider the density entirely compatible with that displayed in the locality.
- 78 However, if combined with the northern site (also 9 units), the number of dwellings would total 18 units. This is above the approximate net capacity of 15 units recommended in the H1(n) allocation. This equates to a density of some 23 dwellings per hectare (dph) when both sites are combined. Though the housing in Marwell is lower density than in Croft Road/Granville Road is higher. For example, nos. 2-12 Croft Road together with the adjoining houses of 34-52 Granville Road have a density of approximately 28 dwellings per hectare. The development of Marwell is lower density (approximately 18 dph).
- 79 Furthermore, I would note that the accompanying text to Policy SP7 states that:

“Densities, as proposed in Core Strategy Policy SP7, are generally sought in order to achieve sustainable forms of development, and reduce unnecessary use of greenfield land (I note SP7 would recommend a minimum density of 30 dph on sites such as this). However, to ensure that new development integrates well within the local character of established areas, some

allocations have been subject to densities below those set out in Policy SP7. It must be emphasised that the yields are approximate and the actual dwelling yield that might be achieved on each site could vary from that indicated. It will be for planning applications to demonstrate how high quality sustainable designs can achieve an appropriate density for each site.” (my italics).

- 80 In light of the above, I do not consider density alone can be used to determine the development form on site. In the circumstances subject to the proposals representing an acceptable balance between the requirement to make efficient use of this allocated site whilst providing an acceptable layout and design which would preserve the character of the area, I consider the proposals would be acceptable in principle.

Layout, scale, design and highway considerations

- 81 Policies SP1, SP2, SP5, EN1, T1 and T2 and the Westerham and Crockham Hill Village Design Statement are relevant to the consideration of the layout, scale, design and highway implications. These have been summarised above.
- 82 Linked to the impact on the character of the area generally is the impact on the character of the adjacent Green Belt.
- 83 In my view, the reasoning for the relatively modest density of development set out in the ADMP allocation is that the site should provide a “buffer” between the built up area and the open Green Belt beyond. The open character of the Green Belt is readily apparent to the north, west and south-west of the site and thus, in my view, it is not desirable to encourage a form of development on the site which is either excessively dense or which would result in a “hard edge”, adjacent to these boundaries.
- 84 Furthermore, whilst low density development of the site may be desirable adjacent to the Green Belt boundary, there is also a need to make the most efficient use of the land for housing. The balance between these competing issues is likely to be a delicate one.
- 85 The fact that the principle of housing development on the site is already established by the policy allocation is a material consideration of weight.
- 86 In this instance, I consider the density of the application site itself does closely reflect that of the locality and also that proposed in the housing allocation. However, in my view, it is the layout and scale of the development which will ultimately determine whether the proposals preserve the character of the area.
- 87 In this regard, the context of the site reflects a varied character. Clearly land to the north, west and south-west is predominantly open and undeveloped. Housing immediately to the east is generally of modest scale. Those immediately adjacent in Croft Road are staggered, which contributes to the sense of separation and provides a more spacious character. However, the compact nature of the built form increases rapidly towards

the Town centre. Housing to the south comprises a more modern estate of larger detached houses, which share a number of similarities with the proposals, including use of split levels although, because of their relationship with the level of the land this tends to be to their rear elevations rather than the front, which largely read as 2 storey. However, the housing to the south is, in plan form, slightly more spacious.

- 88 Whilst set within the wider built context touched upon above, the application site is somewhat detached visually from the adjacent built form. Though seen in the context of nos.8-12 Croft Road and nos.1 and 3 Croft Road, the proposals would be separated by the road and intervening planting on the corner of Croft Road and Farleycroft. There are no longer distance views on approach from Croft Road. Furthermore, the proposals would be set well back from the frontage. To the rear, houses in Marwell are very well screened by dense foliage, with only glimpses of nos.16 and 17 through the trees. From Croft Road, the site is dominated by a backdrop of dense, mature tree cover set on higher ground as this would provide the backdrop to the development proposals.
- 89 Turning to the development itself, there would clear gaps between the individual blocks and the space between them would be emphasised by a slight stagger in their footprint, their varied design and hipped roof form, which creates a greater physical gap at higher level. Though there would be forecourt parking for each house, which would be balanced by soft landscaping, which would help to separate the individual blocks. The access road would be separated from the public highway by the verge and, in time as landscaping matures, would be likely to be well screened. Two smaller pedestrian accesses are provided within the frontage. However, these would be of limited width and would provide only limited views through to the site. In light of the above, I consider the layout and siting of the houses, together with the access road and forecourt parking to be acceptable.
- 90 There is no question that the proposed houses would be of substantial scale, with a number giving the impression of a full third storey. They would more closely reflect the scale of the modern development to the south, rather than the more modestly scaled older established housing to the east.
- 91 However, in my view, it is important to note that the houses would be set approximately 15-16m back from the frontage of the site. A generous verge is proposed adjacent to the road, with proposals for tree and hedge planting and the opportunity for further planting within garden areas in front of individual houses, set back within the site. Furthermore, the proposals would be seen against the backdrop of the large mature trees set on higher ground to the rear. The creation of a single access point would be highly beneficial in my view, in allowing for a well landscaped belt along the road frontage and restricting views into the site. Because of this, I consider the planting proposals would considerably soften the impact of the new houses. In addition, the houses would be set in from the side boundaries and well away from the wooded rear boundary. This would allow for the retention of the existing trees together with enhancement tree and hedge planting along the flank and rear boundaries. I consider the houses would be well articulated and would incorporate a variety of design features including

Agenda Item 4.7

modest projecting bays with gabled roofs, modestly sized dormers and a variety of materials, which could be subject to condition.

- 92 In light of the above, I consider the proposed houses would sit comfortably within this extensive site, with sufficient space between and around the dwellings to ensure that the development does not appear cramped. Notwithstanding the scale and height of the houses, because of their set-back within the site and opportunity for landscaping, I do not consider the significant height and scale of the dwellings would appear so at odds as to seriously harm the established character of the area. Furthermore, both the landscaping proposed and that existing along the western and south-western boundaries would considerably screen the proposals from the open Green Belt land beyond, such that any visual impact would be very limited in my view.
- 93 With regard to the highway implications, the proposals have been examined in detail by the Highway Authority who have raised no objections to the proposals. The proposals have been amended to include a new pedestrian footpath link from the vehicular access into the site to the existing public footway immediately to the east in Farleycroft. I would note that the western pedestrian access has not omitted as it would provide access for refuse collection. I have confirmed with the Highway Authority that the amendments address their outstanding concerns and that when considered both on its own merits and in conjunction with the site opposite, the proposals would not have a significant impact on highway conditions. The access and parking and turning arrangements are considered acceptable.
- 94 In light of the above, subject to conditions, the proposals are considered acceptable in highway terms.
- 95 In the event that permission were to be granted for the proposals, I would anticipate conditions requiring details of materials, hard and soft landscaping, means of enclosure, retention of parking as well as those requested by the highway Authority relating to visibility splays, amongst others.
- 96 Bearing in mind the Green Belt constraints of the district, the fact that site is allocated for housing at a similar density, is considered to occupy a sustainable location close to the urban centre and the fact that there would be sufficient parking and amenity space for the housing, I consider the strong presumption in favour of sustainable development set out in the NPPF would outweigh any modest harm to the visual amenities and character of the adjacent Green Belt.
- 97 In light of the above it is my view that the proposals would have an acceptable visual impact on the character of the adjacent Green Belt and would be compatible with the local character which forms the context of the site. They would provide a mix of 3 and 4 bed houses and would be compatible with the existing pattern of housing in the area. I therefore consider the proposals comply with the policies set out above.

Impact on landscape/Area of Outstanding Natural Beauty

- 98 The site lies within the Kent Downs Area of Outstanding Natural Beauty. The relevant policy background has been summarised above.
- 99 Within the Sevenoaks Countryside Assessment, the site is identified as being within the Darent Valley - Westerham and Brasted Character Area. The general landscape character for the area is assessed as being in good condition, with a moderate degree of sensitivity. Landscape actions seek to conserve and reinforce distinctiveness including conserving the positive impact of the historic built form on the area: ensure that vernacular styles are interpreted for use in new building and that the existing building groups and their landscape setting are conserved.
- 100 The wider visual impact of application site is limited by its precise location. The southern and western boundaries are contained by dense, well established tree cover. Beyond the open field opposite, the boundary to the main road (B2024) is defined by a dense established tree line, as is the western boundary to this site. This landscaping provides a very significant screen when viewed from land well beyond the site to the north, west and south. In any event longer distance views from the north would clearly set the site in the context of the built form of Westerham Town. Thus the site is not widely visible in the landscape and views are restricted to close distance views immediately on approach from the adjacent roads. To the east the site is relatively open and it is thus set visually within the context of the adjacent housing. In my view the site is clearly set in the context of the built form of Westerham and indeed the external boundaries provide a clear visual break and a physical barrier from the wider open landscape beyond.
- 101 The AONB designation includes not only the application site and open landscape beyond, but also the built villages and towns within it, including Westerham Town in its entirety. The purpose of the AONB is not to prohibit development, but to preserve, enhance and reinforce its distinctiveness. I do not consider the immediate locality a remote or unsettled landscape and the development would represent a very small incremental extension to the town of Westerham.
- 102 In light of the above, whilst I have noted that the site acts as a “buffer” between the dense urban form of Westerham and the Green Belt/open countryside to the north, west and south-west of the site, because of the very limited wider visual impact I do not consider the proposals would visually erode the open character of the land to the north. I consider the proposals would be comfortably set within the context of the wider built form of Westerham and am satisfied that the proposals would help provide a distinct edge to the urban form which would serve to positively preserve this part of the AONB and enhance the open, rural and pastoral character of the landscape beyond.

Impact on residential amenity

- 103 Policy EN2 of the ADMP is particularly relevant when considering the impact on residential amenity. This thrust of this policy has been summarised above.
- 104 There are few properties that would be directly affected by the proposals. No.3 Croft Road has a flank elevation facing the site, but views would be partly screened by existing intervening trees and in any event the view would be a slightly oblique one.
- 105 Nos. 10 and 12 Croft Road are located directly opposite the eastern end of the site roughly opposite Plot 8 and Plot 9 houses. These properties would clearly have a direct view of the application site. However, the separation between these properties would be a minimum of 30m and separated by the intervening road and, as proposed, landscaping in the form of new hedge and tree planting. In the circumstances, notwithstanding the height of the proposed houses and the fact that nos.10 and 12 are set at a slightly lower level than the site, I do not consider the proposals would appear unduly overbearing or dominant or to result in significant loss of amenity to the occupiers of these properties.
- 106 To the rear is a dense tree belt, which screens many of the adjacent properties. The property most likely to be affected would be no.16 Marwell. However, having visited the site, this property is generally well screened from the application site. It is also set at a considerably higher ground level, such that it would look down onto the roofs of the proposed buildings and at a minimum distance of some 30m. Though there would be glimpses through the trees to the proposals, I consider the impact would be a relatively limited one.
- 107 In light of the above, I consider the proposals would have an acceptable relationship with the neighbouring properties and would not have an overbearing or unneighbourly impact or result in an unacceptable degree of overlooking or loss of privacy and to comply with policy EN2 of the ADMP.

Ecological/Tree implications

- 108 In summary, there is legislation which requires the Local Planning Authority to have regard to conserving biodiversity and to consider the potential ecological impacts of a proposed development and provide enhancement where possible. Policy SP11, which relates to biodiversity has been summarised above.
- 109 Various Ecological reports have been submitted following an initial Preliminary Ecological Appraisal, comprising a Reptile Survey and a Bat Survey.
- 110 The Reptile Survey found low populations of slow worms and grass snakes. Consequently, the report recommended finding a suitable receptor site to which the reptiles could be translocated. The Bat Survey found that 3 species of bats were using the site(s) (southern and northern site) for

commuting and foraging. Ecological mitigation and enhancement has been recommended and well as a control on lighting on the site.

- 111 Further discussions have taken place with KCC Ecology and further information submitted in the form of a detailed Bat Assessment of an adjacent Oak Tree. It is also proposed to provide reptile mitigation on a parcel of woodland which directly abuts the site to the south. This land, which is also owned by the Council, is also to be transferred to the applicant to provide for a suitable site for translocating reptiles. In the circumstances, I am satisfied that subject to implementation of the Reptile Mitigation Strategy, the land to the south would provide a suitable area for reptiles. Maintenance of this land can be controlled through the legal agreement.

- 112 With regard to the impact on trees, a detailed existing survey and tree protection plan has been submitted together with an indicative landscape proposals drawing. A detailed Tree Report accompanies the plans. This includes an arboricultural impact assessment and proposed mitigation measures and a method statement. The proposed landscaping works include some works to existing trees and also some removal of existing planting. However, this is generally to allow other existing trees to develop. Along the western frontage of the site it is also proposed to remove some modestly sized trees and hedging. However, to balance this new tree and hedge planting is proposed along the entire frontage of the application site, together with new shrub planting. New tree planting is also proposed within the main body of the site. The Council's Arboricultural Officer has examined the proposals and considers the tree protection and pruning details acceptable. Landscaping details can be controlled through the imposition of a suitable condition.

- 113 I am therefore satisfied that subject to suitable conditions, the proposals would preserve the ecological and Arboricultural interests of the area and provide suitable replacement (and new) planting to enhance that to be retained. In time, I consider the landscaping will soften the impact of the proposals and help assimilate them into the wider landscape.

Affordable Housing

- 114 Policy SP3 of the Core Strategy, which relates to the provision of affordable housing, has been summarised above.

- 115 On 28 November 2014 the Government issued a Written Ministerial Statement (WMS) that amended National Planning Practice Guidance (PPG) to restrict the circumstances where contributions for affordable housing should be sought. In summary, on sites within an Areas of Outstanding Natural Beauty, as this site is, proposals between 5 to 9 units would attract a financial contribution towards the off-site provision of affordable housing.

- 116 It is noteworthy that the WMS is a material consideration which post dates the Core Strategy and was confirmed by the Court of Appeal in 2015 and thus afforded weight. Since the development size meets the threshold introduced in the Written Ministerial Statement a strict adherence to the edicts of Policy SP3 requiring on site provision of affordable housing is

Agenda Item 4.7

unlikely to be substantiated at appeal. As such it is appropriate to seek a financial contribution equivalent of 20% affordable housing.

117 The offer of a contribution of £638,066.00 meets this requirement and a S106 legal agreement has been submitted to secure this provision.

118 I therefore consider the proposals to comply with the thrust of policy SP3 of the CS and current Government guidance.

CIL

119 The 9 residential units proposed would be liable for the Community Infrastructure Levy.

Other matters

120 Paragraph 120 of the NPPF explains that due regard must be given to the risks of pollution on health and the natural environment or general amenity and the potential sensitivity of the area or proposed development to adverse effects from pollution should be taken into account. Where a site is affected by contamination...responsibility for securing a safe development rests with the developer and/or landowner.

121 Policy SP2, which relates to sustainable construction of the CS and policy EN7 (noise) has been summarised above.

122 Notwithstanding the fact that the site does not fall to be considered by the Sustainable Drainage Officer, a drainage strategy has been provided as part of the proposals. This advises that surface water shall be disposed of by means of sustainable urban drainage systems (SUDS) prior to occupation of the dwellings. It is proposed that the new driveway and parking areas shall be designed as semi-permeable pavements with run-off to a large soakaway and also an attenuation tank. The design accounts for a 1 in 100 year + 30% annual probability storm event, allowing for climate change. Account has been taken of the Zone 3 Groundwater Source Protection designation. I am satisfied that the drainage proposals would represent a sustainable form of development.

123 A Desk Study and Site Assessment Report has been submitted. This concludes that there is no evidence of contamination and no remediation is necessary. There are no planning records to indicate that the site has ever been developed and appears to have remained open since the Council's records began and I consider it highly unlikely that the site would be contaminated.

124 A Noise Impact Assessment has also submitted. This has identified the roads immediately adjacent to the site as the key noise sources that would impact upon the amenities of occupiers of the proposals. The assessment concludes recommends that alternative ventilation should be provided for certain habitable rooms with a line of sight of Croft Road as an alternative to opening windows in order to provide fresh air flow and background ventilation. With mitigation in place, the No Observable Adverse Effect Level would be achieved for all external and internal areas that would

adversely impact occupiers of the development. This can be achieved by utilising a through-frame window mounted trickle vent or through wall trickle ventilator. In my view, the likely impact of road noise would be limited and readily addressed by the relatively modest measures proposed. This would ensure that the amenity of potential occupiers would be satisfactorily protected.

Conclusion:

- 125 In terms of planning policy, the application site is located within the built confines of Westerham. It is allocated for housing in the Allocations and Development Management Plan. It is therefore considered a suitable and sustainable location for housing development in principle. Notwithstanding the layout or design of the scheme, the 9 houses proposed would be set within a large plot. Consequently, the density of development is comparable with that of the locality. However, in determining whether the present proposals are acceptable, they must also be assessed in terms of the impact on the character of the area. This will largely be dependent on their layout, scale and design and associated landscaping.
- 126 In this regard, there is no question, in my view, that the proposed houses are of considerable scale. The siting and layout on site is partly constrained by the desire to retain existing established landscaping which forms a dense visual boundary especially to the west and south. This strongly contributes to the character of the locality and for that reason I consider the retention of the majority of the existing landscaping to be important. Despite the 2½ - 3 storey appearance of the front elevation to these houses, they would be set some 15-16m back from the road frontage. This would help reduce their dominance within the street scene and would allow sufficient space for enhancement screening, including trees and a new hedgerow, which in my view would considerably soften the appearance of the houses. There would be sufficient gaps between the houses and sufficient variety and articulation within their design (and slight variation in building line) to ensure, in my view, that the development would not appear cramped or unduly overbearing within the street scene. Though clearly larger than the houses opposite in Croft Road, they would not be dissimilar to development within Farleycroft and Marwell to the rear. In the circumstances, I do not consider the scale and appearance of the proposals would appear so significantly at odds with the character of the area as to be incompatible. In reaching this conclusion, I have also borne in mind the relatively limited visual impact on the amenities and wider character of the adjacent Green Belt, from which (apart from the woodland which abuts the site) the site would remain very well screened.
- 127 The site is also within the AONB. However, as explained above, the site is very well contained by established foliage, such that there would be only a very limited impact outside the immediate context of the site. This is especially the case when viewed from a distance from the open land to the north and west, from which vantage points the site would be clearly set within the built context of Westerham Town Centre (viewed from the south

Agenda Item 4.7

the side would be below the level of houses within Marwell). The proposals would help reinforce the edge of the built confines, whilst retaining the foliated borders which act as a physical buffer to the open land beyond. In this way I consider the proposals would protect and enhance the character of this particular part of the AONB.

- 128 The proposals would have an acceptable relationship with neighbouring houses and because of the physical separation would not appear unduly overbearing or result in loss of light, overshadowing or overlooking. No objections are raised in highway terms to the proposals which are considered to have an acceptable impact on the locality whilst providing acceptable on site parking which meets the required standards. Subject to conditions, the impact on the ecology of the site and trees is also considered acceptable. The proposals would provide the necessary affordable housing contribution as required by policy. The site is considered to be well located, close to the town centre and public transport.
- 129 In light of the above, I consider there to be no substantive material planning objections to warrant refusal of the proposals.
- 130 Bearing in mind the presumption in favour of sustainable development and the need to maximise the potential of urban sites to protect the wider Green Belt. It is my conclusion that, subject to condition, the proposals represent an acceptable form of development.

Recommendation: Grant

Background Papers

Site and Block Plans

Contact Officer(s): Mr J Sperryn Extension: 7179

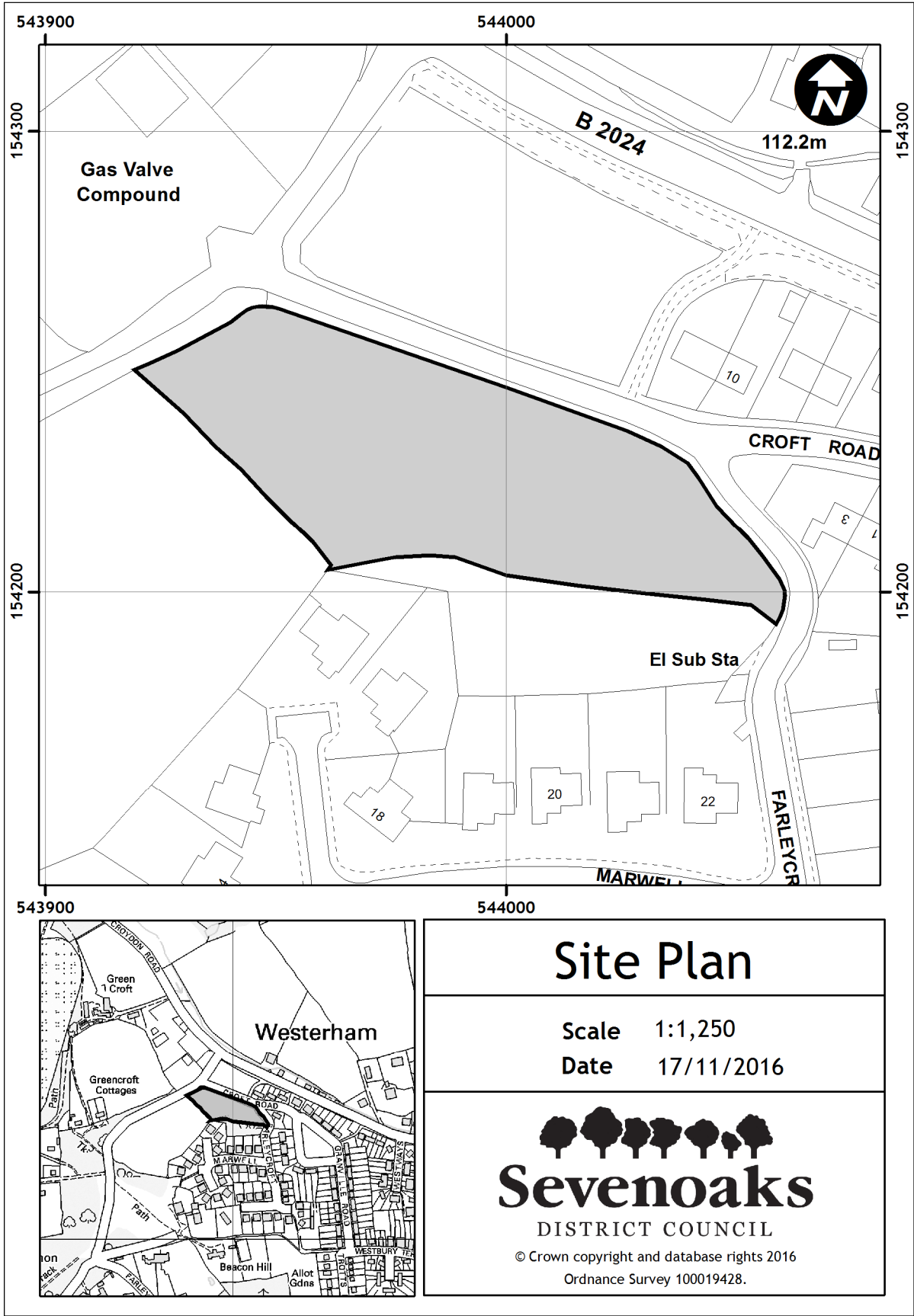
Richard Morris
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OABB84BKJ7600>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OABB84BKJ7600>



Block Plan



Planning Application Information on Public Access - for applications coming to

DC Committee on Thursday 8 December 2016

Item 4.1 SE/16/02001/HOUSE Fleetwith, 51A Mount Harry Road, Sevenoaks TN13 3JN

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=09JJ7ZBKGRG00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=09JJ7ZBKGRG00>

Item 4.2 SE/16/02830/FUL Land Adjacent to Tubs Hill House, London Road, Sevenoaks TN13 1BL

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=ODJGPSBK0L000>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ODJGPSBK0L000>

Item 4.3 SE/16/02931/FUL Land South of 162 Hever Avenue, West Kingsdown TN15 6DU

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OE4CJUBKM3F00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OE4CJUBKM3F00>

Item 4.4 SE/16/02659/HOUSE Forge House, Charcott , Leigh, Kent TN11 8LG

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OCIXXJBKJK400>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OCIXXJBKJK400>

Agenda Item

Item 4.5 SE/16/02861/HOUSE Berrys Maple Cottage, Peas Hill, Ash

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=ODR580BK0LO00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ODR580BK0LO00>

Item 4.6 SE/16/02010/FUL Field North of Junction with Farley Lane, Croft Road, Westerham

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O9LDVOBKGN00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=O9LDVOBKGN00>

Item 4.7 SE/16/02196/FUL Field South East of Junction with Farley Lane, Croft Road, Westerham

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OABB84BKJ7600>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OABB84BKJ7600>