

23 February 2017 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

Despatched: 15.02.17



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 - 10)
To approve the minutes of the meeting of the Committee held on 26 January 2017 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/16/00981/OUT - Land South West Of 2 Uplands Close, Riverhead TN13 3BP	(Pages 11 - 26)
Outline application for the erection of a detached four bedroom dwelling, new access and off street parking with some matters reserved.	
4.2 SE/16/02714/FUL - Blacklambs Field, Bunkers Hill Road, Ash, Kent	(Pages 27 - 50)
Change of use from agriculture to class B8 use (storage or distribution) with associated parking. As amplified by additional information received 07.12.16.	
4.3 SE/16/03394/HOUSE - 20 Sandilands, Sevenoaks TN13 2SP	(Pages 51 - 60)
Side and rear extension and loft conversion.	

5. Tree Preservations Orders

5.1 Objection to TPO 9/2016: Located at Russell House School, Station Road, Otford TN14 5QU (Pages 61 - 68)

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, 20 February 2017.

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

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

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

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 26 January 2017 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Thornton (Vice Chairman)

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

Apologies for absence were received from Cllrs. Barnes, Cooke and Reay

Cllrs. Dr. Canet and Grint were also present.

63. Minutes

Resolved: That the minutes of the Development Control Committee held on 5 January 2017 be approved and signed by the Chairman as a correct record.

64. Declarations of Interest or Predetermination

There were none.

65. Declarations of Lobbying

Councillors Bosley, Clark, Edwards-Winsor, Mrs. Hunter, Kitchener, Layland, Purves and Williamson declared that they had been lobbied in respect of Minute 66-SE/16/03186/FUL - Watercrofts Wood, Old London Road, Badgers Mount, Kent.

Reserved Planning Applications

The Committee considered the following planning applications:

66. SE/16/03186/FUL - Watercrofts Wood, Old London Road, Badgers Mount, Kent

The proposal sought permission for a chapel, maintenance store, access, car parking and associated landscaping. The application had been referred to the Committee by Councillor Grint on the grounds that the proposals are considered to have a greater impact on the openness of the Green Belt than the approved scheme.

Members' attention was brought to the main agenda papers and the late observation sheet, which did not amend the recommendation. Members were advised that for completeness the Council had also notified Badgers Mount Parish Council and their response sought landscaping enhancements. The Committee was addressed by the following speakers:

Against the Application: -
For the Application: Emma Gregson
Parish Representative: Parish Councillor Karen Grovsenor
Local Member: Councillor Grint.

Members asked questions of clarification from the speakers and the Officers.

It was moved by the Chairman and duly seconded that the recommendations in the report to grant planning permission, be agreed.

Members discussed the reduction of the roof height, hardstanding and the number of trees that would be removed in comparison to the previously granted planning permission and whether there would be a detrimental impact to the green belt. It was noted that there would be a grass roof and condition 3 specified that the details of the materials needed to be submitted and agreed by the Council. Members discussed the proposed location of the car park and noted that it was further away from the woodland.

The motion to grant planning permission was put to the vote and it 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 permission hereby granted shall only be exercised in conjunction with the permission for use of the land as a cemetery in accordance with SE/93/01575/FUL as amplified by SE/08/02894/LDCEX.

This permission is granted specifically in relation to the special circumstances surrounding the use of the site in this Green Belt location as supported by Government advice in the form of the National Planning Policy Framework.

- 3) No development shall be carried out on the land until full details of the materials, including the colour of any render finish, type of stone and any timber boarding, to be used in the construction of the external surface of the chapel hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials. The maintenance building shall not be constructed other than in accordance with the details indicated on drawing 3917_PL_07.

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) 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 55139-05 shall be undertaken in accordance with the details set out in the Landscape Planning Ltd. Arboricultural Assessment Report. 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.

- 5) Notwithstanding any indication on the drawings to the contrary, no trees in the vicinity of the northern car park as omitted from the proposals as approved (specifically T6, T7, TG13 and TG10) shall be removed without the prior approval in writing of the Council. Furthermore, 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 55139-05 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 supported by EN1 of the Sevenoaks Allocations and Development Management Plan.

- 6) No development shall commence until a landscaping scheme for the site based on the indicative landscaping proposals illustrated on drawing 3917_PL01 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; c) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, steps and if applicable synthetic surfaces; and d) any other landscaping feature(s) forming part of the scheme. e) incorporation of ecological enhancements as recommended in the Landscape Planning Ltd. Preliminary Ecological Appraisal. 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 and the ecological interests of the site as supported by EN1 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.

- 7) No development shall take place until details of a precautionary mitigation methodology regarding the impact on dormice and any timescale for implementation as necessary has been submitted to the District Planning Authority for approval in writing. Any necessary mitigation shall be undertaken in accordance with the approved details within the agreed timescale.

In the interests of the impact on protected species as supported by Government advice in the form of the National Planning Policy Framework, 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) No development shall take place until an updated badger survey has been undertaken and any potential impact from the proposals considered. Details of the results of the survey and any proposed mitigation and timetable for implementation as necessary shall be submitted to the District Planning Authority for approval in writing. Any

necessary mitigation shall be undertaken in accordance with the approved details within the agreed timescale.

In the interests of the impact on protected species as supported by Government advice in the form of the National Planning Policy Framework, 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.

- 9) No development shall take place until a "lighting design strategy for biodiversity" for the site has been submitted to and approved in writing by the local planning authority. The lighting strategy shall: a) Identify those areas/features on site that are particularly sensitive for badgers and bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory; b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory. No external lighting shall be installed on the building or within the site other than in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the approved details.

In the interests of the impact on protected species as supported by Government advice in the form of the National Planning Policy Framework, 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.

- 10) No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless in accordance with details which shall first have been submitted to and approved in writing by the District Planning Authority. Such details to include confirmation that no birds will be harmed and/or that there are protective measures in place to protect nesting birds.

In the interests of the ecology of the site as supported by Government advice in the form of the National Planning Policy Framework, 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.

- 11) Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of

Japanese knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme.

In the interests of the ecology of the site as supported by Government advice in the form of the National Planning Policy Framework, 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.

- 12) No development shall commence until a Construction Management Plan providing details of parking for construction operatives, parking, unloading and turning space for delivery vehicles has 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 convenient access and highway safety as supported by policies EN1 and T1 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) The 2.4m by 120m sightline indicated on drawing 3917_PL_04 shall be provided and maintained in accordance with the approved drawing and there shall at no time be any obstructions over 1m above the carriageway within the splays.

In the interests of convenient access and highway safety as supported by policies EN1 and T1 of the Allocations and Development Management Plan.

- 14) Prior to occupation of the development details of the size, design and materials of the bin storage to the rear of the maintenance shed shall be submitted to the District Planning Authority for approval in writing.

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

- 15) The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

In the interest of Security, Crime Prevention and Community Safety as supported by the National Planning Policy Framework and 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.

- 16) For the avoidance of doubt the information to which this decision relates is as follows: Willow Planning Ltd. Planning Statement, DHA Architects Design and Access Statement, Landscape Planning Ltd. Preliminary Ecological Assessment and Arboricultural Assessment both dated September 2016 and Reptile Precautionary Method Statement dated November 2016 and drawing nos.: 3917_PL01J, 02N, 03, 04, 06J and 07D.

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.

(Cllr. Stack abstained from voting.)

67. SE/16/03310/HOUSE - St Thomas, Old London Road, Knockholt TN14 7LU

The proposal sought planning permission for the demolition of garage and erection of a first floor rear extension. Alterations to front fenestration. Demolish part of

the single storey lobby. The application had been referred to the Committee by Councillor Grint as the percentage increase was way above the 50% increase allowed in the Green Belt.

The Committee was addressed by the following speaker:

Against the Application: -
For the Application: -
Parish Representative: -
Local Member: Cllr. Grint

Members asked questions of clarification from the Officer. The Case Officer advised that in regards to the very special circumstances these amounted to the loss of the size of the footprint and the view on the street scene.

The Chairman moved and it was duly seconded that the recommendation in the agenda be agreed.

Members discussed the appearance and the perceived bulk of the development. Although the development was already over the guidance of 50% the impact would be less.

The motion was put to the vote and it 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 materials to be used in the construction of the development shall be those indicated on the approved application form.

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

- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement, improvement or other alteration permitted by Class A, B, C, D, and E of Part 1 of Schedule 2 of the 2015 Order (as amended), shall be carried out or made to the dwelling without the grant of a further planning permission by the local planning authority.

To prevent inappropriate development in the Green Belt as supported by GB1 of the Sevenoaks Allocations and Development Management Plan.

- 4) Prior to the commencement of development all outbuildings, including the rear half of the lobby and garage as detailed on drawing 2016/104, within the curtilage of the dwelling house shall be demolished, and all resultant materials shall be removed from the land.

To prevent inappropriate development in the Green Belt as supported by GB1 of the Sevenoaks Allocations and Development Management Plan.

- 5) The development hereby permitted shall be carried out in accordance with the following approved plans: 2016/104, Existing Garage, Side Elevations date stamped 28/10/2016.

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

THE MEETING WAS CONCLUDED AT 8.25 PM

CHAIRMAN

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4.1 - SE/16/00981/OUT Revised expiry date 5 August 2016

PROPOSAL: Outline application for the erection of a detached four bedroom dwelling, new access and off street parking with some matters reserved.

LOCATION: Land South West Of 2 Uplands Close, Riverhead
TN13 3BP

WARD(S): Dunton Green & Riverhead

ITEM FOR DECISION

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

- visibility (KCC have historically not maintained the land and disputes over ownership of land)
- danger related to the speed of vehicles travelling on London Road

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

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

No such details have been submitted.

2) The development to which this permission relates must be begun before: -
The expiration of three years from the date of this permission; or -The expiration of two years from the final approval of the reserved matters whichever is the later.

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

3) Application for approval of the reserved matters shall be made to the District Planning Authority before the expiration of three years from the date of this permission.

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

4) No development shall be carried out on the land until details of the materials to be used in the construction of the external surfaces of the 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.

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

To preserve 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 preserve 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.

7) No development shall be carried out on the land until details regarding cycle parking at the site have been submitted to and approved in writing by the Council. The parking spaces shall be provided prior to the occupation of the site and shall be retained permanently.

To ensure a permanent retention of cycle parking for the property as supported by Policy T2 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

8) No development shall take place until the visibility splays shown on plan 15/0614/SK02A have been provided with no obstructions over 0.9 metres above the carriageway level within the splays, prior to the use of the site commencing. The visibility splays shall be maintained as such thereafter.

In the interests of highway safety as supported by the NPPF and 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.

9) No development shall commence until A 2.0 metre x 2.0 metre pedestrian visibility splay behind the footway on both sides of the access has been provided with no obstructions over 0.6m above footway level. The visibility splay shall be maintained as such thereafter.

In the interests of highway safety as supported by the NPPF and 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.

10) No development shall take place until a construction method statement, including details and plans showing locations of temporary on-site parking of vehicles, loading and unloading of materials, storage of plant and materials, wheel washing facilities and traffic management have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved method statement.

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

11) The layout of the development shall be as shown on the approved plan 4221-PD-01, rev B

To accord with the terms of the application and to ensure a satisfactory appearance to the development, in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

12) The scale of the development shall be as shown on the proposed plans 4221-PD-01, Rev B

To accord with the terms of the application and to ensure a satisfactory appearance to the development, in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

13) The access to the development shall be as shown on the approved plan 4221-PD-01, rev B

In the interests of highway safety as supported by the NPPF and 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.

14) The details submitted for reserved matters and pursuant to condition 1 shall include details of existing and proposed land levels and sections through the site. No development shall take place other than in accordance with the approved details.

To preserve 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.

15) The development hereby permitted shall be carried out in accordance with the following approved plans: 4221-PD-01RevB and 15/0614/TK02

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

Informatives

1) 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).

2) Prior approval from Thames Water Developer Services is required if the developer proposes to discharge into a public sewer. Thames Water Developer Services can be contacted on 0800 009 3921

Note to Applicant

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

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

In this instance the applicant/agent:

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

Description of Proposal

- 1 *‘Outline application for the erection of a detached four bedroom dwelling, new access and off street parking with some matters reserved’.*
- 2 The proposal seeks outline permission to erect a detached four bedroom dwelling with a new access and off street parking. The application seeks approval for the access, layout and scale of the proposal with the appearance and landscaping reserved matters for future consideration, although a suggested appearance has been submitted.
- 3 The access to the site would be provided directly onto London Road to the south, set centrally in the entrance to the site, the access point would be 3.5 metres wide.
- 4 In terms of scale, the proposed dwelling would be 9.5 metres high at the front by 12.3 m metres wide and 10.8 metres deep. Due to the land level changes on the site the dwelling would appear smaller when viewed from the rear measuring approximately 7.3 metres high above ground level.
- 5 With regard to the layout of the site, the proposed dwelling would be set fairly centrally on the plot, positioned 13 metres to the north of the road, between 9 and 11 metres from the rear boundary of the site, 1.4 metres from the western side boundary and 2.6 metres from the eastern boundary.

Description of Site

- 6 The application site consists of a parcel of land to the southwest of number 2 Uplands Way, bordered by numbers 1 and 2 Uplands Close and number 6 Uplands Way. The land is uneven; sloping steeply upwards towards the north west away from the road and sloping downwards towards the east and the properties along Uplands Close. The site was previously heavily vegetated but this has recently been cut back leaving a fairly open plot of land, the site lies within the built confines of Riverhead and is not within any areas of constraint that are relevant to the application.

Constraints

- 7 None relevant

Policies

Allocations and Development Management (ADMP):

- 8 Policies - SC1, EN1, EN2 and T2

Core Strategy (CS):

- 9 Policies - SP1, SP8, LO1 and LO2

Other:

- 10 National Planning Policy Framework (NPPF)

Agenda Item 4.1

11 Sevenoaks Residential Character Area Assessment SPD

Planning History

- 12 SE/89/00227/HIST - House and Access Road. Outline - Refused, Appeal Dismissed, 26.04.1990

Consultations

Riverhead Parish Council -

- 13 *1st Consultation -*

Object for the following reasons:

- 1. Access visibility should be 90m as it is on to an A road.*
- 2. Blocking a pavement next to a bus stop which is used by children*
- 3. Over development of site. Building is too high and large*
- 4. Due to scaling of drawing inadequate turning circle.*

- 14 *2nd Consultation-*

Object - The Kent Highways boundary appears to be in dispute. Therefore we cannot comment at this time, we have a lack of information.

KCC Highways -

- 15 KCC Highways were initially consulted on the proposal and informally replied with a number of concerns regarding the scheme, these concerns were relayed to the applicant who attempted to address them and submitted further information including a speed survey, KCC Highways were then re-consulted on the scheme and had the following comments:

I refer to my previous comments dated 2nd June 2016 and the Amended Highway Statement dated 18th July 2016.

The traffic speed survey submitted indicates that the 85th percentile speed in both directions on the A24 London Road is in the order of 30mph. In accordance with IGN2 - Visibility standards the achievable visibility sight lines of approximately 45 metres in both directions as shown on drawing ref. 15/0614/SK02A are acceptable as they comply with the relevant standard. I accept the vehicles travelling to the west are unlikely to travel on the opposite carriageway due to the traffic island and therefore the visibility splay being measured to the centre line is acceptable. I would point out that for an access to a single property would normally require a set-back ("x" distance) distance of 2.0m rather than the 2.4m shown. I would recommend that a Condition be applied to any consent granted requiring the sight lines shown on that drawing to be provided and subsequently maintained prior to first occupation.

In respect of the turning movements shown on drawing 15/0614/TK01, I note that both the parked cars and the tracking movement for parking are indicated as a "medium car". No dimensions are given as to the size of the

car but I would normally expect to see the template size of a large car e.g. Volvo estate or large SUV to be used as these are now in common usage. It would appear from the drawing that some adjustment to the parking space positions is possible to accommodate this although it may result in some loss of soft landscaping. Provided this can be achieved and a Condition applied to ensure these parking spaces are always available for that purpose I would find it acceptable in highway terms.

I would therefore not raise an objection on highway grounds to this proposal provided my above comments are covered adequately.

Please advise the applicant that they will require separate consent from KCC Highways for the construction of the vehicle crossing within the highway.

- 16 Following this response the applicant submitted further details which KCC Highways were then re-consulted on again. KCC offered the following comments to this additional consultation:

Further to my previous comments dated 11th August 2016, I now consider that the applicant has demonstrated that there is sufficient space for a large car to turn within the curtilage so that it can enter and exit in forward gear with cars occupying the parking spaces. I can therefore confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

1 Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.

2 Provision and maintenance of the visibility splays shown on Plan Ref 15/0614/SK02A with no obstructions over 0.9 metres above carriageway level within the splays, prior to the use of the site commencing.

3 Provision and maintenance of 2.0 metres x 2.0 metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.

4 Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.

5 Provision of parking facilities within the site curtilage for site personnel and visitors prior to commencement of work on site and for the duration of construction.

Please advise the applicant that they will require separate consent from KCC Highways for the construction of the vehicular crossing within the highway.

Thames Water

17 *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.

18 *Water Comments*

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

South East Water -

19 No response received

Representations

20 Seven letters of objection have been received regarding the proposed development, although many of these have been submitted several times. The main concerns expressed are highway concerns with all 7 letters highlighting concerns regarding the proposed access for various reasons including:

- The access is not suitable and cannot provide the required visibility splay
- Although the speed limit is 30mph vehicles often exceed this and so the highways consultant should take account of this
- The curvature of the road makes it dangerous for vehicles to exit the site
- The access in place is only a secondary access and is not used regularly
- Gates could potentially be installed which would cause further access issues
- A similar proposal was dismissed in 1990 on the grounds of highways safety

- The turning circle and driveway are not large enough to accommodate a large car or delivery van.
- 21 Other concerns raised include that the proposal constitutes overdevelopment of the site, the proposal would overlook numbers 1 to 3 Uplands Close, there would be disruption during construction and the proposal would result in the pruning of vegetation to the rear which screens the neighbouring properties from view.
- 22 A concern has also been raised regarding the ownership of the land either side of the site in which the visibility splays run.

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 upon the street scene
 - The impact of the proposed development on neighbouring amenity
 - The proposed access

- 14 Of particular relevance to this application is the following guidance:

Presumption in favour of sustainable development

- 15 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.)
- 16 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.

Principle of development

- 17 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, as it 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 later on in this report.
- 18 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,*

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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.

- 19 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.
- 20 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. Consequently I consider the principle of development on the site to be acceptable.

Design and Impact on the Street Scene

- 21 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.
- 22 The site lies within an Area Identified in the Sevenoaks Residential Character Area Assessment as Uplands Close; this area contains the formal semi-detached dwellings situated along Uplands Close. Although situated just within this character area the proposed development has a more significant relationship to the area immediately adjacent to the site which is identified in the assessment as the Montreal Park Character Area. The advice provided for each area is broadly consistent and comments that the harmonious palette of materials should be retained, characteristic designs and rooflines should be maintained, traditional detailing should be maintained and mature trees and hedged boundaries which contribute to the character of the area should be retained.
- 23 Although the final design and appearance of the proposed dwelling are not being assessed at this stage it is still necessary to appraise the details that are being assessed which include the access, layout and scale against their impact upon the street scene and the character of the area.
- 24 The proposed dwelling would front onto London Road, there are currently no other properties in the immediate vicinity which front onto London Road and so there is no existing building line with which the proposed development would need to accord. The proposed dwelling has however been set back from the road by 13 metres, this is a considerable amount and would be similar to the ten metres set back from the road of the side elevation of number 2a Uplands Way which is situated to the west of the

site. As such I consider the location of the proposed dwelling in relation to the road to be acceptable.

- 25 The proposed dwelling would retain a gap of over 1 metre to each side boundary and would retain a suitable space to both the front and rear boundaries to ensure that the development does not appear cramped on site. Although the site is smaller than many of the surrounding plots it would not be dissimilar in size to some of the smaller plots in the area and therefore it would not appear uncharacteristically small when viewed in the surrounding context.
- 26 In terms of the scale of the proposed dwelling, although it would be tall at 9.5 metres to the ridge the dwelling would be seen against the backdrop of steeply rising land and the surrounding properties which are set higher up on the hill. This has the effect that the proposed dwelling would still appear lower than the surrounding dwellings when viewed from the road and towards the rear and therefore would not be overly prominent or large on the site. The proposed dwelling would have a larger footprint than the dwellings along Uplands Close to the north east of the site but would be of a similar footprint to the properties fronting Uplands Way. Therefore when seen in the context of the surrounding dwellings I considered that the proposed unit in terms of its scale and footprint would appear in keeping with the area and would be of an appropriate scale.
- 27 In summary I consider the layout and scale of the proposed dwelling to be in keeping with the character and appearance of the area and therefore to be in accordance with the NPPF, Policy EN1 of the ADMP and the Sevenoaks Residential Character Area Assessment.

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 As the proposal only seeks permission for the proposed access, layout and scale of the dwelling the impact upon neighbouring privacy cannot be assessed as it is not yet known where the proposed windows will be located. However appropriate conditions relating to obscure glazing can be imposed on any future application for reserved matters.
- 30 As the scale and layout of the proposed dwellings has been submitted it is possible to assess whether there would be any loss of light or outlook to neighbouring properties resulting from the proposal.
- 31 The proposed unit would be situated 19 metres from the closest neighbouring dwelling, number 1 uplands Close to the north east and 27 metres away from the next closest dwellings, number 2 Uplands Way to the north east and number 4 Uplands Close to the north west. Given the separation distances involved and the fact that the land slopes upwards steeply in a northerly direction with the effect that the properties surrounding the site are situated higher up I do not consider there is likely

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to be any loss of light or outlook to the surrounding properties resulting from the proposed development.

- 32 It is also important for the proposed development to ensure a good standard of amenity for the future occupants. The layout proposed retains a good amount of amenity space surrounding the property including a modest rear garden; this would ensure that there is enough amenity space around the proposed dwelling to ensure a high standard of amenity for the future occupants.
- 33 Consequently I am satisfied that the scale and layout proposed would not have an unacceptable impact upon the amenity of the surrounding residents and would ensure a sufficient level of amenity for any future occupants. The proposed development is therefore considered to be in accordance with the NPPF and policy EN2 of the ADMP.

Access, Highways and Parking

- 34 The proposal also seeks approval of the proposed access. The proposed access would be to the south of the site directly onto London Road. As the access would be onto a classified road with a very limited number of existing private access points Kent County Council's (KCC) Highways officer was consulted on the proposal. The highways officer expressed initial concerns which were fed back to the applicant and addressed through a number of amendments to the submitted highway statement. A traffic speed survey was also taken outside of the site to obtain accurate information regarding the speed of traffic passing the site as KCC's highways officer expressed concerns about the assumed speed of traffic in the original report.
- 35 KCC's highways officer was again consulted on the proposed development and raised on final concern regarding the ability of a large car to turn around on the site and exit in first gear, the submitted plans were revised and a new turning layout proposed. KCC's highways officer was consulted on the proposed scheme for a final time and commented that that subject to the imposition of conditions covering a number of issues KCC highways would not object to the proposed development.
- 36 The conditions requested will be attached to any permission granted and would cover;
- Provision of cycle parking facilities
 - Provision and maintenance of the visibility splays shown
 - Provision and maintenance of pedestrian visibility splays
 - Provision of construction vehicle loading and unloading bays and turning facilities
 - Provision within the curtilage of the site for sit personnel and visitor parking during construction
- 37 In light of the advice from KCC's highways officer I am satisfied that the proposed access is acceptable and would not be detrimental to highway safety.

- 38 In accordance with policy T2 of the ADMP and Appendix 2 of the ADMP, in this particular location for a dwelling of this size 2 independently accessible parking spaces would be required. The proposed site plan shows sufficient space to park two large cars off of the road while retaining space on the site to turn a car. Consequently the proposed parking arrangements are considered to be in accordance with policy T2 of the ADMP and are acceptable.

Trees and Landscaping

- 39 No trees covered by a TPO are located within the vicinity of the site. Although some vegetation to the front of the site would need to be removed to facilitate the development as landscaping is a reserved matter these details cannot be assessed at this stage. I am however satisfied that the proposed layout would allow for sufficient landscaping so as to integrate the development into the site without having a detrimental affect upon the character and appearance of the area.

Water

- 40 Thames Water and South East Water have both been consulted to seek their views on the proposed drainage and water supply. South East Water have not responded to the consultation. Thames water have responded and have advised that they have no objection to the proposed development in terms of the sewerage infrastructure capacity. Given that Thames Water are satisfied with the waste arrangement I am satisfied that the proposal is acceptable in terms of waste.
- 41 Thames Water has also advised that where a developer proposed to discharge into a public sewer prior approval from Thames Water is required. As such an informative advising of the need for prior approval will be attached to the decision.
- 42 Regarding water supply Thames Water have advised that the area is covered by the Affinity Water Company. The Affinity Water Company have not been consulted on the proposed development however 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.

Neighbour representations

- 43 A number of concerns have been raised with the proposal by neighbouring residents, many of these concerns regarding the proposed access have been found acceptable by KCC's highway officer and have already been addressed earlier in this report, however some are still outstanding and will be addressed here.
- 44 One objection cited a permission which was previously refused on highways grounds in 1990 and suggested that this application should also be refused for the same reason. Since 1990 highways safety standards, regulations and policy has changed to the extent that the proposed development of the site

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would accord with KCC's highways guidance and therefore the previous refusal is only of historic relevance to this application.

- 45 Another objection regards land ownership and the visibility splays provided in the highways statement. The applicants have filled out the ownership certificate correctly and notified KCC of the proposed access. I am satisfied that KCC and the applicant are the only owners of land within the site.
- 46 Any boundary dispute is not a matter that can be considered as part of an application as it is a civil matter and not a planning concern.

CIL

- 47 The proposal is not CIL liable at this stage as it is an outline application. It would become CIL liable once the reserve matters have been approved.

Conclusion

- 48 I consider for the reasons detailed above that scale, layout and access of the proposed development would be in keeping with the character and appearance of the area, would preserve neighbouring amenity and would not be detrimental to highways safety. Consequently the proposal is in accordance with the development plan and therefore the officer's recommendation is to grant outline planning permission.

Contact Officer(s): Paul Dadswell Extension: 7463

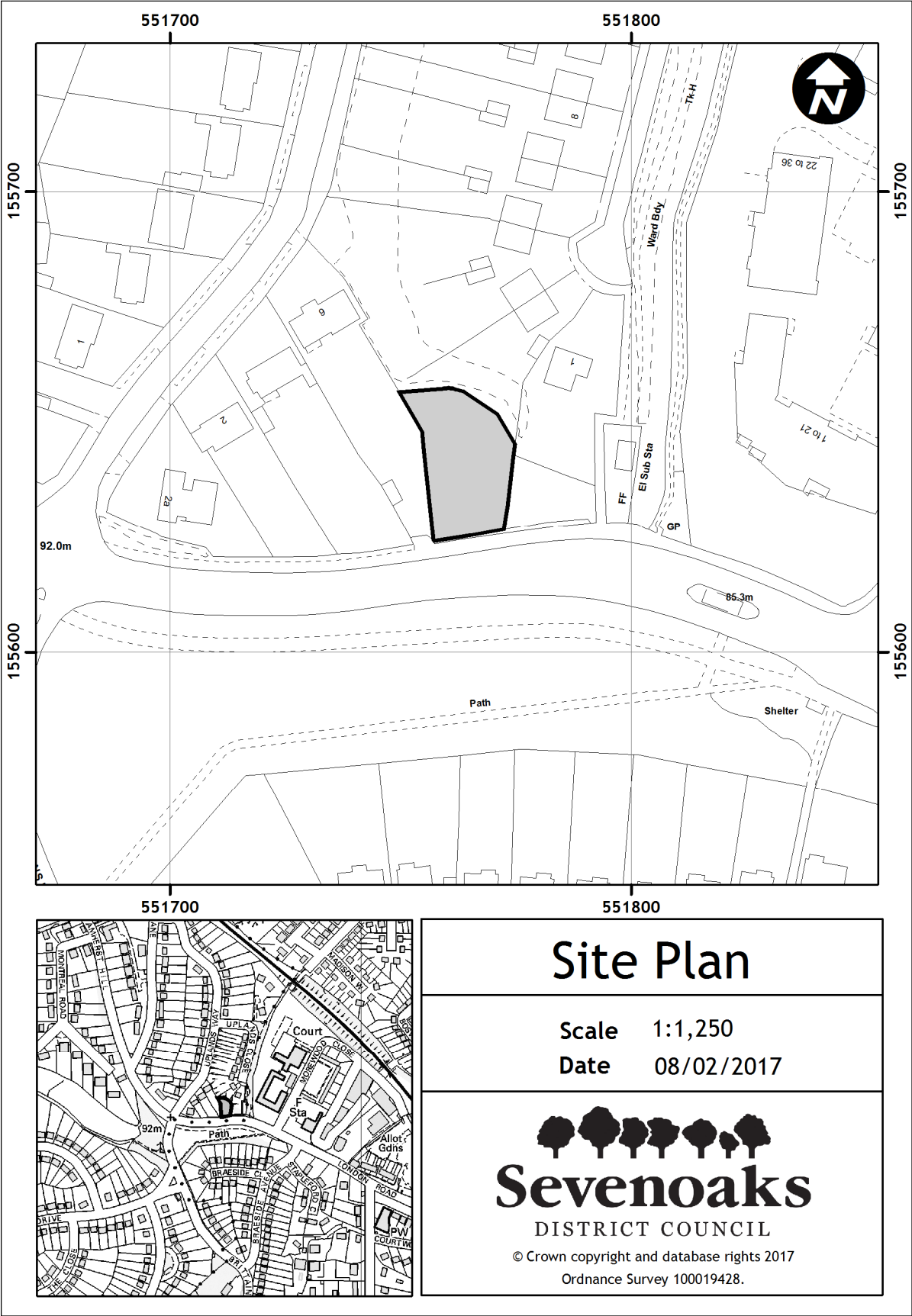
Richard Morris
Chief Planning Officer

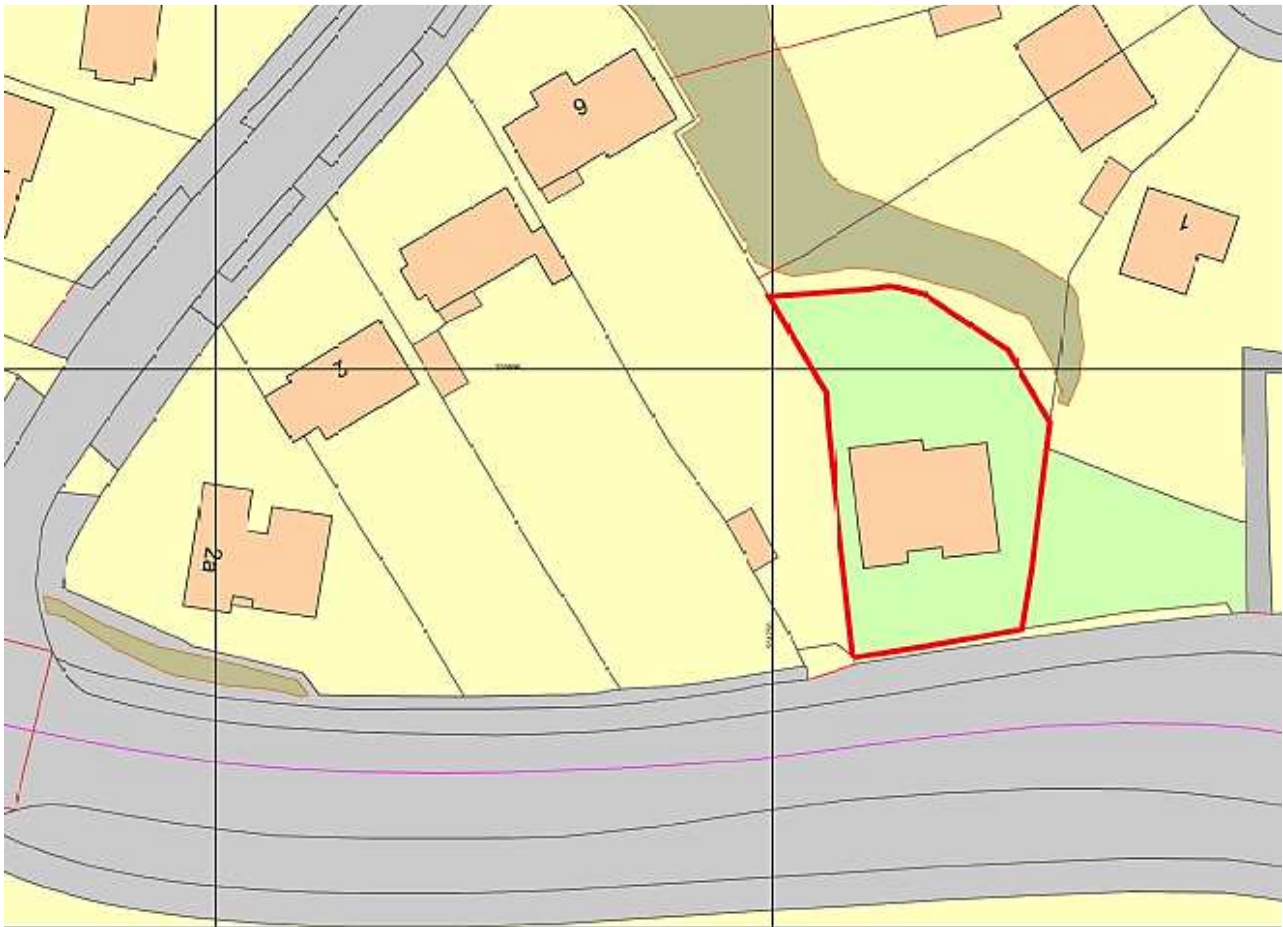
Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O4YPXWBKJ7400>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=O4YPXWBKJ7400>





4.2 - SE/16/02714/FUL

Revised expiry date 27 January 2017

PROPOSAL: Change of use from agriculture to class B8 use (storage or distribution) with associated parking. As amplified by additional information received 07.12.16.

LOCATION: Blacklambs Field, Bunkers Hill Road, Ash, Kent

WARD(S): Hartley & Hodsoll Street

ITEM FOR DECISION

The application has been referred to Development Control Committee by Councillor Gaywood to discuss the Green Belt implications and possible overdevelopment within the Green Belt.

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

1) The permission hereby granted shall ensure only for the benefit of Mr L Smith trading as Luxury Lawns and only for such period of time as they may be on the premises. The benefit shall not ensure for the benefit of the land nor any other person.

In order than any other proposal for the use of the building is the subject of a separate application to be determined on its merits, having regard to impact on highway conditions as supported by T1 of the Sevenoaks Allocations and Development Management Plan.

2) The parking spaces shown on the approved 1320/9 shall be provided and 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 parking spaces.

To ensure a permanent retention of vehicle parking for the property as supported by Policy T2 of the Sevenoaks Allocations and Development Management Plan.

3) Other than for the single skip bin for containing rubbish from the use of the site hereby approved, no part of the land shall be used for open storage or for the display of goods and products.

To prevent inappropriate development within the Green Belt and to safeguard the appearance of the area as supported by Government advice in the form of the National Planning Policy Framework and EN1 of the Allocations and Development Management Plan.

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no extensions shall be made, nor external alterations carried out to the application building.

To prevent inappropriate development within the Green Belt and to safeguard the appearance of the area as supported by Government advice in the form of the National Planning Policy Framework and policies EN1 and GB7 of the Allocations and Development Management Plan.

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no change of use shall be made to the application building.

In order that any other proposals for the use of the building is subject of a separate application to be determined on its merits, having regard to the impact on the Green Belt, the appearance of the area and the highway implications as supported by Government advice in the form of the National Planning Policy Framework, policies SP1 of the Council's Core Strategy and policies EN1 and GB7 of the Allocations and Development Management Plan.

6) The development hereby permitted shall be carried out in accordance with the following approved plans: 2103/SK1, SK2, SK3, 1320/9 and 1320/8 received 2.9.2016.

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

Informatives

1) The applicant is advised that 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.

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

<p>may arise in the processing of their application,</p> <ul style="list-style-type: none"> • 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. <p>In this instance the applicant/agent:</p> <ol style="list-style-type: none"> 1) Was updated of small scale issues which arose during the process of the application and was given time to address it.

Description of Proposal

- 1 Change of use of existing building from a former agricultural barn to a class B8 use (storage or distribution) with associated parking. The barn has a floor area of some 200m². The use has already taken place and thus the application is retrospective. Internally an office, secure store area and a kitchen has been provided. The majority of the front half of the barn is open and at the time of my site visit, open in the centre where 3 small trucks are parked overnight, with stacked storage of materials to the flank walls. The business employs 9 people, whom are claimed to live locally.
- 2 The site is presently occupied by Mr L Smith trading as Luxury Lawns, with the building used for that purpose since May 2016.
- 3 Following the original submission further information has been submitted related to the traffic movements relating to the proposed. This included a detailed traffic count, which was submitted to the Council on 21st December and has been subject to re-consultation with third parties.

Description of Site

- 4 The application site, which is located on the northern side of Bunkers Hill approximately 400m west of its junction with New Street Road, forms part of a larger site comprising a parcel of land with a very large steel portal framed building to the east and a further, small, detached barn of similar construction to the west, which is the subject of this application. There is raised bunding along the northern boundary of the site, beyond which are extensive open fields. On the southern side of the road is Flintstones Farm.
- 5 An access from the road enters the site from the south and extends between the 2 buildings.

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- 6 There is a well established hedge along Bunkers Hill frontage that partially screens the site from the road. The application site can be seen from public footpath SD310, located to the north of the site.

Planning History for Application Site:

- 7 03/00485/AGRNOT - Concrete frame storage barn. - No Objection lodged. (This relates to the application building) 31.3.03.

Planning History for Adjacent Buildings at Blacklamps Farm:

- 8 16/00939/FUL: Continued use of former agricultural building for the storage of inflatable marquee type structures and ancillary cleaning and maintenance of the structures. DECISION OUTSTANDING. (Part of barn to east known as Unit 1)

SE/16/01598/PAC: Prior notification for a change of use from Agricultural Building to a flexible use within Shops, Financial and Professional services, Restaurants and Cafes, Business, Storage or Distribution, Hotels, or Assembly or Leisure. This application is made under Class R of The Town and Country Planning (General Permitted Development) (England) Order 2015. Withdrawn 11.7.16.

SE/13/03069/FUL: Change of use of Unit 1 from agriculture/forestry to use for the storage of inflatable marquee type structures together with ancillary cleaning and maintenance of the structures. Granted 20.12.13. (Part of barn to east known as Unit 1)

13/00206 - Change of use of part of agricultural building to B1 business use (retrospective) - REFUSED (Part of barn to east known as Unit 1)

13/00207 - Change of use of Unit 2 to B8 storage and distribution use for second hand clothing recycling (retrospective) - Allowed at appeal 14th January 2014. (Part of barn to east known as Unit 2) (Attached at Appendix A).

10/00808/LDC - Confirmation that the building marked X on the Site Location Plan is lawful and can remain for agricultural purposes - GRANTED 21.6.10. (Barn to east in its entirety)

09/01946/LDC - The retention of the building stippled grey on the attached plan erected pursuant to Class A of Part 6 of the GPDO 1995 (as amended). - GRANTED 16.11.09. (Barn to east in its entirety)

08/2173/FUL - Erection of a livestock building and an additional storage building and associated hard standing. - REFUSED 21.10.08 (adjacent to both existing barns)

06/02606/FUL - Change of use of an agricultural building to storage of catering equipment. - REFUSED 4.6.07. (Barn to east)

178/200/98/0009 - Prior Notification for an agricultural barn - Prior Approval Granted 21.11.98 (original approval for Building to east).

Constraints

- 9 Green Belt.

Policies

Allocations and Development Management (ADMP):

- 10 Policies - EN1, EN2, GB7, T1

Core Strategy (CS):

- 11 Policies - L08

Other:

- 12 SDC Green Belt Supplementary Planning Guidance

- 13 National Planning Policy (NPPF)

Consultations

Highway Authority:

- 14 Comments were initially received from the Highway Authority on 10th October 2016, as follows:

“I refer to the above planning application and in order that I may fully assess the highway implications I shall require further information in respect of:-

Whilst the Design and Access Statement refers to the number of incoming delivery vehicles (1 26 tonne lorry and 1 van per week), no details are given about outgoing delivery vehicles to customers. In addition, no details were provided of the number of movements by staff independent to delivery lorries. I would like to be provided with full information on a typical daily movement profile.

I shall also be grateful if you will allow an extension of time to the normal consultation period in order that the highway implications of this proposal can be properly assessed. I will let you have my comments as soon as possible.”

- 15 Following further discussion with the agent and submission of additional information, the following Highway Authority comments were received on 16.11.16:

“Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

Further to my previous response dated 10th October 2016 I am now in receipt of further traffic generation details from the applicant's agent. These indicate that on average there are 14 cars and 6 vans, a total of 20

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two-way movements per day. In addition there are on average 2 large van and 2 x 26 tonne lorry movements per week.

Since this is a retrospective application and the business is already operating, I am happy that these are representative figures using actual data rather than an estimated generation figure.

Whilst I accept the roads to access the site from the A227 (Chapman's Hill and Bunkers Hill) are generally single track with passing places for most of their length, they are very lightly trafficked and I do not consider that the additional traffic generation from this proposal is likely to have any significant impact on highway safety or congestion.

I therefore do not wish to raise a highway objection to this application.”

- 16 An informative is also suggested.

Council's Agricultural Advisor:

- 17 “I refer to your letter of 16 September 2016 concerning the planning application submitted on behalf of Mr L Banks for the change of use of an agricultural building to class B8 use (storage or distribution) with associated parking.

As you will be aware this site has quite a lengthy planning history, with regard to cessation of agricultural uses and introduction of other uses, particularly relating to the building located to the east of the one now proposed for change of use. I understand one part of this eastern building (Unit 2) now has permanent permission for non-agricultural use, following consent granted under SE/13/00207 (on appeal), the other part (Unit 1) has temporary consent, granted under SE/13/00206 (*N.B. this should read SE/13/03069/FUL*), and there is now a proposal to make this permanent under SE/16/00939.

In 2013 I observed that the agricultural storage requirements within the eastern building had fluctuated from one period to the next, according to the scale and nature of the farming activity taking place, and I suggested there may have been concern that a consent for a permanent change of use of the building could lead to another (replacement) farm building or buildings being erected in due course under the “permitted development” procedure, and that changing farming circumstances over time would be giving rise to a proliferation of buildings in the Green Belt. For that reason, I suggested a temporary consent might be appropriate.

However the Council’s sole reason given for the temporary consent then granted under SE/13/00206, in the decision notice, was to allow the Council to assess the impact of the use on the surrounding area. This is a matter outside my remit. Then, as indicated above, the other section of the building, Unit 2, was granted a permanent consent for change of use on appeal on 14 January 2014. (Attached as Appendix A).

Given this context , it may be thought that the potential impact of the change of use of the western building leading potentially to another future

agricultural building or buildings, is not likely to be a determining issue, in principle.

Another consideration is that I understand there would have been scope for the change to be proposed under the revised GPDO provisions (Schedule 2, Part 3, Class R), were it not for the fact that the change of use here has already taken place, which therefore rules out the required prior notification procedure.

For the above reasons, I do not consider the current application raises any issues that I can advise upon; however please let me know if any particular assistance is required.”

Gravesham Borough Council:

- 18 “The Borough Council note that our previous comments suggest that such a form of development would be inappropriate and harmful to the Green Belt. It is still considered as such. This is in accordance with the guidance of the NPPF, with the use not being one of the exemptions under paragraph 89.

The Planning Statement (Paragraph 6.9) states that they believe the development to be in accordance with Paragraph 89 of the NPPF, no justification is put forward to support this.

If your Council is minded to grant permission, the Borough Council would want to see any planning permission conditioned to safeguard against future permitted development changes under the current General Permitted Development Order (the GPDO).”

Ash Cum Ridley Parish Council:

- 19 Object.

This site has a history of creeping non-agricultural development, with a cycle of change of use from agricultural to light industrial, followed by a claim for the need for new agricultural buildings. This cycle has impacted both on the openness of the Green Belt and on the volume of traffic in the narrow country lanes serving the site. Indeed, the site did not even exist before the millennium.

This application is therefore quite unlike any of the other changes of use of agricultural buildings in the area, as this is not an old building. The application must therefore be seen in the light of its cumulative effect on the area.

The applicant makes claims about the generation of local employment, the limited number of vehicle movements and the possibility of employees walking to work. However, the number of vehicle movements is un-enforceable and intelligence from local residents shows the claim to be false, both for the number and size of vehicles. Residents are also unaware on any local employees in any of the businesses on the site and certainly not of any pedestrians on the approach roads.

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In light of the past record of this site and the lack of demonstration of very special circumstances why this change of use should be permitted in the Green Belt, the Parish Council strongly objects to this retrospective change of use.”

The Ridley Society (In summary):

20 The Ridley Society (In summary)

- The application is yet another step towards the total industrialisation of the site.
- Unacceptable increase in traffic and highway movements (the access and planning statement suggests 7 movements per day).
- The cumulative impact should be considered.
- Employees live outside the immediate locality.

Representations

21 Representations have also been received from 4 local residents raising the following objections:

- Considerable increase in traffic, including lorries, inappropriate in rural lane.
- Access from the A227 via Chapmans Hill has a width and weight restriction which would rule of use of larger (26 tonne) lorries.

ADDITIONAL INFORMATION:

22 Additional information in the form of a detailed traffic survey was submitted on 21st December. This was subject to re-consultation with the Highway Authority and third parties.

Re-consultation

Highway Authority:

23 “Further to my previous response on 16th November 2016, I have now had the chance to study the additional traffic survey information provided by the applicant in the form of the results from Automatic Traffic Counters placed in three locations along Chapmans Hill and Bunkers Hill Road during early November 2016. Whilst there appears to be some concern from local objectors that these figures are incorrect, I have no reason to believe that the figures provided are not accurate since they have been output directly from the counting equipment. What could be questioned is how representative those figures are when they are only a week's time slice but I have no reason to consider that they are not typical.

24 From the figures it is difficult to assess the traffic movements directly associated with the use applied for (which is a retrospective application therefore the figures can be consider to include the "proposed use") since it

is not just a simple matter of subtracting the counts taken at sites 2 and 3 since firstly they will include other uses on the site / adjacent properties; and secondly it doesn't take into account vehicles that turn into the site from, say, the westbound direction and others that may exit from the site to turn West into Bunkers Hill. The conclusions therefore made in the applicant's agent's letter dated 21st November may not been entirely accurate. It is unfortunate that when arranging the surveys a turning count was not undertaken of vehicles entering / leaving the site and which buildings they were originating from. It is unclear if the traffic generation figures proved by the applicant headed "Table 2013" are actual measured figures of estimates of likely use. However they do seem to tie in to some extent with the survey figures provided.

- 25 After looking at the traffic movement data provided, I must conclude that the number of movements directly associated with the application site itself are very low compared with the total number of traffic movements that exist along Bunkers Hill and Chapmans Hill. This shows a total of 20 car / van movements per day (which over a 12 hour day represents under 2 per hour) and 4 HGV movements per week (less than 1 per day). The total two-way weekday movements measured in the surveys average 557, 331 and 297 vehicles at Sites 1, 2 and 3 respectively. The percentage of HGVs in those numbers vary from 3 to 23% but the differences on HGVs between Sites 2 and 3 tend to indicate that these HGV movements are not associated with the application site. I can only assume that the numbers shown in the survey are movements to other properties or possibly through traffic.
- 26 In conclusion, unless accurate figures are submitted for the actual movements associated with the application site are forthcoming, I still consider that whilst there are local concerns about traffic movements along these narrow lanes (particularly HGVs), the number of movements directly associated with the development site are not significant enough to refuse the application on either highway safety grounds or congestion, neither of which can be considered "severe" in NPPF terms.
- 27 I do not consider that a further survey as requested by the objectors is likely to be of any benefit since, unless the numbers generated by the site are shown to increase significantly the impact will remain small. The vast majority of traffic using the lanes is not associated with the application proposal and therefore not directly relevant to considering the impact of this proposal."
- 28 An informative is also requested.

Ash cum Ridley Parish Council

- 29 Object:

The Parish Council have examined the traffic survey submitted and have the following comments.

- There is a significant difference between the traffic movements in Chapmans Hill recorded by this survey. (approximately 480 daily during the working week between 7am and 7pm) and that carried out

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by the residents (approximately 650 between 7am and 5pm). The residents have therefore requested that Sevenoaks District Council carry out an independent survey.

- The Graham Simpkin survey records no information on vehicle size or weight. Vehicle size is a major cause of complaints by residents in both Chapmans Hill and Bunkers Hill and is a major cause of damage to the roads and verges. Specifically, the continuing erosion of the road verges by passing vehicles and wide vehicles has caused the blockage of the road drainage scheme, paid for by Kent County Council, in Bunkers Hill and is destabilising all the roadside hedges because of root damage. Reference to previous agricultural traffic is spurious because such vehicles are fitted with tyres to minimise land damage.
- The survey is “blind” to site traffic which leaves and returns from different directions.
- The recorded figures display a peculiar anomaly. At the end of the working week nearly 15% more vehicles have left the two sites than have entered them. Although a daily imbalance might be expected because of overnight parking, this effect should cancel out over a period of a week.

Representations:

30 Four further letters of correspondence have been received, raising the following objections:

- Big discrepancy with traffic survey results and resident’s survey and therefore the Council should undertake its own impartial survey.
- Enormous increase in traffic using Chapman’s Hill over the years.
- Vehicles use resident’s driveway to allow large vehicles to pass in the opposite direction and damaged boundaries.
- Size of lorries exceed weight and size limits.

Chief Planning Officer’s Appraisal

Principle issues

- Change of use of building within the Green Belt
- Highway implications.

Presumption in favour of sustainable development:

31 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.)

- 32 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.

Impact on Green Belt:

- 33 Current Government advice, in the form of the **National Planning Policy Framework**, supports the protection of the Green Belts and seeks to restrict development.
- 34 The advice states that there is a general presumption against inappropriate development within the Green Belt. Such development should not be approved, except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt.
- 35 The advice explains that inappropriate development is, by definition, harmful to the Green Belt. Very Special Circumstances to justify inappropriate development will not exist unless the potential harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 36 Paragraph 79 of the NPPF states that “The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”
- 37 Paragraph 90 states that certain form of development are not inappropriate, including “the re-use of buildings provided that the buildings are of permanent and substantial construction.”
- 38 At local level policy GB7 of the ADMP is particularly relevant to these proposals. The policy states as follows:

“Proposals for the re-use of a building in the Green Belt which would meet the following criteria will be permitted:

a) the proposed new use, along with any associated use of land surrounding the building, will not have a materially greater impact than the present use on the openness of the Green Belt or harm the existing character of the area; and

b) the applicant can demonstrate through a detailed structural survey and method statement that the buildings are of permanent and substantial construction and are capable of conversion without major or complete re-construction that would detract from their original character.

Where a proposal seeks the re-use of an agricultural building constructed within the last 10 years, it will be necessary for the applicant to

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demonstrate that there is no longer an agricultural need for the building, or that the building is no longer fit for its agricultural purpose.

Where it is accepted that there is no future agricultural need for the building, the Council will resist future proposals for new agricultural buildings, unless it is apparent that they are of a different type and nature than that previously identified as being surplus to requirements.”

- 39 With regard to criteria a) of policy GB7, the use would be contained within the building, with limited parking and a single skip bin outside. The site would essentially remain open. I therefore consider the use of the building, along with the associated use of land surrounding it would not have a materially greater impact than the former use on the openness of the Green Belt or harm the character of the area. Conditions could be attached to prevent extensions and removal of other clutter within the curtilage (red site line).
- 40 With regard to criteria b), having visited the barn I note it has a concrete floor and is a modern building in very good condition and certainly structurally sound. It does not appear to have been modified for the use which has already commenced. I therefore consider the proposals meet the requirements of criteria b).
- 41 I would also note that there is a requirement within policy GB7 for the applicant to demonstrate that the building is no longer required for agricultural use where constructed within the last 10 years. The existing building was erected pursuant to an Agricultural Notification in 2003. I would note that the original drawings did not include the flat roof element that now exists, although I note this appears in situ on drawings relating to an application on the adjacent site in 2008 and this is now lawful through the passage of time. From the appearance of this small single storey element, it would appear that it may have been erected at the same time as the rest of the barn, which was clearly erected more than 10 years ago. Indeed there is no record of an agricultural building being erected in connection with the farm since this 2003 notification.
- 42 The applicant has also stated that there is no need for agricultural storage within this building since the previous changes to the operation of the farm. There are some items of agricultural equipment stored outside the building but it is claimed that “these are surplus to requirements and are to be sent to an agricultural sale early next year”.
- 43 Though I do not consider this a particularly persuasive case, the policy test set out above is that the applicant need only demonstrate that there is no longer an agricultural need for the building, or that the building is no longer fit for its agricultural purpose where that building has been constructed within the last 10 years. This building was constructed more than 10 years ago.
- 44 I am also mindful that there are a number of other buildings which have already been converted to other uses, including that to the east (in part). Indeed part of the larger barn to the east was granted permission for a Class B8 use by an appeal decision dating to January 2014.

- 45 In this decision the Inspector considered that notwithstanding local plan policy, the building was sound and that subject to conditions to control extensions to the building or external storage, the openness of the Green Belt and the purposes of including the land within it would not be compromised.
- 46 I consider the present proposals to be directly comparable.
- 47 In light of the above, it is my conclusion that the change of use is not inappropriate in the Green Belt for the purposes of national or Development Plan policy and would comply with policy GB7 and the NPPF.

Impact on character of area:

- 48 Policy L01 seeks to focus development within the built confines of existing settlements and lists the main urban areas. Core strategy L08 states that the extent of the Green Belt will be maintained and the countryside will be conserved and the distinctive features that contribute to the special character of its landscape and its biodiversity will be protected and enhanced where possible.
- 49 Having visited the site, it is my conclusion that the use is a low key one which is very largely contained within the building. In my view the small scale activities taking place within the building do not have an effect on the character and appearance of the area. The equipment/storage required in connection with the use are limited and contained within the building, together with space for the company vehicles to be kept overnight - the intention being that the vehicles are out on site during the daytime. Six external car parking spaces are indicated to the south of the building. However, these spaces are well screened by the hedges and fencing. The allocation of land for parking in connection with the site can be subject to condition.
- 50 The present use is a low key one and the applicant advises that it is not the intention that clients visit the site. I consider that the size of the unit would restrict the scale of the business, in my view. For this reason, I consider it would be reasonable to impose a condition removing permitted development rights to alter and extend the building.
- 51 In light of the above, I consider the retention of the existing use would support the maintenance and diversification of the rural economy, including for small-scale business development.

Highway implications:

- 52 Policy T1 of the ADMP seeks to mitigate travel impact. New developments will be required to mitigate any adverse travel impacts, including their impact on congestion and safety. Policy T2 requires provision of vehicles parking.
- 53 There was originally some confusion over the applicants traffic movements, further information was submitted, which has been subject to consideration by Highway Authority.

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- 54 This information clarified the traffic movements related to the use, which is now in situ. This indicates that on average there are 14 cars and 6 vans, a total of 20 two-way movements per day. In addition there are on average 2 large van and 2 x 26 tonne lorry movements per week.
- 55 It appears that the level of vehicles movements associated with the use is relatively limited and that on this basis the Highway Authority has concluded that the additional traffic generation from this use would not have a significant impact on highway safety or congestion.
- 56 Notwithstanding this conclusion, the applicant chose to submit a detailed 7-day traffic count throughout the week beginning 1st November. These have been subject to consultation with third parties, who have raised objections regarding the accuracy of the traffic counts and the inadequacy of the local roads to cater for heavy vehicles.
- 57 The Highway Authority have considered the additional information and accept that it is difficult to assess the traffic movements directly associated with the use applied for. However, they conclude that the movements directly associated with the application site are very low compared with the total number of movements along Bunkers Hill and Chapmans Hill. Furthermore, the evidence indicates that the HGV movements are not associated directly with the application site. Most importantly, it is concluded that “whilst there are local concerns about traffic movements along these narrow lanes (particularly HGV’s), the number of movements directly associated with the development site are not significant enough to refuse the application on either highway safety grounds or congestion, neither of which can be considered as “severe” in NPPF terms.
- 58 In my view the key conclusion is that whilst there may be a large amount of traffic movements in the vicinity of the site, including heavy goods vehicles, the application proposals themselves would have only a very limited impact on this. Whilst the proposed use clearly contributes to traffic movements, because the impact would be so limited a refusal on highway grounds would not be sustainable, particularly because it can only take into account the impact of this proposal.
- 59 The Highway Authority, would support a condition requiring a personal permission. This would be justified in the circumstances due to the individual characteristics of this proposal so that the highway implications of any other use of the site can be considered in detail, as traffic generation could vary considerably depending on the precise use, even when in the same use class.
- 60 I therefore consider the proposals policy compliant in this regard.

Other matters:

- 61 There are no residential properties close-by to be directly impacted by the use itself. The land immediately surrounding the building is hardsurfaced and as the building is in good condition with no physical alterations required to enable re-use, I do not consider the proposals would impact the ecology of the site, particularly bats.

- 62 Both Gravesham Borough Council and The Parish Council have raised objections on the grounds that the proposals represent inappropriate development within the Green Belt and that no very special circumstances have been advanced to justify the change of use of the building. Consideration of the Green Belt implications is addressed in detail above. I am satisfied that the proposals comply with both national and local policy as a re-use of a building.
- 63 The Parish have also raised a number of other issues. Whilst I note their comments questioning whether or not employees of the site are local, there is no planning policy which requires them to be so. With regard to the cumulative impact of the proposals, the most obvious implication is the impact on vehicle movements. However, it is clear that whilst the proposals would clearly cumulatively add to the amount of traffic on the adjacent highway, the Highway Authority consider the highway movements associated with the application to be very modest compared to the existing traffic movements. Consequently, the harm associated with this application is not considered to justify refusal of the application. However, it is acknowledged that a different use could have a significantly different impact and for that reason it is proposed to attach a condition to restrict the use to be personal to the applicant only.
- 64 Third parties have also queried the date of erection of the last new agricultural building at Blacklambs Field/Flintstones Farm. However, evidence presented appears to concur with the planning history above including the date of the most recent barn to which this application relates, which was erected following the agricultural notification in 2003.

Conclusion

- 65 As currently operating, I am satisfied that the use of the building does not have a greater impact on the openness of the Green Belt than the former use nor would it harm the existing character of the area. The building is structurally sound and capable of re-use without alteration.
- 66 I would also note the comments from the Inspector dealing with the adjacent site, in which he concluded that use of the existing (adjacent) building for small-scale business accords with the policies of the Framework, specifically those relating to sustainable development (paragraphs 7 and 14) and the support the Framework gives to economic growth in rural areas, including through conversion of existing buildings in rural areas (paragraph 28).
- 67 Details of the highway movements associated with the use are considered to provide an accurate representation. It is clear from the Highway Authority comments that the impact on the highway network would be relatively modest and is considered acceptable. However, as this assessment has been made on the basis of the particular operational requirements of the existing business, an unrestricted B8 Use (storage & distribution) could, in my view, have markedly different highway implications from the relatively low key use now taking place. For this reason, I consider a condition to limit the

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permission to the current occupier would be reasonable and appropriate, so that an application for any other use could be assessed on its own merits with regard to the particular highway implications.

Background Papers

Site and Block Plan

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

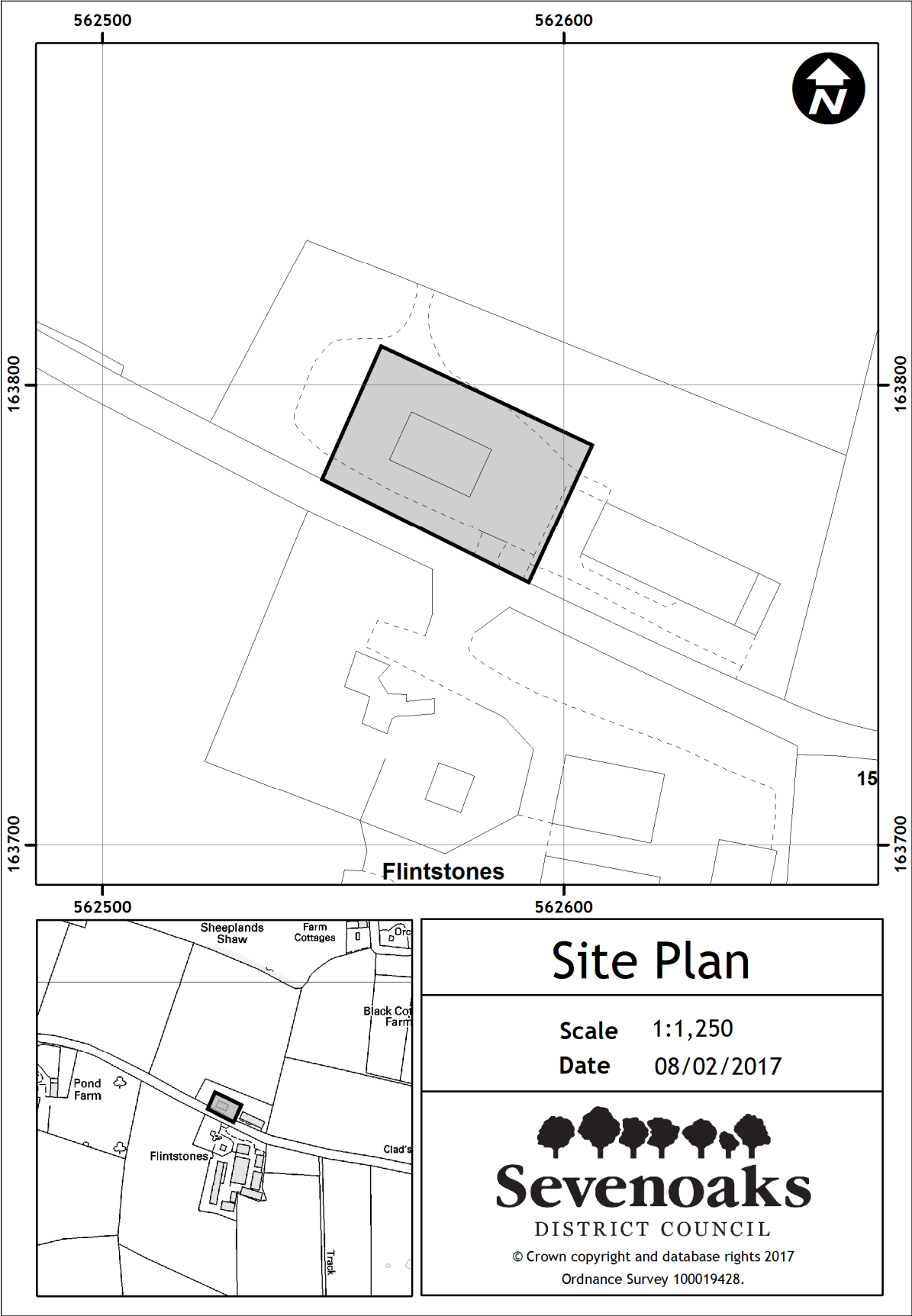
Richard Morris
Chief Planning Officer

Link to application details:

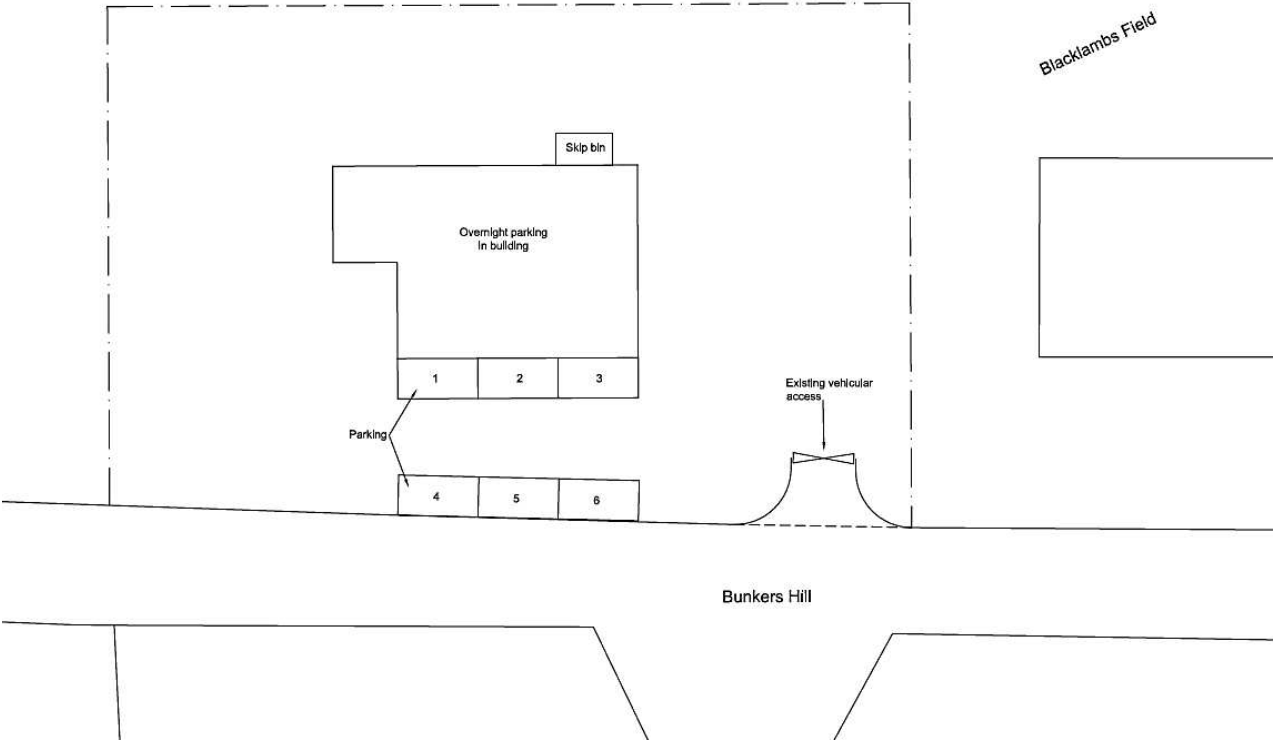
<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OCVWJ6BKERV00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OCVWJ6BKERV00>



Block Plan





Appeal Decision

Site visit made on 23 October 2013

by **R J Maile BSc FRICS**

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

Decision date: 14 January 2014

Appeal Ref: APP/G2245/A/13/2196697

Unit 2 Blacklambs Field, Bunkers Hill Road, Ash, Sevenoaks, Kent, TN15 7EY.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr D Ionescu against the decision of Sevenoaks District Council.
- The application ref: SE/13/00207/FUL, dated 21 January 2013, was refused by notice dated 3 April 2013.
- The development is described on the application form as: "Storage and distribution of second hand clothing for recycling."

Procedural Matters

1. The description of the development would more accurately be described as follows:

'Material change of use of building from agricultural to the storage and distribution of second hand clothing [Class B8].'
2. I have therefore adopted this amended description in my decision below.
3. The use for which planning permission is sought was ongoing at the time of my site visit and, on the evidence of the appellant, commenced in August 2011.

Decision

4. The appeal is allowed and planning permission is granted for material change of use of building from agricultural to the storage and distribution of second hand clothing (Class B8) at Unit 2 Blacklambs Field, Bunkers Hill Road, Ash, Sevenoaks, Kent, TN15 7EY, in accordance with the terms of the application ref: SE/13/00207/FUL, dated 21 January 2013, and the plans submitted with it, subject to the conditions set out in Annex A to this decision.

Main Issues

5. The appeal site is within the Metropolitan Green Belt. The main issues are therefore:
 - a) Whether the change of use is inappropriate development for the purposes of National policy and the policies of the Development Plan.

- b) The implications of the change of use for the character and appearance of the surrounding area.

Reasons

6. Unit 2 Blacklambs Field is part of a portal framed building that has been divided into three separate units. Unit 1 (at the western end) is currently unoccupied, while Unit 3 is in use as an agricultural machinery store in connection with the farm activities.
7. There is a further building, served from the same access point, to the north of Bunkers Hill Road. This was locked at the time of my site visit, but I understand that it is used for purposes connected with forestry. Unit 1 is also in such use, but on a temporary basis, as is the open area between the two structures.
8. To the south of Bunkers Hill Road and within the same ownership is Flintstones Farm, which includes a complex of farm buildings and a new farmhouse that is in course of construction. Two of the buildings at the farm have been converted to business use – one for the storage of files and the other for the storage of catering equipment.
9. The total holding comprises some 55 ha of agricultural land, with the farm being approached via approximately 900m of narrow, mainly single track road from the A227 at Culverston Green.
10. A Lawful Development Certificate for the use of Unit 2 for agricultural purposes was granted by the Council in 2010. From the evidence before me, I find no reason to suspect that the lawful use of the building has since changed. Moreover, whilst I note the Council's contention that the building is vulnerable to demolition by reason of condition A.2(5) of Class A of Part 6 of Schedule 2 to the GPDO¹, I am mindful that the building of which Unit 2 forms part remains partly in use for agricultural purposes (in Unit 3).
11. This being so, I am not persuaded that condition A.2(5) has effect in relation to any part of the building at the present time, irrespective of the use history of Unit 2. I am aware of nothing to the effect that Parliament intended this condition to secure the partial demolition of buildings, with the adverse visual consequences that such action might entail. I therefore accept that for the purposes of my decision the appellant's lawful fall-back position includes the retention of Unit 2 for the time being in agricultural use, or as vacant premises.
12. I now turn to consider the main issues.
 - a) *Whether inappropriate development.*
13. National policy in the National Planning Policy Framework ('the Framework') contains a general presumption against inappropriate development within the Green Belt. Such development should not be approved, except in very special circumstances (paragraph 87). Paragraph 90 of the Framework states that the re-use of buildings that are of permanent and substantial construction would not represent inappropriate development provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in it.

¹ GPDO: *The Town and Country Planning Act (General Permitted Development) Order 1995.*

14. "Saved" Policy GB3A of the Local Plan² states that the Local Planning Authority will permit the re-use of buildings within the Green Belt subject to three criteria set out in the policy. These include a requirement that the proposed new use will not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land within it.
15. "Saved" Policy GB3B states that when considering proposals for the re-use of agricultural buildings for non-agricultural purposes the Local Planning Authority will apply Policy GB3A, taking into account two further criteria. However, I find neither to be of particular relevance to my decision given that, as criterion 2 of GB3B indicates, the erection of further buildings by reason of permitted development rights could be precluded by condition.
16. The building is of permanent and substantial construction and the specific use currently being undertaken within Unit 2 is low key. Therefore, subject to the imposition of conditions preventing any extensions to the building or external storage, the openness of the Green Belt and the purposes of including land within it would not be compromised.
17. I therefore find on the first main issue that the change of use is not inappropriate development for the purposes of National and Development Plan policy.

b) Impact upon character and appearance.

18. The small-scale activities currently taking place at Unit 2 do not have an effect upon the character and appearance of the area. The storage of recycled clothes is wholly contained within the existing building, where there is also space for a van to be parked. The two external parking spaces associated with the use are well screened by hedges and fencing and I have included a condition to restrict parking elsewhere within the site.
19. The present use is low key and the size of the unit will restrict the scale of the business. For these reasons, development would accord with Policies L01 and L08 of the Core Strategy³. This supports the maintenance and diversification of the rural economy, including for small-scale business development, provided that it is compatible with policies for protecting the Green Belt and the landscape character of the area.

Other Matters

20. The Council raises concerns about the displacement of agricultural machinery, which in places is stored in the open. However, Unit 1 remains available for such purposes should the need arise.
21. "Saved" Local Plan Policy EN1 6) and 10) seek to ensure that development does not create unacceptable traffic conditions on the surrounding road network and is located to reduce, where possible, the need to travel.
22. I acknowledge that the road connecting the site with the A227 is narrow, being single track for some of its length. It is nevertheless lightly trafficked and, given the nature of the business and the size of the premises, is acceptable for the particular use currently being undertaken at the site.

² The Sevenoaks District Local Plan Compendium of Saved Policies (July 2008).

³ The Local Development Framework Core Strategy February 2001.

23. Use of the existing building for small-scale business accords with the policies of the Framework, specifically those relating to sustainable development (paragraphs 7 and 14) and the support the Framework gives to economic growth in rural areas, including through the conversion of existing buildings in rural areas (paragraph 28).

Conditions

24. The Council has put forward a total of three conditions should I be minded to allow the appeal, which I have considered against the tests of Circular 11/95⁴.
25. I consider suggested Conditions 1 and 2 to be unnecessary given that a change of use to Class B1 and/or the addition of a mezzanine floor would not, of themselves, lead to inappropriate development in the future.
26. I have, however, found it necessary to impose conditions in order to prevent any extensions or alterations to the exterior of Unit 2 (Condition 1), to prohibit external storage (Condition 2) and to restrict the amount of parking associated with the permitted use (Condition 3). All three conditions are necessary given the sensitive location of the appeal site within the Green Belt.

Conclusion

27. I have sought to balance the limited environmental harm arising from the extra traffic on the rural roads against the environmental and economic benefits of recycling used clothing and of business activity in the rural areas and find, in the circumstances of this particular case, in favour of allowing the appeal.

R. J. Maile

INSPECTOR

⁴ Circular 11/95: The Use of Conditions in Planning Permissions.

Schedule of Conditions

Annex A

- 1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order) no extensions shall be made, nor external alterations carried out to Unit 2 Blacklambs Field.
- 2) No external storage in connection with the permitted use of Unit 2 Blacklambs Field shall take place at any time.
- 3) Only spaces 1 and 2 as shown on drawing no. 2103/6, together with the van space within the building shown on drawing no. 2103/7, shall be used in connection with the permitted use of Unit 2 Blacklambs Field.

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4.3 - SE/16/03394/HOUSE Revised expiry date 27 February 2017

PROPOSAL: Side and rear extension and loft conversion.

LOCATION: 20 Sandilands, Sevenoaks TN13 2SP

WARD(S): Brasted, Chevening And Sundridge

ITEM FOR DECISION

This application has been referred to Development Control Committee by Councillor London due to the concerns about the proximity to neighbours and overdevelopment of the site.

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

1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

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

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

3) The development hereby permitted shall be carried out in accordance with the following approved plans: EX-P-00, EXP-01, EX-P-02 (A), EX-E-01, EX-E-02, EX-E-03, P-P-01, P-P-02, P-P-03, P-E-01, P-E-02, P-E-03(A), P-S-01

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

Description of Proposal

- 1 The proposed development is to include the erection of a side and rear extension and loft conversion. The proposal is also to include the installation of roof lights to the front, rear and the right side elevations. The proposed side and rear extension is to protrude 2.8 metres from the existing rear elevation and the proposed loft conversion will extend the roof from the current flat roof into a hipped roof to match the existing.

Description of Site

- 2 The proposed is a detached bungalow. There are neighbouring properties located on either side of the site, opposite and to the rear. The property is located within the parish of Chevening. The street scene is predominately made up of detached bungalows which differ in appearance. The bungalows in close proximity to the application site on the same side of the road are of a similar appearance.

Constraints

- 3 Area of Archaeological Potential

Policies

Allocations and Development Management (ADMP):

- 4 Policies - EN1, EN2

Core Strategy (CS):

- 5 Policies - SP1

Other

- 6 Sevenoaks Residential Extensions SPD
- 7 National Planning Policy (NPPF)
- 8 Sevenoaks Residential Character Areas Assessment

Planning History

- 9 There is no recent relevant planning history.

Consultations

Parish / Town Council

- 10 Chevening Parish Council: Objection: This application is for a side extension and loft conversion for 20 Sandilands. We “object” on the grounds that it is too near the boundary of no 19. Most of the houses around the applicant’s house are like hers, bungalows, so we are only dealing with single story building here. The extension looks completely OK in all respects except that it is very near the neighbour at no 19’s boundary. The extension is not quite parallel to the neighbour’s fence but it starts at about 600mm, 2ft, away and then narrows to 200mm, or 8 inches, at the other end of the extension. I have spoken to the neighbour at no 19 and he is concerned about this as well as the applicant possibly wanting access through his property to build the extension. It is not a planning problem but he says he will not give any access so if he sticks to that life will be difficult for the applicant anyway.

Representations

- 11 No responses were received.

Chief Planning Officer’s Appraisal

Principal Issues

- 12 The main issues for consideration are:
 - Impact on street scene
 - Impact on residential amenity

Presumption in favour of sustainable development:

- 13 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.)
- 14 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,

Agenda Item 4.3

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

Impact on street scene

- 15 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).
- 16 Policies SP1 of the Core Strategy and Policy EN1 of the ADMP indicates that *“all new development should be designed to a high quality and respond to the distinctive local character of the area in which it is situated.....”* and that *‘the form of the proposed development ... should be compatible in terms of scale height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard’.*
- 17 Policy EN1 of the ADMP requires high quality design and lists a number of criteria against which proposed development will be considered, including requiring the layout of proposed development to respect the topography and character of the site and the surrounding area and requirement for landscaping and good levels of accessibility.
- 18 The site is located within Sandilands which is defined in the Sevenoaks Residential Character Areas Assessment, as made up of detached bungalows of a variety of different appearances developed within the 1960s within a cul-de-sac in the village of Chevening. The bungalows are modest in their character and are set back from the wide highway with driveways, garages and a front garden. The building line is also varied as not all the dwellings within the street sit in line with one another. The levels within the road differ from site to site and on the side of the road of No.20, the properties have a staggered, step affect in height. However, the neighbours located either side of the site are of a similar appearance and are positioned at a lower level than the properties on the opposite side of the road.
- 19 The proposed extension is to be positioned on the side and rear elevations of the existing dwelling and due to the modest size of the proposal in relation to the size of the existing building, it will not create a bulky or disproportionate addition to the property. The extension will integrate well with the existing form of the dwelling.
- 20 The Sevenoaks Residential Extensions SPD states that in regards to side extensions, there should really be a minimum of 1 metre between the extension and the boundary, for two storey extensions to retain a pattern of gaps in the street scene. This proposal is for a single storey side extension so the advice is not directly applicable. The existing dwelling is approximately 1 metre from both boundaries. The side extension at ground floor would be set back 2.3 metres from the front elevation and be at a

approximate distance of 0.6 metres from the neighbouring boundary, decreasing down to an approximate distance of 0.2 metres towards to the rear of the extension and extending 2.79 metres to the rear. The proposal includes pitched roofs over the side extension and a partial pitch and flat roof over the remaining part of the existing garage.

- 21 The proposed side and rear extension will be visible from the street scene. The property is positioned at a significant distance from the road at approximately 8 metres and at a lower level than the highway. The proposed extension will enclose the existing gap at ground floor level as the extension is to be closer to the boundary. This would be at ground floor only. This change will not harm the overall street scene as views will still be available between the property and its neighbours and over the pitched roof.
- 22 From reviewing the neighbouring properties within the street, the gap between the application site and the boundary of No.19 appears to be one of the largest. Between other properties, the gaps are generally smaller, especially between the properties opposite. No. 6 and No. 5 are joined by garages. There is no set gap pattern within the street.
- 23 The proposed red clay tiles and white render on red brick dwarf wall will match the existing materials. Therefore it will incorporate well with the current form of the site and the neighbour properties; which are of a similar design. The materials of the doors will be altered from white painted timber and white painted metal to white upvc, however visually this will be of a similar appearance.
- 24 The rear extension is under 3 metres deep and if it was not part of the other alterations, an extension of this depth and proximity to be boundary could be permitted development. However, in terms of the height, this would exceed 4 metres therefore planning permission would be required.
- 25 The loft conversion and roof extensions proposed over the ground floor extensions will integrate well with the existing dwelling as they follow the existing roof form and are stepped over each extension to minimise their bulk. The proposal also includes the addition of small rooflights which are discretely located.
- 26 Overall, the proposed extension would be sympathetic to the character of the area, the pattern of the gaps in the street scene and would be a modest proposal appropriate in scale and design to the existing property. The proposal would therefore comply with Policy EN1 of the ADMP.

Impact on Residential Amenity

- 27 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development, while ensuring it would not result in excessive overlooking, visual intrusion, noise, vibration, odour, air pollution, vehicle movements, or a loss of privacy and light enjoyed by the occupiers of nearby properties.

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- 28 The Residential Extensions SPD expands upon this and states that any extension should not cause a significant loss of light to neighbouring properties and to protect against overlooking, a sidewall facing a neighbour should not normally contain windows unless privacy can be retained.
- 29 These policies are consistent with Paragraph 17 of the NPPF, which states that planning should always seek to secure a good standard of amenity for all existing and future occupants.

Sandilands

- 30 19 Sandilands is situated to the north of the application site and is set on a slope from the road at a slightly lower level. It has a pitched hipped roof with a semi-circular shaped front dormer. There is also a garage attached to the left of the property close to the boundary with a flat roof. There is a boundary wall fencing and tall soft landscaping along the boundary between No.19 and the application site. There is also dense foliage along the boundary within the garden of No.19. As a result of this and due to the high boundary wall and tall soft landscaping, the proposed rear and side extension would receive little visibility. The proposed extension is close to the boundary between No. 20 and No.19; however the extension is modest and is to be at a single storey level.
- 31 From the site visit, it can be confirmed that there is a door with obscured glazing on the side elevation facing the boundary wall which is for the kitchen. There is also a set of double doors with obscured glazing on the rear elevation of the garage. Not only is the glass obscured glaze, the doors accommodate a kitchen and a garage which are both not classed as habitable rooms. As well as this, as the property is not visible from the application site, the proposed extension would not therefore harm the neighbouring amenity. Due to the screening between the properties, the extension would not cause a significant loss of sunlight or daylight to this neighbouring property, beyond that currently experienced. It is notable that no neighbour comments have been received advising of concerns about loss of light.

21 Sandilands

- 32 This property is located to the south of the application site and is of the same appearance and positioning as No.19. As the proposed extension is to be located on the right hand side of the property on the side of No.19, the proposal will not impact this properties outlook, privacy or light as the extension is not directly visible.
- 33 Additionally, other neighbouring properties to the rear and opposite the site are located at a significant distance from the proposal to harm their amenity with a distance of approximately 22.5 metres between the property on the application site and the dwelling opposite and a distance of approximately 38.5 metres between the proposed rear extension and the dwellings at the rear.
- 34 Therefore, the proposal complies with Policy EN2 of the ADMP.

Other Issues

- 35 An objection was not made directly from No. 19; however there was a comment from the Parish Council on behalf of the property. Concerns were made in terms of the proposed extension being too near to the boundary and that when building the extension, access may be needed through the neighbouring garden. In terms of access from building purposes, this is not a planning issue. This is a civil matter between the neighbours. Therefore, this can not be taken into consideration when making this decision. In terms of the concern that the proposed extension is close to the boundary, the plans indicate that the proposal will not protrude over the boundary line and due to the positioning and height of the screening.

CIL

- 36 This proposal is not CIL liable.

Access Issues

- 37 The proposal would not impact on the vehicular or pedestrian access to the site.

Conclusion

- 38 The proposed development would be sympathetic to the character of the property, area and the street scene. Due to the modest scale of the extensions proposed, the boundary screening and the relationship with the neighbouring dwelling, there will be no harm to the neighbours outlook, privacy or light. Therefore, the proposal complies with Policies EN1 and EN2 of the ADMP.

Background Papers

Site and Block Plan and other plans.

Contact Officer(s): Louise Cane Extension: 7390

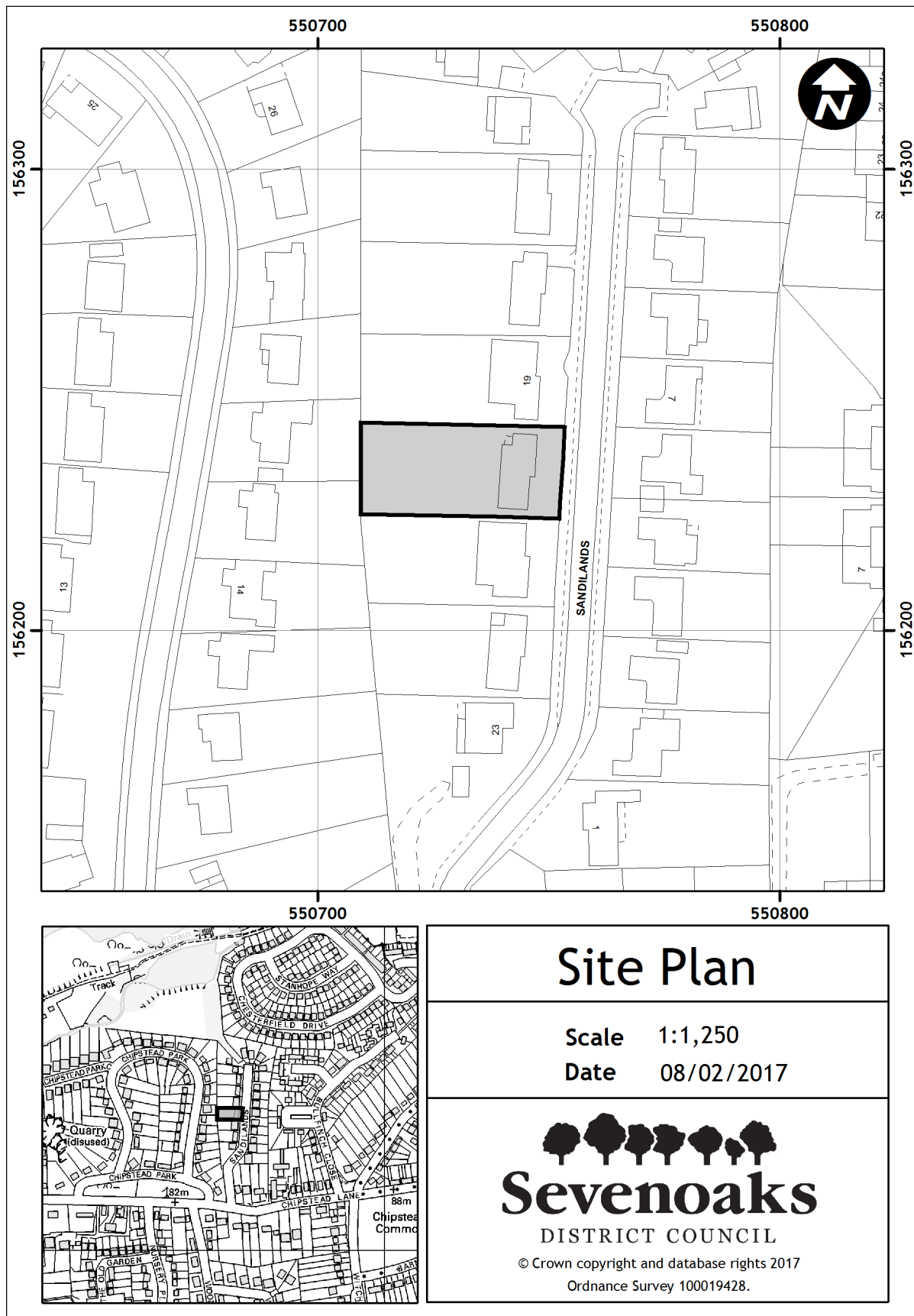
Richard Morris
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OG4NBQBKL1C00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OG4NBQBKL1C00>



Block Plan



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5.1 Objection to Tree Preservation Order number 9 of 2016

Located at Russell House School, Station Road, Otford TN14 5QU

ITEM FOR DECISION

TPO 9 of 2016 has been served in response to a proposed development at the above named school site (16/02003/FUL). This proposal would have necessitated the felling of nine mature trees to accommodate the proposals with further frontage mature trees potentially compromised.

RECOMMENDATION: That TPO 9 of 2016 is confirmed without amendment.

Description of planning application 16/02003

- 1 Erection of a new single storey dining hall with kitchen, music rooms and changing facilities on the site of an existing tennis court and a new/extended drop off area next to proposed dining hall court. Construction of a new multi-use games area to the rear of the site. The planning application for new development at the school was submitted in July 2016 and withdrawn in September 2016.

Description of Site

- 2 Russell House School is an independent co-educational preparatory school for children aged between 2 and 11 years of age. The site is located to the north east end of the village and consists of the main detached school building with numerous adjacent classrooms and other buildings throughout the grounds.

Constraints

- 3 TPO 9 of 2016
- 4 Kent Downs AONB.

Policies & Material Considerations

- 5 National Planning Policy Framework (NPPF)
- 6 National Planning Policy Guidance (NPPG).

Representations

- 7 We have received an objection letter from the Headmaster of the school Mr McCarthy.
- 8 Mr McCarthy has supplied details of recent history (2012-present day) of the school and its growth over the last few years. In 2012 the school had 182

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pupils and between then and now the roll has risen to 210, which he has stated is now at capacity.

- 9 The reasoning for the planning application according to Mr McCarthy was to have a sufficiently large enough dining space for one sitting as opposed to the current three sittings. It was also proposed to alter the changing facilities, which are currently small and inadequate. It was also proposed to alter the internal road system and drop off/pick up area to alleviate the negative impact on the busy Station Road to the south of the School.
- 10 He has further stated that all of these proposed improvements will disappear due to the serving of TPO 9 of 2016.
- 11 Mr McCarthy has stated that his basis for the objection is that he cannot agree that users of the road or the village enjoy the view of the trees and that if upheld they will prevent any and all future development of the school.
- 12 Mr McCarthy has stated that the school would be more than happy to carry out replacement planting within the north east corner of the school grounds. He has also extended an invitation to interested parties to visit and discuss in greater detail and to expand on the aforementioned points.
- 13 Further representations have been received from Warners Solicitors on behalf of Russell House School. Warners have provided a 7 page statement as part of their objection inclusive of a copy of the TPO, images of varying viewpoints of this line of trees, as well as images of vehicle incidents outside of the school and a tree report provided by Bartlett Tree Experts.
- 14 The main issue as stated within the Warners report is that the imposition of the serving of the TPO halts the proposed improvements which were designed to alleviate the traffic accumulation entering the site, as well as the documented traffic accidents that have occurred. It is also stated that proposed dining improvements would also be halted due to the serving of the order.
- 15 The Warners report also criticises the validity of the TPO questioning the available amenity value and the benefits of the trees to the street scene. The respondent contends that the level of visibility of all but the trees fronting Station Road is very low or non existent. The Act does not define amenity. It is therefore a subjective view. The report then states numerous vantage points where the trees can and cannot be viewed.

Appraisal

- 16 The serving of TPO number 9 would be on the site of the proposed extensions as they were last proposed, but does not necessarily prohibit development. It was not served in order to halt this proposal but to ensure the retention of these mature trees. They are prominent within the landscape as they are located within the frontage grounds and potentially seen by hundreds of passers by on a daily basis. It is therefore considered that their removal would have a negative impact upon the surrounding landscape.

- 17 The provisions of section 197 of the Town and Country Planning Act 1990 imposes a general duty on local planning authorities in granting planning permission to impose conditions for the preservation or planting of trees where appropriate and to make tree preservation orders under section 198 as appear necessary. This is a material consideration under section 70 of the 1990 Act in the grant or refusal of planning permissions in terms of the impact of a development in the vicinity of the development.
- 18 Having viewed the site proposed for the dining hall, the originally proposed design would hug the eastern boundary at the expense of the mature trees located growing parallel with it. If the footprint of the proposed dining hall were to be located more in keeping with the existing tennis court, it would leave space for the trees to be retained.
- 19 The mature trees located between the existing games courts and 41 Station Road, which were shown to be removed to accommodate the proposed development are located upon a raised area of land, which is approximately a metre higher than the adjacent games court. They are growing in what is a strip of land that runs parallel with the boundary of 41 Station Road. They are not located centrally and are taking up a large swathe of land so would not automatically halt any development. There is therefore scope for a compromised design where the trees are retained and development maybe possible.
- 20 With regard to the implications for future development on the site, the trees would remain a constraint. However, the protection of the trees through imposition of a preservation order is not intended to prohibit development per se. It does mean that any proposals in the vicinity of the trees would be required to minimise the impact upon them. It may be possible to achieve this through careful siting of a building, its size and design and potentially through construction methods, such as use of raft or piled foundations.
- 21 It has been suggested that additional planting could be conditioned and agreed. Should the trees shown for removal be removed and the development as proposed be agreed, there would then be limited space for additional planting within the frontage of the site. The school admit they could carry out planting to the rear north east of the site, which is probably the least publicly visible location within the whole of the school grounds. Existing amenity value within the current street scene would therefore be lost.
- 22 The serving of the TPO was never intended to halt any and all development on site. It was intended to preserve the amenity value that they offer. The applicant can enter into discussions to see how both the improvements to the school and the protection of trees can co exist on site for the future.
- 23 Any discussions around creating any future designs would centre around the trees being retained and protected, which may require the last proposal being designed slightly smaller to allow space for the retention of the trees.
- 24 The Applicant has relied upon the provisions of section 39 Road Traffic Act 1988 in arguing that any TPO should not be made because of road safety

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issues. The duty under this provision is for an authority to carry “a programme of measures designed to promote road safety” in its area. It is therefore a general duty to be carried out in reference to its administrative area and is not site specific. The duty would therefore not be applicable to this application. However considerations of road safety would be material considerations in their own right in coming to a determination.

- 25 KCC as the highway authority has advised. Whilst the introduction of the dropping off area is welcome, I do not consider that the number of vehicles that could be accommodated in the proposed dropping off area would have any significant impact of the number of vehicles stopping on Station Road and could possibly result in additional queueing / conflicting movements at the site entrance due to the additional cars entering / leaving the school. There is also a possibility that parents picking up children will not enter the school grounds but continue to park on-street to avoid congestion within the school grounds. I consider that the size of the dropping off area and the number of vehicles it could accommodate would have a minor impact on the number of vehicles stopping on-street and, whilst it is accepted that at school start / finish times there is congestion on Station Road, the proposal will have a minor impact on improving highway safety and easing congestion.
- 26 The Applicant has also relied upon the provisions of section 122 Road Traffic Regulation Act 1984 whereby a duty is placed on authorities to secure “expeditious, convenient and safe movement of vehicular and other traffic...and adequate parking facilities.” However this duty only applies on an authority in exercising its functions under the 1984 Act and is therefore not applicable to this determination.
- 27 The available amenity of these trees is based upon their visual and ecological value. The tree numbers referred to for removal are visible from certain vantage points in varying degrees. The tree report provided by the appellant describes the trees as generally in good condition and being mostly in the region of 100 years old.

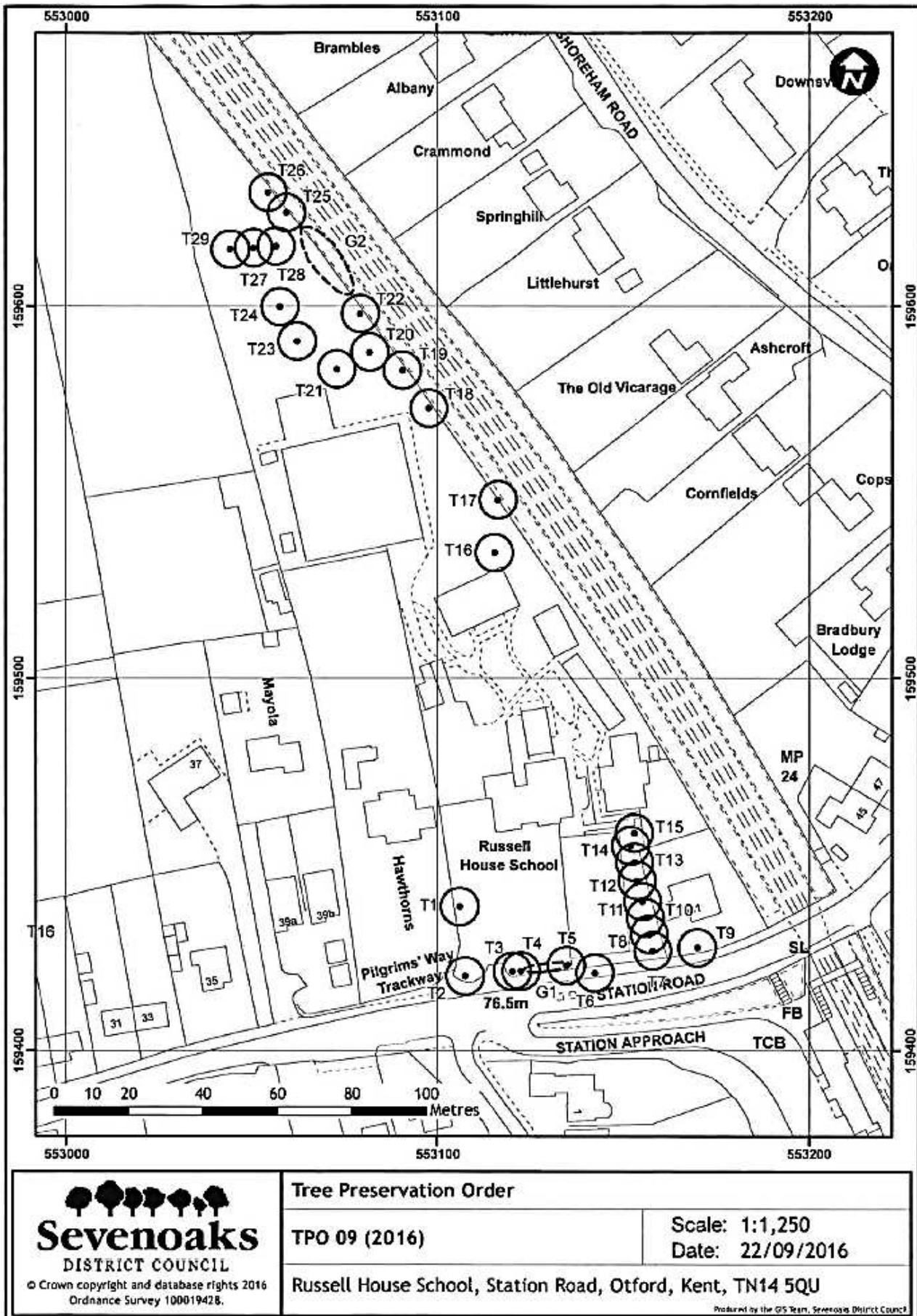
Conclusion

- 28 It is therefore my recommendation that TPO 9 of 2016 be confirmed without amendment.

Attached TPO/09/2016 Plan and Schedule 1 as (Appendix 1).

Contact Officer(s): Les Jones Arboricultural & Landscape Officer
Extension 7289

Richard Morris
Chief Planning Officer



SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
T1	Horse Chestnut	Situated on the south western boundary of Russell House School, Station Road, Otford, Kent.
T2	Lime	Situated on the south western boundary of Russell House School, Station Road, Otford, Kent.
T3	Lime	Situated on the southern boundary of Russell House School, Station Road, Otford, Kent.
T4	Lime	" " "
T5	Lime	" " "
T6	Lime	" " "
T7	Lime	" " "
T8	Hornbeam	Situated on the south eastern boundary of Russell House School, Station Road, Otford, Kent.
T9	Lime	Situated on the southern boundary of Lyncroft Cottage, 41 Station Road, Otford, Kent.
T10	Hornbeam	Situated on the eastern boundary of Russell House School, Station Road, Otford, Kent.
T11	Hornbeam	" " "
T12	Hornbeam	" " "
T13	Hornbeam	" " "
T14	Hornbeam	" " "
T15	Hornbeam	" " "
T16	Robinia	" " "
T17	Sycamore	" " "
T18	Norway Maple	" " "
T19	Norway Maple	" " "
T20	Norway Maple	" " "
T21	Sycamore	" " "
T22	Norway Maple	" " "
T23	Sycamore	Located to the rear of the playground at Russell House School, Station Road, Otford.
T24	Sycamore	" " "
T25	Sycamore	Situated on the eastern boundary of Russell House School, Station Road, Otford, Kent.
T26	Sycamore	" " "
T27	Sycamore	" " "
T28	Sycamore	" " "
T29	Sycamore	Situated on the western boundary of Russell House School, Station Road, Otford, Kent.

Trees specified by reference to an area
(Within a dotted black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
	None	

Groups of trees
(Within a broken black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
G1	A group comprising of 4 Yew trees.	Situated on the southern boundary of Russell House School, Station Road, Otford, Kent.
G2	A group comprising of 4 Sycamore trees.	Situated on the eastern boundary of Russell House School, Station Road, Otford, Kent.

Woodlands
(Within a continuous black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
	None	

* complete if necessary to specify more precisely the position of the trees.

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Planning Application Information on Public Access - for applications coming to

DC Committee on Thursday 23 February 2017

Item 4.1 SE/16/00981/OUT Land South West of 2 Uplands Close, Riverhead TN13 3BP

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O4YPXWBKJ7400>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=O4YPXWBKJ7400>

Item 4.2 SE/16/02714/FUL Blacklambs Field, Bunkers Hill Road, Ash, Kent

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OCVWJ6BKERV00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OCVWJ6BKERV00>

Item 4.3 SE/16/03394/HOUSE 20 Sandilands, Sevenoaks

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OG4NBQBKL1C00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OG4NBQBKL1C00>

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