

18 May 2017 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks
Despatched: 10.05.17



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 Raikes

Agenda

There are no fire drills planned. If the fire alarm is activated, which is a continuous siren with a flashing red light, please leave the building immediately, following the fire exit signs.

| | Pages |
|--|-----------------|
| Apologies for Absence | |
| 1. Minutes To approve the minutes of the meeting of the Committee held on 6 April 2017, as a correct record. | (Pages 1 - 2) |
| 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/16/03749/HOUSE - Fletchers Oast, Egg Pie Lane, Weald, Kent TN14 6NP The erection of a single storey rear extension. | (Pages 3 - 12) |
| 4.2 SE/16/03813/FUL Foxbury Farm, Stone Street, Seal, Kent TN15 0LW Demolition of existing agricultural buildings, erection of 17 dwellings, including 7 affordable units, with change of use and conversion of existing cart shed and Boulton & Paul agricultural building to office accommodation with associated parking, landscaping scheme and alterations to existing vehicular access | (Pages 13 - 30) |

4.3 SE/16/03814/LBCALT Foxbury Farm, Stone Street, Seal, Kent TN15 0LW (Pages 31 - 40)

Demolition of existing large Boulton & Paul agricultural building, works to small Boulton & Paul agricultural building to provide office accommodation and works to existing Cart Shed to provide vehicle parking.

4.4 SE/17/00347/HOUSE 34 Hillfield Road, Dunton Green, Kent TN13 2UH (Pages 41 - 48)

Detached garage with store over (within roof space)

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, 15 May 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 6 April 2017 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Thornton (Vice Chairman)

Cllrs. Ball, Bosley, Clark, Gaywood, Horwood, Mrs. Hunter, Kitchener, Layland, Purves, Reay and Thornton

Apologies for absence were received from Cllrs. Brown, Cooke, Edwards-Winser and Parkin

82. Minutes

Resolved: That the minutes of the Development Control Committee held on 16 March 2017 be approved and signed by the Chairman as a correct record.

83. Declarations of Interest or Predetermination

There were none.

84. Declarations of Lobbying

There were none.

Tree Preservation Order

85. Objection to Tree Preservation Order number 11 of 2016 - Situated between Kings Arm Hotel and Wisteria House, High Street, Brasted

Tree Preservation Order number 11 of 2016 had been served in response to a formal notification to fell two Lime trees situated on the access road between both properties (SE/16/02755/WTCA). The proposal would have resulted in the loss of the two trees. An objection had been received from the tree owner.

Members' attention was drawn to the main agenda papers and late observations sheet which did not amend the recommendation.

Resolved: That TPO 11 of 2016 be confirmed without amendment.

Reserved Applications

The Committee considered the following planning applications:

86. SE/17/00818/AGRNOT - Winkhurst Grainstore, Faulkners Hill Farm, Yorks Hill

In accordance with Section 100B (4) of the Local Government Act 1972, the Chairman had agreed to accept the report as an urgent matter as it needed to be determined before 10 April 2017 or it benefitted from deemed permission. The application had been submitted in the form of an Agricultural Notification which sought confirmation that the works were permitted development under Class A, Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and sought a determination on whether prior approval was required for the siting, design or external appearance of the proposal. The application had been referred to the Committee as the applicant is a relative of a Member of staff.

Members asked questions of clarification from the Officers.

Resolved: That prior approval was not required.

87. SE/17/00475/TELNOT - Land adjacent Haresfield, Badgers Road, Badgers Mount

In accordance with Section 100B (4) of the Local Government Act 1972, the Chairman had agreed to accept the report as an urgent matter as it needed to be determined before 10 April 2017 or it benefitted from deemed permission. The proposal was not a planning application, as under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) the proposal was considered by the applicant to fall within the permitted development limits of Part 16, Class A. The applicant requested that the local authority determine whether prior approval was needed for the application which was a proposed telecommunications mast and base stations installation. The application was referred to the Committee by Councillor Williamson on grounds of harm to the Area of Outstanding Natural Beauty.

The Committee was addressed by the following speaker:

Against the Application:

For the Application:

Parish Representative:

Local Members: Cllr. Grint

Members asked questions of clarification from the Officers.

Resolved: That prior approval was not required.

THE MEETING WAS CONCLUDED AT 7.32 PM

CHAIRMAN

4.1 - SE/16/03749/HOUSE Date expired 7 June 2017

PROPOSAL: The erection of a single storey rear extension.

LOCATION: Fletchers Oast, Egg Pie Lane, Weald, Kent TN14 6NP

WARD(S): Seal & Weald

ITEM FOR DECISION

The application has been referred to the Development Control Committee by Councillor Thornton on the following grounds:

- the proposal exceeds the 50% Green Belt limit for development
- a case of very special circumstances does not exist

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

1) The existing garden shed; as shown on the approved plan Existing Block and Site Location FL010 & Existing outbuilding drawing no. OW4; shall be demolished and all materials resulting therefrom shall be removed from the land within one month from the date of this permission.

To prevent inappropriate development in the Green Belt as supported by GB3 of the Sevenoaks Allocations and Development Management Plan.

Note to Applicant

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

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

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- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

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

Description of proposal

- 1 The applicant is seeking retrospective permission for a single storey addition.
- 2 The development consists of a single storey rear extension with a hipped roof measuring 3.5m wide and 1.4m deep from the rear elevation at ground level. The ridge height is set to 3.3m and the extension stands 2.2m at eaves. It has added 4.9m² in floorspace to the dwelling.

Description of site

- 3 The application site consists of Fletchers Oast a two storey detached dwelling fronting Egg Pie Lane; located within Seal and Weald Ward of Sevenoaks Weald parish. The site consists of the main dwelling and outbuildings situated in the residential curtilage.

Constraints

- 4 Metropolitan Green Belt

Policies

Allocations and Development Management (ADMP):

- 5 Policies - SC1, EN1, EN2, GB1

Core Strategy:

- 6 Policies - SP1

Other

- 7 Residential Extensions Supplementary Planning Document (SPD)
- 8 National Planning Policy (NPPF)

Planning history

- 9 SE/16/00097/HOUSE - GRANTED - Demolition of existing garage and summer house and erection of a new garage/workshop.

SE/15/02948/HOUSE - GRANTED - Demolition of existing garage/workshop. Erection of a garage/workshop. Alterations to parking area.

SE/14/01726/HOUSE - GRANTED - Demolition of existing garage/workshop and erection of new detached garage/workshop.

SE/13/02944/HOUSE - GRANTED - Demolition of existing extension and erection of a two storey side extension, repositioned porch, tile hanging to upper part of elevations, Juliet balcony on first floor rear elevation and lantern rooflight over ground floor rear extension, alterations to fenestration.

66/15758 - GRANTED - Addition of a garage, study, bedroom and garage.

60/10788 - GRANTED - Erection of brick garage.

Consultations

Weald Parish Council -

- 10 Objects to application. It is the Parish Council's policy to object to applications in the Green Belt which exceed the 50% rule under Policy H14A (*this policy has been superseded by Policy GB1 of the ADMP*).

Representations

- 11 Eight (1 duplicate) comments in support of the application have been received:
- Significant improvement after years of neglect
 - Concern that the contractor contacted Planning Enforcement after supporting the applicants in erecting unapproved extension
 - Small size of concerned area
 - Insignificant in relation to the overall dwelling and size of plot
 - Does not harm the Green Belt
 - Seclusion from neighbours
 - Extenuating circumstances
 - In keeping with original style of the property.

Chief Planning Officer's appraisal

Principal issues

- 12 The main issues for consideration are:
- Impact on the Green Belt
 - Impact of the proposal on the street scene
 - Impact of the proposal on neighbouring amenity.

Of particular relevant to this application is the following guidance:

Presumption in favour of sustainable development:

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- 13 Para 14 of the NPPF confirms that there is 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, 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.

Green Belt considerations:

- 15 Having established that the site is within the Green Belt we must consider both our Development Plan Policy and the NPPF.
- 16 As set out in para 87 of the NPPF, where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances.
- 17 Para 88 of the NPPF advises that Local Planning Authorities should give substantial weight to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
- 18 Therefore, the harm in principle to the Green Belt remains even if there is no further harm to openness because of the development.
- 19 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principle to the Green Belt from inappropriate development.

Impact on Green Belt

- 20 Fletchers Oast lies within the Metropolitan Green Belt and thus Policy GB1 '*Limited extension to dwellings in the Green Belt*' of the ADMP applies to this development. Policy GB1 states that proposals to extend an existing dwelling within the Green Belt which would meet the following criteria will be permitted.
- 21 Development must be in keeping with the appearance of the building and subservient in volume. Any development can not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion.
- 22 The total floorspace of the proposal together with any previous extensions, alterations and outbuildings would not result in an increase of more than 50% above the floorspace of the original dwelling.

Assessment against development plan policy:

- 23 I am satisfied that planning records on file indicate that the dwelling is lawful and permanent in nature in accordance with criteria a) of Policy GB1; and thus the development will need to be assessed against the remaining points contained within that policy.
- 24 In terms of design, the hipped roof over the single storey extension reflects the pitch, overhang and style of the main house and is covered in matching dark coloured tiles. The flanks of the extension are brickwork similar in quality and appearance to the main house. A window is installed in the rear elevation with a white frame.
- 25 It is considered that the choice and combination of materials succeed in responding to and reinforcing the character of the house and wider area. The rear extension is therefore a good match to the original building and unobtrusive in this respect.
- 26 It is my opinion that the volume, scale and bulk of the extension have not resulted in a development with an overbearing appearance but one that is subservient.
- 27 In summary, impact to the Green Belt as a result of this development is considered low. The character of the locality is unaffected and the development meets the requirements of criterion b).
- 28 Development is acceptable when considered against criteria a) and b); criterion c) will be assessed and must be met for the development to be appropriate. To accord with criterion c) development must not increase total floor space by more than 50% above the floor space of the original dwelling.
- 29 At ground level the development measures 3.5m wide and 1.4m deep from the rear elevation. It has added 4.9 m² (3.28%) in floorspace to the dwelling.
- 30 From the submitted plans, I have made the following floor space calculations: -

| | |
|------------------------------|------------------------------|
| Original Floor Space | 149.28 m ² |
| 50% | 74.64 m ² (59.5%) |
| Already extended by | 88.79 m ² |
| Retrospective rear extension | 4.9m ² |
| Total extensions | 93.69m ² |
| Total increase % | 62.76% |

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- 31 The development is contrary to local Green Belt policy GB1 and it is necessary to review the material considerations that may amount to a case for very special circumstances.
- 32 As a case for very special circumstances the applicant is willing to demolish a shed within the residential curtilage of the property located 14m from the main house. The shed is located against the eastern boundary of the site and comprises of a timber shed outbuilding used for storage. The shed measures 4.17m by 2.72 m and stands 2.45m high. The floor space is calculated at 11.34m².
- 33 Taking down a shed with a floor space of 11.34m² considerably larger than the 4.9m² of the retrospective extension development would materially reduce built bulk within the Green Belt. The area of the shed is greater than the area added to the house by 6.4m².
- 34 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form.
- 35 Given that a case for very special circumstances will remove a shed with a floor area of 11.34m², the impact of the rear addition is judged to be mitigated by a significant net gain to the openness of the Green Belt. The case for very special circumstances is considered valid.
- 36 When tested against criterion c) of GB1 I have concluded that the development is inappropriate in principle. However I would argue that as a case for very special circumstances the removal of a shed within the residential curtilage is sufficient to safeguard the character and openness of the Green Belt. On balance the scale and any harm from the development is outweighed by a reduction in built form within the Green Belt.

Amenity

- 37 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.
- 38 The retrospective extension is located 21.5m from the nearest neighbour Appletrees and 60m from Fletchers Green. Given the distances and screening there will not be any loss of light or outlook to the surrounding residential properties resulting from the development. To the east the site is adjoins an area of land named Coal Yard and Stidolph's Farm but these will be unaffected by this small single storey extension.
- 39 I note that the development is located to the side of the rear elevation away from the highway on a part of the property screened by mature vegetation and trees on its boundary.
- 40 Views of the development are primarily blocked by the bulk of the main dwelling; and equally hidden by mature borders fronting the curtilage and to the side. A very brief gap in the front boundary hedgerow and house is the sole view point onto the garden from the street scene. This is the only position on Egg Pie Lane where the development can be seen and whilst it is

possible to look at flank of the property; the extension is difficult to distinguish due to perspective.

- 41 For the reasons stated above the development is largely concealed from the road and has minimal impact on the street scene and character of the area.
- 42 Looking at the wider neighbourhood, the area is foremost residential but has agricultural storage units. The mixed character of the area demonstrates that the development is not unconventional or unsuitable.
- 43 Consequently, I am satisfied that the rear extension would not have an unacceptable impact upon the amenity of surrounding residents. The development is considered to be in accordance with policy EN2 of the ADMP.

CIL

- 44 The development is not liable as less than 100 square meters of floor space is created.

Conclusion

- 45 For the reasons detailed above that the development would be acceptable through very special circumstances. The development would be in keeping with the character and appearance of the area, would preserve neighbouring amenity and would not be detrimental to the Green Belt. Therefore the Officer's recommendation is to grant planning permission.

Background papers

Site and block plan

Contact Officer(s): Neil Armour Extension: 7387

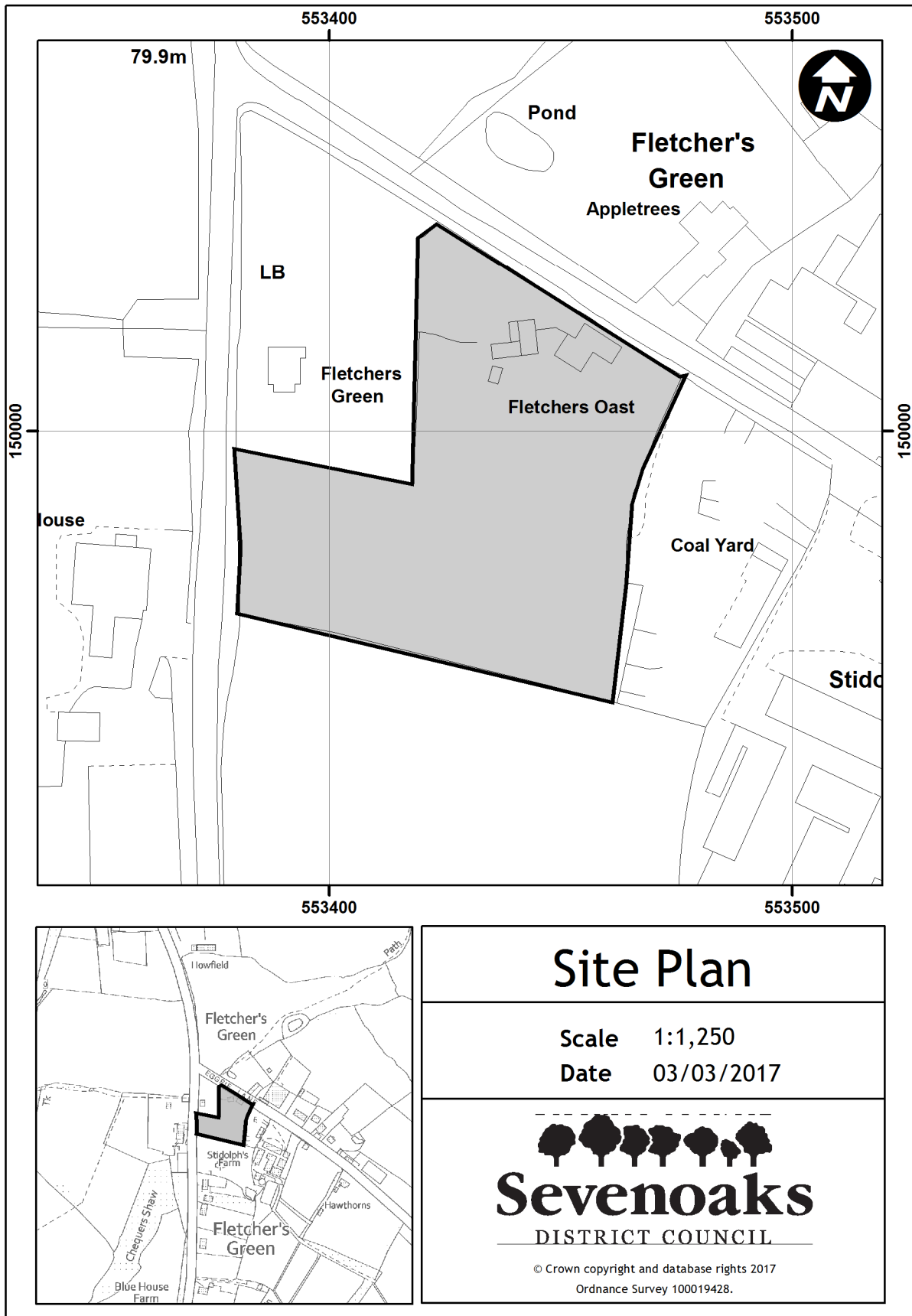
Richard Morris
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OHTRCWBKN4000>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OHTRCWBKN4000>



Site Plan

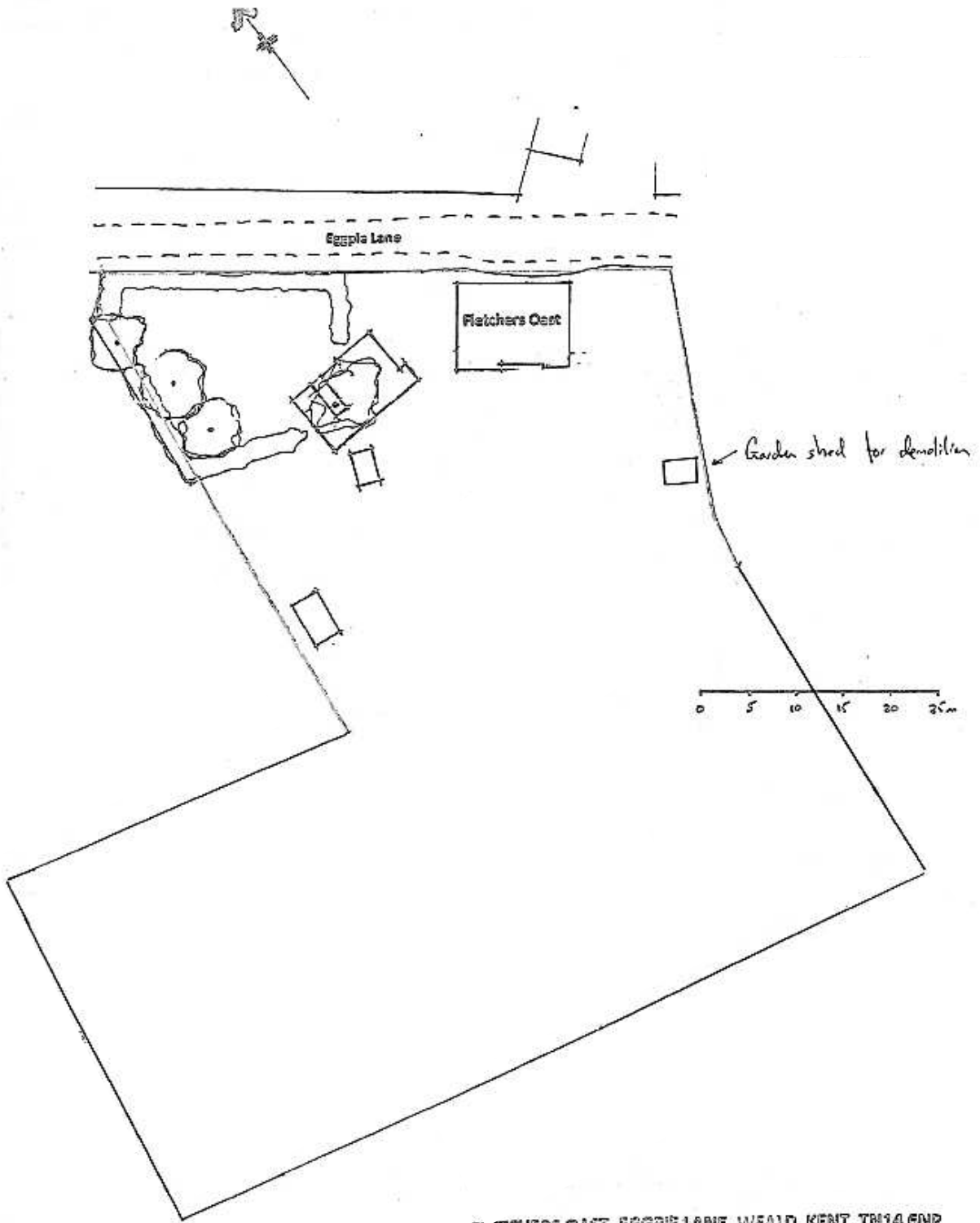
Scale 1:1,250

Date 03/03/2017



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Ordnance Survey 100019428.

Block Plan



FLETCHERS OAST, EGGPIE LANE, WEALD, KENT, TR14 GNP

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4.2 - SE/16/03813/FUL Revised expiry date 10 April 2017

PROPOSAL: Demolition of existing agricultural buildings, erection of 17 dwellings, including 7 affordable units, with change of use and conversion of existing cart shed and Boulton & Paul agricultural building to office accommodation with associated parking, landscaping scheme and alterations to existing vehicular access

LOCATION: Foxbury Farm, Stone Street, Seal, Kent TN15 0LW

WARD(S): Seal & Weald

ITEM FOR DECISION

This application is reported to the Development Control Committee at the request of Councillor Hogarth who is in support of the application.

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

1 The land lies within the Metropolitan Green Belt where strict policies of restraint apply. The proposal would be inappropriate development harmful in principle to the Green Belt. The Council does not consider that the material considerations presented in this case that form the case for very special circumstances are sufficient to justify overriding policies L01 and L08 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

2 The proposed development, because of the residential nature of the proposal, its design and the density of the scheme would result in a development that was out of character with the rural area in which it is located and of harm to the appearance and character of its surroundings. This conflicts with policy SP1 of the Sevenoaks Core Strategy policy EN1 of the Sevenoaks Allocations and Development Management Plan.

3 The proposal would create an undesirable form of development. It would harm the residential amenities enjoyed by the existing and future occupants of the proposed development because of an unacceptable level of overlooking and loss of privacy. This conflicts with policy EN2 of the Sevenoaks Allocations and Development Management Plan.

4 Without the secure provision of affordable housing through a completed Section 106 obligation, the proposal would be contrary to policy SP3 of the Sevenoaks Core Strategy.

Informatives

1) The proposed development has been assessed and it is the Council's view that the CIL IS PAYABLE. Should this decision be appealed and the appeal is allowed full details will be set out in the CIL Liability Notice which will be issued as soon as possible after the appeal decision is issued. Further information can be

found here:

<http://www.sevenoaks.gov.uk/services/housing/planning/planning-applications/community-infrastructure-levy-cil>

Note to applicant

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

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

In this instance the applicant/agent:

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

Description of proposal

- 1 The application seeks the approval of the demolition of the majority of the existing agricultural buildings on the site and the erection of 17 new dwellings, the conversion of one agricultural building to an office use and the re-use of another for garaging, as well as parking, landscaping and alterations to the vehicular access.
- 2 The proposed dwellings would be spread across the site, including a terrace of eight units to the front of the site, seven of which are earmarked as affordable units, and groupings of units to the rear of the site.
- 3 The barn to be converted to an office use is located to the front of the site, adjacent to the access. Some internal and external alterations are proposed to be made, the main one being the insertion of large glazed panels to the front opening of the building.

- 4 The second building to be converted is situated on the western boundary of the site adjacent to the junction with Church Road. It is currently an open sided building and this open frontage would be retained.
- 5 Parking spaces provided for the development would be spread across the site for the new residential units and the new office use. Some would be provided within new garage buildings. Alterations to the vehicular access would mean a widening of the existing access.

Description of site

- 6 The application site comprises a large farm complex, which is made up of a number of large agricultural buildings mainly used for storage purposes. The site is located on the north side of the main lane through the centre of Stone Street adjacent to the junction with Church Road. The levels of the site rise slightly from the lane and the site is generally bounded by mature tree lines to the east and west and a wooded area to the north.

Constraints

- 7 The site falls within the Metropolitan Green Belt, the Kent Downs Area of Outstanding Natural Beauty and partially within an Area of Archaeological Potential. The Oast house building, directly adjacent to the application site is grade II listed and a number of the agricultural buildings on site are curtilage listed.

Policies

ADMP

- 8 Policies - SC1, EN1, EN2, EN4, EN5, GB5, GB9, T2 and T3

Sevenoaks Core Strategy

- 9 Policies - LO1, LO8, SP1, SP2, SP3, SP4, SP5, SP7 and SP11

Other

- 10 Planning (Listed Buildings and Conservation Areas) Act 1990
- 11 The National Planning Policy Framework (NPPF)
- 12 The National Planning Practice Guidance (NPPG)
- 13 Development in the Green Belt Supplementary Planning Document (SPD)
- 14 Affordable Housing Supplementary Planning Document (SPD)
- 15 Countryside Character Assessment Supplementary Planning Document (SPD)
- 16 St Laurence Village Design Statement

Planning history

SE/15/01749/FUL & SE/15/01750/LBCALT

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- 17 Demolition of existing agricultural buildings, erection of 15 dwellings with associated parking, landscaping and alterations to vehicular access - Refused.

SE/16/03814/LBCALT

- 18 Demolition of existing agricultural buildings, erection of 17 dwellings, including 7 affordable units, with change of use and conversion of existing Cart Shed and Boulton & Paul agricultural building to office accommodation with associated parking, landscaping scheme and alterations to existing vehicular access - Pending consideration.

Consultations

Seal Parish Council - 13.01.17

- 19 'Support - Yes - subject to conditions below:

Seal Planning Council supports this application subject to conditions being attached to the approval so as to ensure that the scheme to create seven affordable homes is agreed between the applicant and English Rural Housing Association. We note that in its letter of 20 May 2016 EHRA states that its participation in the scheme is conditional on a financial viability appraisal. Furthermore, the affordable housing should have conditions attached to it to ensure that the use of these houses is restricted in perpetuity to households which are either current residents of Seal Parish or have an existing family or employment connection.'

County Highways Engineer - 13.03.17

- 20 'Further to my previous comments dated 26th January 2017 on the above planning application I confirm that I now raise no objection on behalf of the local highway authority.

I note that the amended plans (21817A/05 Rev P) show that the secondary access has now been stopped up with bollards. This is acceptable as this reduces the hazard of conflict between vehicles exiting Church Road and those entering the development site.

The internal access route between units 1 and 9 has been widened to 3.7 metres, which would be wide enough for two cars to pass one another.'

Conservation Officer - 24.02.17 (Summary of comments provided for SE/16/03814/LBCALT)

- 21 Subject to the inclusion of a number of conditions on any approval of planning permission, the Council's Conservation Officer has stated that they accept the principal of redevelopment of the site and the introduction of new dwellings into the farmstead.

Housing Policy - 17.03.17 (Summary)

- 22 Provided comments supporting the application as it will provide affordable housing to help meet local needs identified within the recent Housing Needs Survey for Seal.

County Biodiversity Officer - 19.01.17 (Summary)

- 23 No objection has been raised subject to the inclusion of several conditions relating to external lighting, reptile mitigation, construction management plan, breeding bird and badger mitigation, and enhancements.

Lead Local Flood Authority - 26.01.17

- 24 'Kent County Council as Lead Local Flood Authority has reviewed the submitted information and note the changes to the design.

The principles proposed for the management of surface water have not changed from the previously submitted planning application (ref: 15/01749/FUL), as such those comments in our original response dated 20th August 2015 (copy attached) still apply.'

In their comments of the 20th August 2015 the Lead Local Flood Authority state that they have no objection to the scheme subject to the inclusion of three conditions to be attached to any approval of planning permission.

County Archaeological Officer - 31.03.17 (Summary)

- 25 No objection has been raised subject to the inclusion of a condition relating to site evaluation and investigation works.

Environmental Health Officer - 17.01.17

- 26 'Environmental Health concur with the recommendations detailed in the submitted contaminated desk study. Therefore further intrusive investigation of the site will be required prior to commencement of any development. Should any contamination be found, the applicant should submit remediation proposals to be agreed by the local planning authority, on completion of all remediation and soil importation a validation report will be required and agreed with the local planning authority before habitation of any property.'

Thames Water - 30.12.16 (Summary)

- 27 No objection raised.

Representations

- 28 Four letters of representation has been received objecting to the scheme on the following grounds:

- Impact on the Green Belt
- A lack of very special circumstances
- Density of the development in terms of numbers of units;

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- Increased traffic and highways safety;
- Lack of a demand for office accommodation;
- Over development of the site;
- Layout of the proposed terrace and impact on the character of the area;
- Access to the terrace of properties;
- How the properties would be powered;
- Impact on the AONB;
- Parking provision; and
- A lack of a bus service contrary to the applicant's statement.

Chief Planning Officer's appraisal

Principal issues

29 The main issues for consideration are:

- The potential impact on the Metropolitan Green Belt;
- The potential impact on the character and appearance of the area;
- The potential impact on heritage assets;
- The potential impact on residential amenity;
- The potential impact on highways safety and parking provision;
- The potential impact on biodiversity;
- The potential impact on the Area of Archaeological Potential;
- The potential impact on surface water drainage;
- The Code for Sustainable Homes;
- Affordable housing provision;
- Assessment of the case for very special circumstances;
- The Community Infrastructure Levy (CIL); and
- Sustainable development.

Of particular relevance to this application is the following guidance:

Presumption in favour of sustainable development:

30 Para 14 of the NPPF confirms that there is 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.)

31 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.

Green Belt considerations:

- 32 Having established that the site is within the Green Belt we must consider both our Development Plan Policy and the NPPF.
- 33 As set out in para 87 of the NPPF, where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances.
- 34 Para 88 of the NPPF advises that local planning authorities should give substantial weight to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
- 35 Therefore, the harm in principle to the Green Belt remains even if there is no further harm to openness because of the development.
- 36 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principle to the Green Belt from inappropriate development.

Area of Outstanding Natural Beauty (AONB):

- 37 The Countryside and Rights of Way Act 2000 states that the Local Planning Authority should conserve and enhance Areas of Outstanding Natural Beauty. Designating an Area of Outstanding Natural Beauty protects its distinctive character and natural beauty and can include human settlement and development.
- 38 There are therefore two considerations directly related to a site's AONB status when determining a planning application. Firstly does the application conserve the AONB and secondly, if it does conserve the AONB does it result in an enhancement. A failure to achieve both of these points will result in a conflict with the requirements of the Act.

Impact on listed buildings and their setting:

- 39 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.
- 40 The NPPF also states that great weight should be given to the conservation of heritage assets (para.132).
- 41 Policy SP1 of the Core Strategy states that the District's heritage assets and their settings, including listed buildings, will be protected and enhanced.

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- 42 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.

Impact on the Metropolitan Green Belt

Development plan policy summary:

- 43 The NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development (para. 89).
- 44 However, the NPPF defines previously developed land as being land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. This excludes land that is or has been occupied by agricultural buildings.
- 45 Policies LO1 and LO8 of the Core Strategy state that priority will be given to protecting the rural character of the District and that development that supports the maintenance and diversification will be supported where it is compatible with policies for protecting the Green Belt.

Assessment against development plan policy and whether the proposal is appropriate or inappropriate development in the Green Belt:

- 46 The development comprises the redevelopment of an existing agricultural site. In this case the proposed development is not one of the specified forms of development considered to be an exception under paragraph 89 of the NPPF. Therefore the proposed development would be, by definition, inappropriate development in the Green Belt.
- 47 It would therefore fail to comply with the NPPF and policies LO1 and LO8 of the Core Strategy.

Impact on openness:

- 48 The applicant has carried out a footprint, floor area and volume study as well as providing modelling of the existing and proposed massing. Cross-sections comparing the heights of the existing and proposed buildings have also been submitted.
- 49 The footprint and volume study indicates a reduction in footprint of 29%, a reduction in floor area of 17.25% and a reduction in volume of 17%.
- 50 Whilst these figures show a reduction, it is clear that the cross-sectional plans indicate comparable heights between the existing and proposed situations and the massing models show a similar if not greater spread of development across the site.

- 51 Overall, whilst there are benefits from the development there are negatives. On balance, I would therefore conclude that the proposed development would have a neutral impact on openness with the benefits and negatives cancelling each other out.

Very special circumstances:

- 52 There has been a claim made of very special circumstances.
- 53 This issue is considered in more detail in this report, as very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by any other considerations. It is therefore necessary to first identify the extent of harm.

Impact on the character and appearance of the area

- 54 Paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty.
- 55 Policy LO8 of the Core Strategy states that the distinctive character of the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings, will be conserved and enhanced.
- 56 Policy EN5 of the ADMP states that proposals within the AONB will be permitted where the form, scale, materials and design would conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance.
- 57 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)
- 58 Policy SP1 of the Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated.
- 59 Policy EN1 of the ADMP states that the form of proposed development should respond to the scale, height, materials and site coverage of the area. This policy also states that the layout of proposed development should respect the topography and character of the site and the surrounding area.
- 60 The development would result in the removal of most of the existing large agricultural buildings on the site and replacement with ones of a residential use and scale. The site is located within a hamlet in the countryside that mainly comprises residential dwellings. The levels of the site rise from the lane to the front and dense tree belts line the two side boundaries of the site with woodland to the rear. Public views of the site are therefore limited to those from the lanes immediately adjacent to the site.
- 61 Whilst residential dwellings would ordinarily sit comfortably within the prevailing residential character of the area, in this instance the

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development would lead to a suburbanisation of the existing farmyard. The existing farm buildings are buildings that are expected to be found in the countryside, whereas a residential development of this type and design is not.

- 62 Further to this the density of the development would be 20 dwellings per hectare. The development would be more than double the density of the surrounding area, which has a density of 8 dwellings per hectare and would appear at odds with the character of the local area.
- 63 For these reasons, it is therefore the case that the development would not reflect the rural character and appearance of the area. It follows that the scheme would be in conflict with the NPPF, policy SP1 of the Core Strategy and policy EN1 of the ADMP.
- 64 Due to the nature of the site and the limited scope of views into the site, I am satisfied that the development would conserve the landscape character of the AONB in accordance with the NPPF, policy LO8 of the Core Strategy and policy EN5 of the ADMP.

Impact on heritage assets

- 65 The Listed Buildings and Conservation Area Act 1990 states that proposals should protect the historic character and the setting of the listed building.
- 66 The proposal comprises the demolition of a number of existing buildings, including a curtilage listed buildings, the erection of new buildings within the setting of a listed building and retained curtilage listed buildings and the conversion of two curtilage listed building.
- 67 The demolition of the large Boulton & Paul barn, which is one of the curtilage listed farm buildings on the site, would require the applicant to demonstrate that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the four bullet points in paragraph 134 of the NPPF are met.
- 68 The erection of the new buildings and the conversion of the existing building would have less than substantial harm to the setting of the existing heritage assets and to the fabric and character of the converted building itself. It is therefore necessary to weigh the harm against the public benefits of the proposal.
- 69 The applicant has provided a Heritage Statement, which identifies the significance of the various heritage assets. As required by the NPPF an Impact Statement and a survey of the condition of the large Boulton & Paul barn has also been submitted.
- 70 These documents combine to confirm that no viable use has been found for the large Boulton & Paul barn and its loss is mitigated by the public benefit gained in the retention of the smaller barn and its viable conversion to office use. While there would be clear benefits in retaining the barn, it dominates the site and in its current state impacts on the setting of the adjacent listed Oast house building.

- 71 The retention of the smaller Boulton & Paul barn and its proposed non-residential use is welcomed as is the retention of much of the external materials of the building and the reuse of material salvaged from the larger barn to be removed.
- 72 In the wider context of the setting of the heritage assets, much of the informal character of the farmstead setting is proposed to be retained.
- 73 As such, whilst harm would occur as a result of the loss to the large Boulton & Paul barn this harm is justified and therefore the presumption against harm is outweighed.
- 74 As such, the development meets the tests of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and complies with the NPPF, policy SP1 of the Core Strategy and policy EN4 of the ADMP.

Impact on residential amenities

- 75 Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 76 Policy EN2 of the ADMP states that proposals will be permitted where they would provide adequate residential amenities for existing and future occupiers of the development and would safeguard the amenities of existing and future occupants of nearby properties by ensuring that development does not result in excessive noise, vibration, odour, air pollution, activity or vehicle movements, overlooking or visual intrusion and where the built form would not result in an unacceptable loss of privacy, or light enjoyed by the occupiers of nearby properties.
- 77 The properties potentially most affected by the development would be those that share a boundary to the site. All other dwellings, including those on the opposite side of the lanes, would be of sufficient distance away not to be significantly impacted upon.
- 78 1-4 Rosemary Cottages would retain a distance of some 30m to the new dwellings proposed to be erected closest to the western boundary of the site. This distance would ensure that the residential amenity of the occupiers of these properties was wholly preserved, including any potential noise disturbance from a wholly residential use of the site.
- 79 To the east, The Little House, would retain a distance of over 85m to the new development on the site. This distance would again ensure that the residential amenity of the occupiers of these properties was wholly preserved, including any potential noise disturbance from a wholly residential use of the site.
- 80 Within the site some of the relationships formed between the new properties and between the existing properties and new dwellings would be uncomfortable. This would particularly be the case in terms of the overlooking and loss of privacy to the gardens serving Units 3, 5 and 9, and between Unit 9 and Foxbury Farmhouse and Foxbury Farm Cottage.

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- 81 These relationships would not preserve residential amenity and cause harm to the enjoyment of occupiers of these new properties.
- 82 As such, I am of the view that the development would not provide adequate residential amenities for existing and future occupiers of the development. This fails to accord with the NPPF and policy EN2 of the ADMP.

Impact on highways safety and parking provision

- 83 Policy EN1 of the ADMP states that proposal should ensure satisfactory means of access for vehicles and pedestrians and provide adequate parking and refuse facilities.
- 84 Policy T2 of the ADMP states that vehicle parking provision, including cycle parking, in new non-residential developments should be made in accordance with advice by Kent County Council as Local Highway Authority or until such time as non-residential standards are adopted.
- 85 The development would provide 38 vehicle parking spaces, which exceeds the required parking provision by one space and includes some visitor parking, and the widening of the existing vehicular access to the site.
- 86 The County Highways Engineer has raised no objection to the scheme subject to a number of conditions. On this basis I am satisfied that the development complies with the requirements of policies EN1 and T2 of the ADMP.

Impact on biodiversity

- 87 The NPPF states that development proposals where the primary objective is to conserve or enhance biodiversity should be permitted (para. 118).
- 88 Policy SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity.
- 89 The application has been fully supported by ecological surveys, which the County Biodiversity Officer has found to be acceptable subject to conditions.
- 90 It is therefore the case that the development would not harm biodiversity and so the proposal is in accordance with the NPPF or policy SP11 of the Core Strategy.

Impact on the Area of Archaeological Potential

- 91 The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (para. 132).
- 92 Policy SP1 of the Core Strategy states that the District's heritage assets and their settings, including listed buildings, will be protected and enhanced.

- 93 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.
- 94 Within the Area of Archaeological Potential the proposed development would take place on areas of the site that are already developed. Further to this the County Archaeological Officer has raised no objection to the scheme subject to the inclusion of a condition relating to site evaluation and investigation works.
- 95 I would therefore conclude that the proposal would not harm any archaeological features that may be found under the site in accordance with the NPPF, policy SP1 of the Core Strategy and policy EN4 of the ADMP.

Impact on surface water drainage

- 96 The Local Lead Flood Authority has raised no objection to the scheme subject to conditions and so the surface drainage system proposed as part of the development is wholly acceptable.

The Code for Sustainable Homes

- 97 Policy SP2 of the Core Strategy requires that new homes achieve at least Level 3 of the Code for Sustainable Homes. Applicants must submit evidence which demonstrates how the requirements have been met or which demonstrate that compliance is not technically or financially feasible.
- 98 However, two material considerations are a recent ministerial statement outlining the fact that local authorities will no longer be able to require energy efficiency standards on new dwellings and the fact that the Code for Sustainable Homes no longer exists making it unreasonable to impose related conditions. Therefore, while the proposal has been considered in relation to the development plan, material considerations dictate that in this instance any condition requiring compliance with the Code for Sustainable Homes should not be imposed.

Affordable housing provision

- 99 Policy SP3 of the Core Strategy states that in residential developments of 15 dwellings or more gross 40% of the total number of units should be affordable.
- 100 The proposal includes the provision of a total of 17 dwellings. It is therefore the case that 7 of the houses would need to be affordable units to comply with policy SP3.
- 101 The applicant has provided a draft legal agreement, which would secure 7 affordable units as part of the development. However, this has not been completed and therefore would form a ground of refusal.

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The Community Infrastructure Levy (CIL)

102 The proposal is CIL liable but no CIL exemption has been claimed.

Assessment of any very special circumstances that may apply for this Green Belt proposal

103 Para 88 of the NPPF states that when considering any planning application, LPAs should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by any other considerations.

Possible very special circumstances:

104 These can be summarised as:

- Improved openness;
- The reduction in built development, both footprint and volume and removal of 30% of the sites hardstanding areas;
- Improved views of the Listed building and associated improvements to its setting;
- Highway access improvements and changes in activity levels from the site;
- The provision of 7 affordable units of a size and type for which there is an identified need in this location; and
- The ability of existing residents of the village to downsize their property.

Assessment of very special circumstances:

105 As noted above, I believe that the change in openness between the existing and proposed development on the site is neutral. I would therefore attached limited weight to this material consideration.

106 The main views of the listed Oast house are from the lane to the front of the site. These would not be significantly altered as a result of the development. In addition, the setting of the listed building and the curtilage listed buildings would be improved by the removal of the large Boulton & Paul barn.

107 However, harm would result from the introduction of the new dwellings in the countryside. The harm to the heritage assets would therefore balance out as being neutral and I would attach limited weight to this material consideration.

108 Highway access improvements and changes in activity levels from the site would not result in significant improvements to highways safety along the lane and so I would again attach limited weight to this matter.

109 The provision of 7 affordable units is in line with the requirement of policy SP3. It is therefore the case that the applicant has done no more than would

be required of them for a new residential development of this scale anywhere in the District.

- 110 It is also the case that the applicant has not demonstrated by way of a viability assessment that the 7 affordable units are deliverable.
- 111 Whilst I would acknowledge a proven need for a specific type of housing in Seal, demonstrated by the recently completed Seal Housing Needs Survey, and that this development would go some way to meet that need, the site is unsustainably located and as mentioned above the scheme would only provide the number of affordable homes required by our policy. I would therefore attach limited weight to this material consideration.
- 112 Finally, providing existing residents the ability to downsize, is not a significant material consideration and so I would attach limited weight to this.
- 113 The harm in this case has been identified as:
- The harm in principle from inappropriate development in the Green Belt, which must be given significant weight.
 - The harm to the amenity of residents, which I would attach moderate weight to.

Conclusion on very special circumstances:

- 114 In reviewing the extent of harm and the potential material considerations that form the case for very special circumstances, it is concluded that the cumulative limited weight afforded to the material considerations presented would not clearly outweigh the cumulative significant weight afforded to the harm identified in this instance.

Sustainable development

- 115 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking (para. 14). For decision-taking this means approving development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies out of date, granting of permission unless:-
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;
 - specific policies in this framework indicate development should be restricted; or
 - material considerations indicate otherwise.
- 116 In my opinion, the proposed scheme fails to wholly accord with the development plan, and I have explained this in detail above. It follows that

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the development is inappropriate and there would be adverse impacts in granting planning permission for the development.

Other issues

Referral to the Secretary of State

- 117 By way of notifying Members of a procedural point if they are minded to grant planning permission for the application, it would be necessary to refer the application to the Secretary of State for their consideration since the development is in the Green Belt and would exceed 1000m².

Conclusion

- 118 The proposal would be inappropriate development in the Green Belt and there are insufficient material considerations that would outweigh the harm that the proposal represents. Consequently the proposal is not in accordance with the development plan and therefore the Officer's recommendation is to refuse.

Background papers

Site and block plan.

Contact Officer(s): Mr M Holmes Extension: 7406

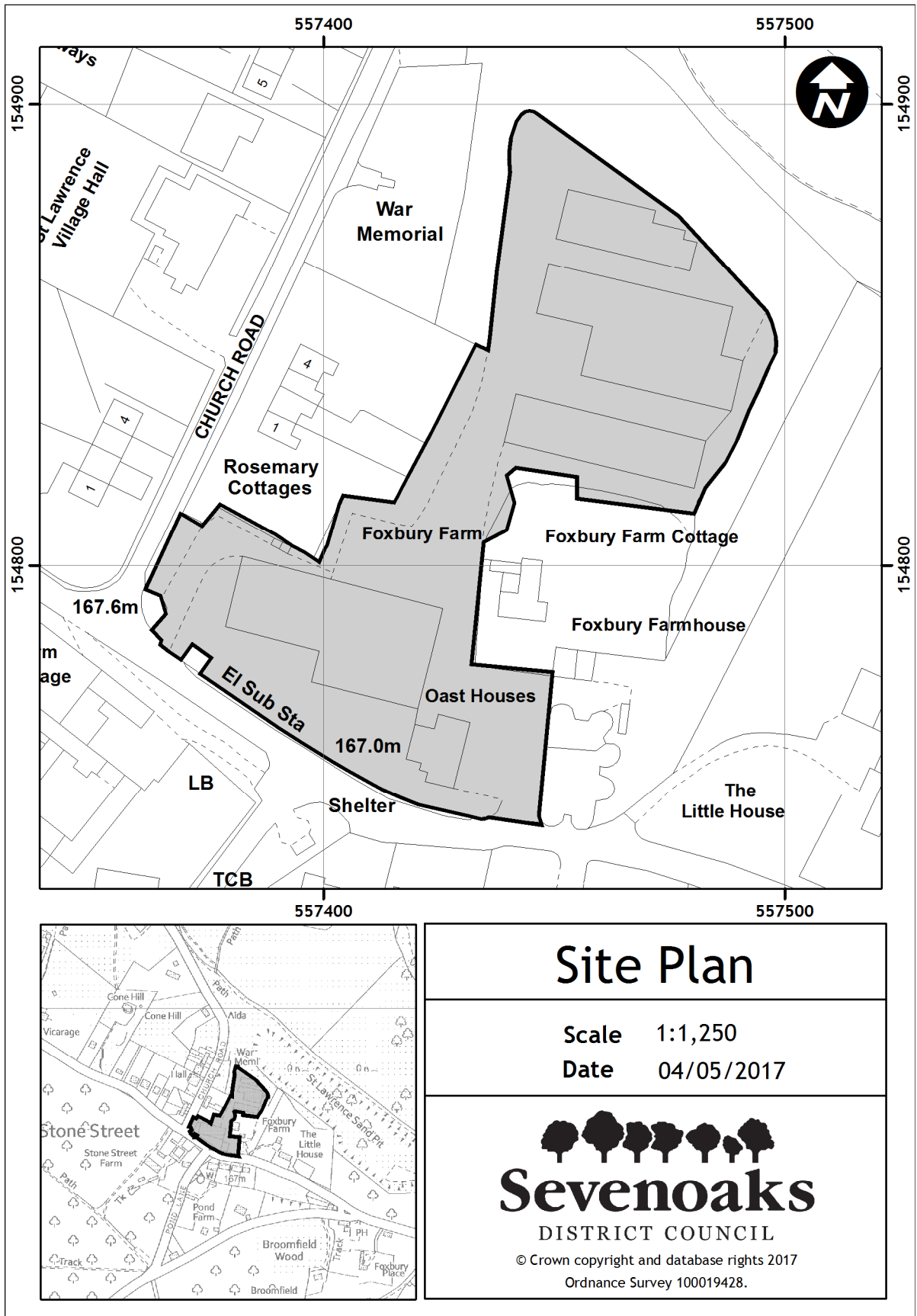
Richard Morris - Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OI30P8BKI2D00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OI30P8BKI2D00>



Block Plan



4.3 - SE/16/03814/LBCALT Revised expiry date 10 April 2017

PROPOSAL: Demolition of existing large Boulton & Paul agricultural building, works to small Boulton & Paul agricultural building to provide office accommodation and works to existing Cart Shed to provide vehicle parking.

LOCATION: Foxbury Farm, Stone Street, Seal, Kent TN15 0LW

WARD(S): Seal & Weald

ITEM FOR DECISION

This application is referred to the Development Control Committee at the request of Councillor Hogarth, who is wholly in support of the proposal, and to allow this Listed Building Consent application to be heard in conjunction with the planning application running in parallel.

RECOMMENDATION: That listed building consent be GRANTED subject to the following conditions:-

1) The works to which this consent relates shall begin before the expiration of three years from the date of this consent.

In pursuance of section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2) No works shall take place until full a detailed schedule of works relating to the conservation of the retained Boulton & Paul barn has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out using the approved schedule.

To conserve the significance of the heritage assets as supported by policy EN4 of the Sevenoaks Allocations and Development Management Plan.

3) No works shall take place until details and samples of the materials to be used in the finish of the small Boulton & Paul building have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out using the approved materials.

To conserve the significance of the heritage assets as supported by policy EN4 of the Sevenoaks Allocations and Development Management Plan.

4) No works shall take place until horizontal and vertical sections at a scale of no less than 1:10 and elevations at a scale of no less than 1:20 of all new windows and doors to be inserted into the retained Boulton & Paul barn have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out using the approved details.

To conserve the significance of the heritage assets as supported by policy EN4 of the Sevenoaks Allocations and Development Management Plan.

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5) No works shall take place until details of the connection between the proposed mezzanine floor and curtain wall glazing in the Boulton & Paul barn have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out using the approved details.

To conserve the significance of the heritage assets as supported by policy EN4 of the Sevenoaks Allocations and Development Management Plan.

6) No works shall take place until details and samples of the materials to be used in the finish of the roof of the cart house have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out using the approved materials.

To conserve the significance of the heritage assets as supported by policy EN4 of the Sevenoaks Allocations and Development Management Plan.

Description of proposal

- 1 The application seeks the approval of the demolition of the existing large Boulton & Paul agricultural building on the site, works to the small Boulton & Paul agricultural building to provide office accommodation and works to the existing Cart Shed to provide vehicle parking.
- 2 The large barn to be demolished spans a large part of the front area of the site. The applicant indicates that the building was constructed in 1936.
- 3 The barn to be converted to an office use is also located to the front of the site, adjacent to the access. Some internal and external alterations are proposed to be made, such as the insertion of large glazed panels to the front opening of the building.
- 4 The second building to be converted is situated on the western boundary of the site adjacent to the junction with Church Road. It is currently an open sided building and this open frontage would be retained. This is proposed to be used as vehicle parking.

Description of site

- 5 The application site comprises a large farm complex, which is made up of a number of large agricultural buildings mainly used for storage purposes. The site is located on the north side of the main road through the centre of Stone Street adjacent to the junction with Church Road. The levels of the site rise slightly up from the highway and the site is generally bounded by mature tree lines to the east and west and a wooded area to the north.

Constraints

- 6 A number of the buildings on site are curtilage listed due to their association with the grade II listed Oast house building adjacent to the site and being pre -1948 structures.

Policies

ADMP

- 7 Policy - EN4

Sevenoaks Core Strategy

- 8 Policy - SP1

Other

- 9 Planning (Listed Buildings and Conservation Areas) Act 1990
- 10 The National Planning Policy Framework (NPPF)
- 11 The National Planning Practice Guidance (NPPG)
- 12 St Lawrence Village Design Statement

Planning history

SE/15/01749/FUL & SE/15/01750/LBCALT

- 13 Demolition of existing agricultural buildings, erection of 15 dwellings with associated parking, landscaping and alterations to vehicular access - Refused.

SE/16/03813/FUL

- 14 Demolition of existing agricultural buildings, erection of 17 dwellings, including 7 affordable units, with change of use and conversion of existing Cart Shed and Boulton & Paul agricultural building to office accommodation with associated parking, landscaping scheme and alterations to existing vehicular access - Pending consideration.

Consultations

Seal Parish Council - 13.01.17

- 15 'Support - Yes - subject to conditions below:

Seal Planning Council supports this application subject to conditions being attached to the approval so as to ensure that the scheme to create seven affordable homes is agreed between the applicant and English Rural Housing Association. We note that in its letter of 20 May 2016 EHRA states that its participation in the scheme is conditional on a financial viability appraisal. Furthermore, the affordable housing should have conditions attached to it to ensure that the use of these houses is restricted in perpetuity to households which are either current residents of Seal Parish or have an existing family or employment connection.'

Conservation Officer - 24.02.17

- 16 'Foxbury Farm is a large farmstead in Stone Street containing a Grade II listed Oast house building and a number of other buildings on site are

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curtilage listed as being constructed pre-1948. The small and large corrugated barns have been identified by 20th Century Society as pre-fabricated farm buildings by Boulton and Paul dating from 1936 and 1945 and therefore are curtilage listed.

- 17 The application seeks the demolition of existing non-curtilage listed agricultural buildings and the erection of 17 dwellings, including 7 affordable units. The existing Cart House, which is curtilage listed, will be converted into a car barn. The larger Boulton & Paul agricultural building will be demolished whilst the smaller Boulton & Paul building will be retained and converted into office accommodation with associated parking. A landscaping strategy and alterations to existing vehicular access are also proposed. The conversion of the Oast House into residential dwelling has been removed from the application.
- 18 A previous application was refused on the grounds that the Heritage Statement did not assess the significance of the Boulton & Paul agricultural buildings. The Heritage Statement also did not acknowledge the harm that would result from the proposed demolition of existing curtilage listed farm buildings, which would have led to total loss of the significance of the buildings. The current application addresses these concerns with the inclusion of an Impact Statement and a survey of the condition of the building which seeks to justify the loss of the large Boulton & Paul barn. This is in line with Para. 132 of NPPF that: 'As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.' The demolition of the larger Boulton & Paul barn is unfortunate but as stated in the Heritage Statement no viable use has been found and its loss is mitigated by the public benefit gained in the retention of the smaller barn and its viable conversion to office use. While the barn is of historic significance due to its manufacturer and its connection with legacy farming methods during the Second World War, it dominates the site and in its current state impacts on the setting of the listed Oast house building.
- 19 We welcome the retention of the smaller Boulton & Paul barn and its proposed non-residential use. We are pleased as much as possible of the cladding material will be retained and where not material will be salvaged from the larger barn. The existing barn doors and mechanisms will be retained and refurbished and the introduction of glass curtain walling will maintain the functional aesthetic of the building. Internally the open space void is integral to its character as an agricultural building whilst the partitioning of the ground floor is limited to a services area at the rear, the stairs and first floor mezzanine impacts on half of the curtain wall glazing and will be visible externally. It is therefore vital the design of the mezzanine floor and glazing is carefully considered to alleviate the impact. A double height void is maintained in the other half of the office space and the proposed layout allows a greater flexibility of office space than the use of two mezzanines which in turn leads to greater viability of the space.
- 20 We are pleased that the amended plans retain much of the informal character of the farmstead setting. The slight moving of the existing retaining wall at the entrance and minor re-grading of the grass embankment are not harmful to the significance of the site whilst addressing the concerns of Highways. The introduction of a raised cobbled surface outside Oast House will have a

minimal impact of its setting but will be in keeping with the informal farmstead character of the site and will be mitigated by the benefit of prohibiting cars mounting next to the listed building.

- 21 We accept the principle of redevelopment of the site. However the level of detail on the submitted elevations is insufficient to assess the impact on the listed buildings and conservation area. Therefore we would also like to condition detailed elevations.

Conditions:

- Detailed elevations of the new dwellings
- Details and sample panel of bricks and mortar for new dwellings and walls
- Details and sample of roof coverings for dwellings, cart house and small Boulton & Paul barn
- Schedule of works relating to the conservation of the smaller Boulton & Paul barn.
- Details and sample of finish of small Boulton & Paul barn
- Horizontal and vertical sections at 1:10 and elevations at 1:20 of all new windows and doors
- Details of connection between mezzanine floor and the curtain wall glazing in the Boulton & Paul barn
- Landscape scheme for entire site (including samples of hard landscaping) and external lighting.'

Representations

- 22 Four letters of representation has been received, one in support of the application and three objecting to the scheme on the following grounds:

- Layout of the development; *(not relevant to Listed Building application)*
- Number of units; *(not relevant to Listed Building application)*
- Impact on the Green Belt; *(not relevant to Listed Building application)*
- Highways safety; *(not relevant to Listed Building application)*
- Provision of utilities; *(not relevant to Listed Building application)*
- Impact on the AONB; *(not relevant to Listed Building application)*
- Impact on residential amenities; *(not relevant to Listed Building application)*
- Density of the development; *(not relevant to Listed Building application)*
- Impact on biodiversity *(not relevant to Listed Building application)*
- Impact on the listed building.

Chief Planning Officer's appraisal

Principal issues

23 The main issues for consideration are:

- The potential impact on heritage assets.

Of particular relevant to this application is the following guidance:

Impact on Listed Buildings and their setting:

24 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.

25 The NPPF also states that great weight should be given to the conservation of heritage assets (para.132).

26 Policy SP1 of the Core Strategy states that the District's heritage assets and their settings, including listed buildings, will be protected and enhanced.

27 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.

Impact on heritage assets

28 The Listed Buildings and Conservation Area Act 1990 states that proposals should protect the historic character and the setting of the listed building.

29 The proposal comprises the demolition of a large curtilage listed building, and works to two other curtilage listed buildings, to provide an office and a carport for vehicle parking.

30 The demolition of the existing curtilage listed farm building would clearly lead to the total loss of the significance of the building. The applicant is therefore required to demonstrate that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the four bullet points in paragraph 134 of the NPPF are met.

31 The applicant has provided a Heritage Statement, which identifies the significance of the various heritage assets. As required by the NPPF an Impact Statement and a survey of the condition of the large Boulton & Paul barn has also been submitted.

32 These documents combine to confirm that no viable use has been found for the large Boulton & Paul barn and its loss is mitigated by the clear public benefit gained in the retention of the smaller barn and its viable conversion to office use. While there would be clear benefits in retaining the barn, it dominates the site and in its current condition impacts on the setting of the adjacent listed Oast house building. As such the demolition of the large barn

would enhance the setting of the retained barn and the adjacent listed buildings.

- 33 The retention of the smaller Boulton & Paul barn and its proposed non-residential use is welcomed as is the retention of much of the external materials of the building and the reuse of material salvaged from the larger barn to be removed. The alterations to the barn are sympathetic and will retain its character.
- 34 No harm would result from the works to the cart shed to allow the use of the building for parking vehicles within it.
- 35 As such, whilst harm would occur as a result of the loss to the large Boulton & Paul barn this harm is justified and therefore the presumption against harm is outweighed.
- 36 The Conservation Officer has suggested a number of conditions to be attached to any grant of consent (see recommended conditions 2 - 6 above). A number of these conditions relate to the planning application that is running in parallel with this Listed Building Consent application.
- 37 As such, the development meets the tests of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and complies with the NPPF, policy SP1 of the Core Strategy and policy EN4 of the ADMP.

Matters raised in representations

- 38 The issues raised within the representations received mainly relate to the planning application that is being considered in parallel with this Listed Building Consent application.

Conclusion

- 39 Whilst the proposed development would result in the loss of one of the heritage assets on the site this harm is outweighed by the circumstances of the proposal. Consequently the proposal is not wholly in accordance with the development plan but the Officer's recommendation is to approve.

Background papers

Site and block plan.

Contact Officer(s): Mr M Holmes Extension: 7406

Richard Morris
Chief Planning Officer

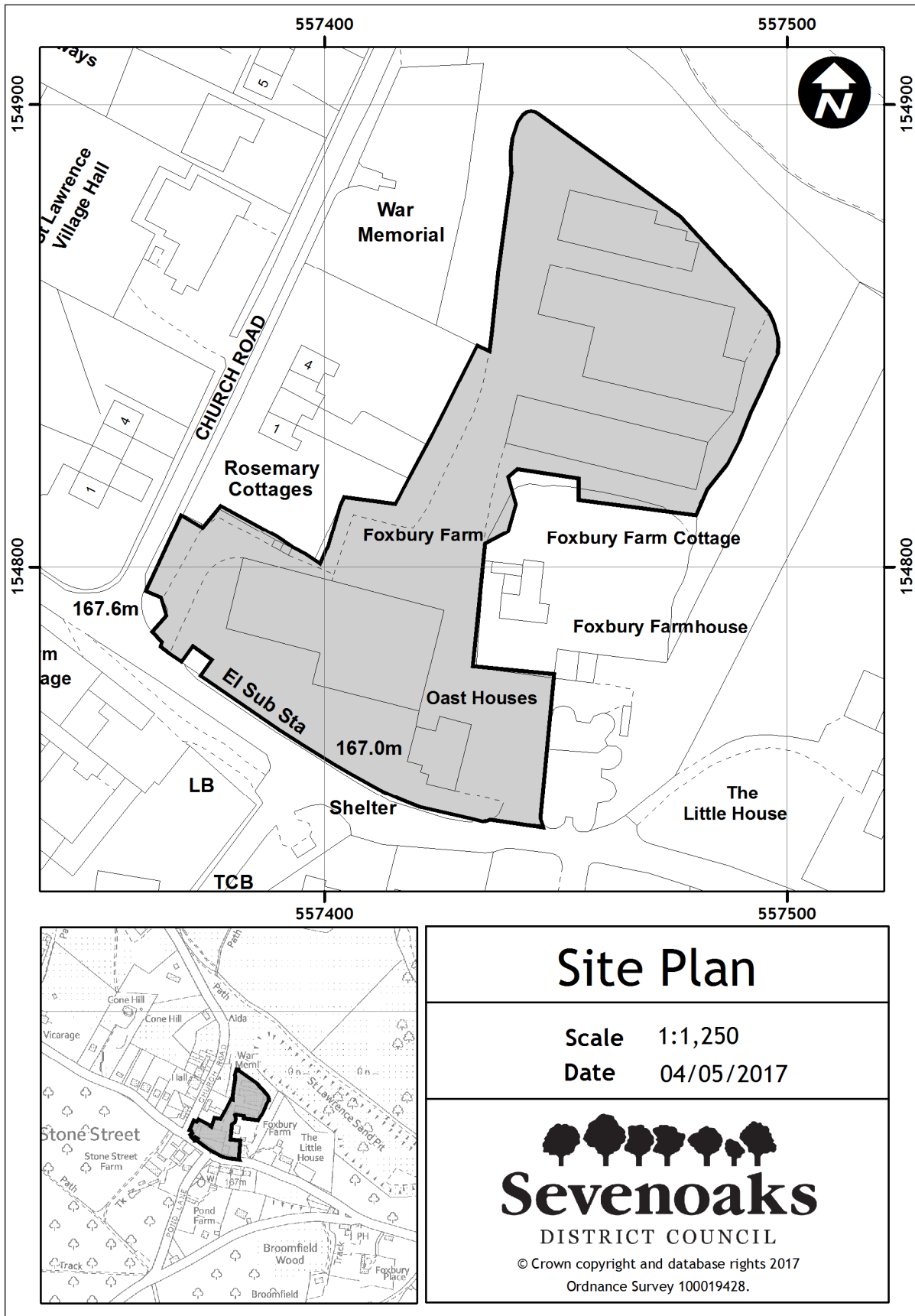
Agenda Item 4.3

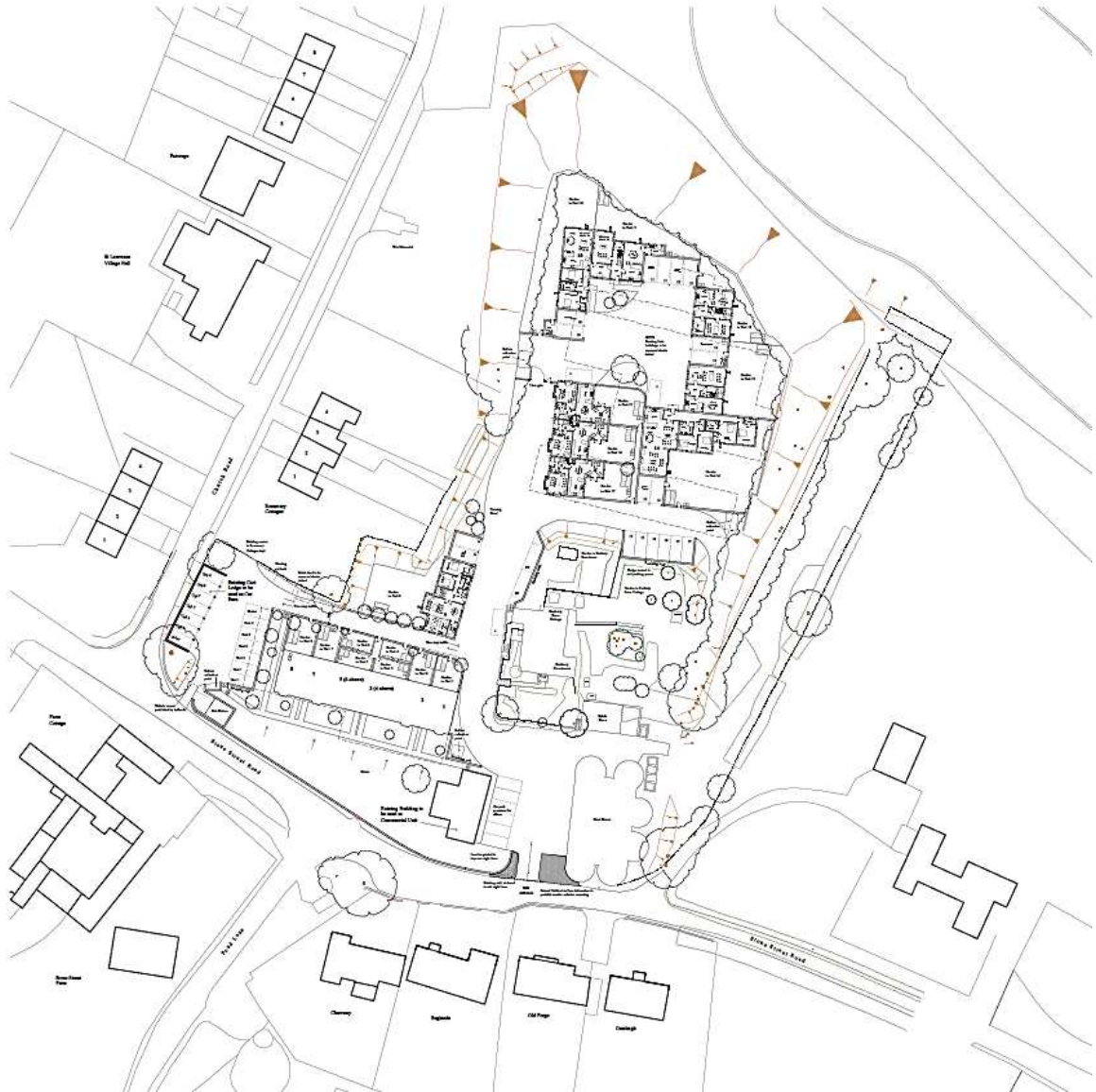
Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OI30PBBKI2E00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OI30PBBKI2E00>





4.4 SE/17/00347/HOUSE Date expired 3 April 2017

PROPOSAL: Detached garage with store over (within roof space)

LOCATION: 34 Hillfield Road, Dunton Green, Kent TN13 2UH

WARD(S): Dunton Green & Riverhead

ITEM FOR DECISION

The application has been referred to the Development Control Committee as the applicant is related to an officer of the Council.

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

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

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

2) The use of the building shall be incidental to the enjoyment of the dwelling and shall not be used for any commercial or other purposes.

To prevent overdevelopment of the land as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

3) 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 garage 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..

4) The development hereby permitted shall be carried out in accordance with the following approved plans: COB/16/800/01

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,

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

In this instance the applicant/agent:

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

Description of proposal

- 1 Proposed construction of a detached garage with store room over (within roof space).

Description of site

- 2 34 Hillfield is a semi-detached property located within the urban confines of Sevenoaks. 34 Hillfield Road is located in an estate comprising of predominantly semi-detached properties of a utilitarian design.

Constraints

- 3 Area of Archaeological Potential

Policies

ADMP:

- 4 Policies - EN1, EN2, T2.

Sevenoaks Core Strategy:

- 5 Policies - SP1.

Other:

- 6 National Planning Policy Framework.
- 7 Sevenoaks Residential Extensions SPD
- 8 Sevenoaks Residential Character Areas Assessment

Planning history

- 9 SE/14/00082/HOUSE - Demolition of existing outbuilding and the erection of a two storey side extension, a single storey front porch and installation of window to side elevation and formation of off street parking hard-standing and removal of hedge to be replaced with chestnut fencing. - Granted 1/04/2014.

Consultations

Dunton Green Parish Council:

- 10 No comments.

Representations

- 11 None.

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 there is 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, 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

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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 the urban confines of Sevenoaks and is within the Lusted Road Area defined in the Sevenoaks Residential Character Areas Assessment. The area contains late 1940s semi detached two storey houses of a uniform design and set on a regular building line. The properties have brick front elevations and steeply pitched gabled brown tiled roofs with chimneys on the ridge. A number of the properties have recently constructed side and rear extensions and outbuildings within their rear garden areas.
- 19 The Sevenoaks Residential Extensions SPD states that in regards to garages and other outbuildings these should not impact detrimentally on the space of surrounding buildings. They must be limited in scale and clearly ancillary to the property and their scale should not exceed what might reasonably be expected for the function of the building.
- 20 The proposed detached garage is to be positioned in the existing rear garden area of 34 Hillfield Road towards the eastern boundary of the application site. Vehicle access to the garage would be from Lusted Road and would use the existing dropped kerb access. The detached garage building would be set back 2 metres from Lusted Road and 0.6 metres away from the eastern boundary with 95 London Road. The building would have a pitched roof to a maximum height of 5.7 metres, a length of 6.85 metres, and a width of 4.2 metres. The garage would be located some 9.6 metres away from the existing rear flank wall of 34 Hillfield Road and 13.4 metres away from the rear flank wall of 95 London Road.
- 21 Due to the modest size of the proposal in relation to the size of the existing buildings and its proposed location, it will not create a bulky or disproportionate addition to the property. The detached garage will integrate well with the existing form of the dwelling utilising facing brick and plain concrete tiles in keeping with the existing houses.
- 22 The proposal would accordingly have a minimal impact upon the street scene and would incorporate an appropriate design.

Impact on residential amenity

- 23 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.

- 24 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.
- 25 To the rear of 34 situated towards the east of the application site lies 95 London Road, with its rear flank elevation located 13.4 metres away from the flank wall of the proposed garage. Immediately adjacent to the garage within the rear garden of number 95 and within the rear garden of number 97 are existing detached outbuildings and sheds. Due to the location of the existing outbuildings and sheds and the existing boundary screening between the properties, the detached garage building would not cause a significant loss of sunlight or daylight to the neighbouring properties, beyond that currently experienced. It is notable that no neighbour comments have been received advising of concerns about loss of light or outlook.
- 26 A further measure of harm is to assess whether the proposal would result in additional overlooking. In this instance, no windows are proposed to any of the elevations of the building and the upstairs store area will be provided with one rooflight only which is located on the front elevation. Whilst the proposal would include an external staircase to the left flank elevation of the proposed garage this provides stair access only for the storage area within the roof space of the garage and it is not intended for use as an external amenity area.
- 27 Given the above, the proposal complies with EN2 of the ADMP.

CIL

- 28 This proposal is not CIL liable as it does not exceed 100 square metres of floorspace created.

Access issues

- 29 The proposal uses the existing dropped kerb access to the site. As such, the proposal would not impact on the vehicular or pedestrian access to the site.

Conclusion

- 30 The proposed development would be sympathetic to the character of the property, area and the street scene. Due to the modest scale of the detached garage proposed, the boundary screening and the relationship with the neighbouring dwellings, 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

Agenda Item 4.4

Contact Officer(s): Mr Mark Mirams Extension: 7451

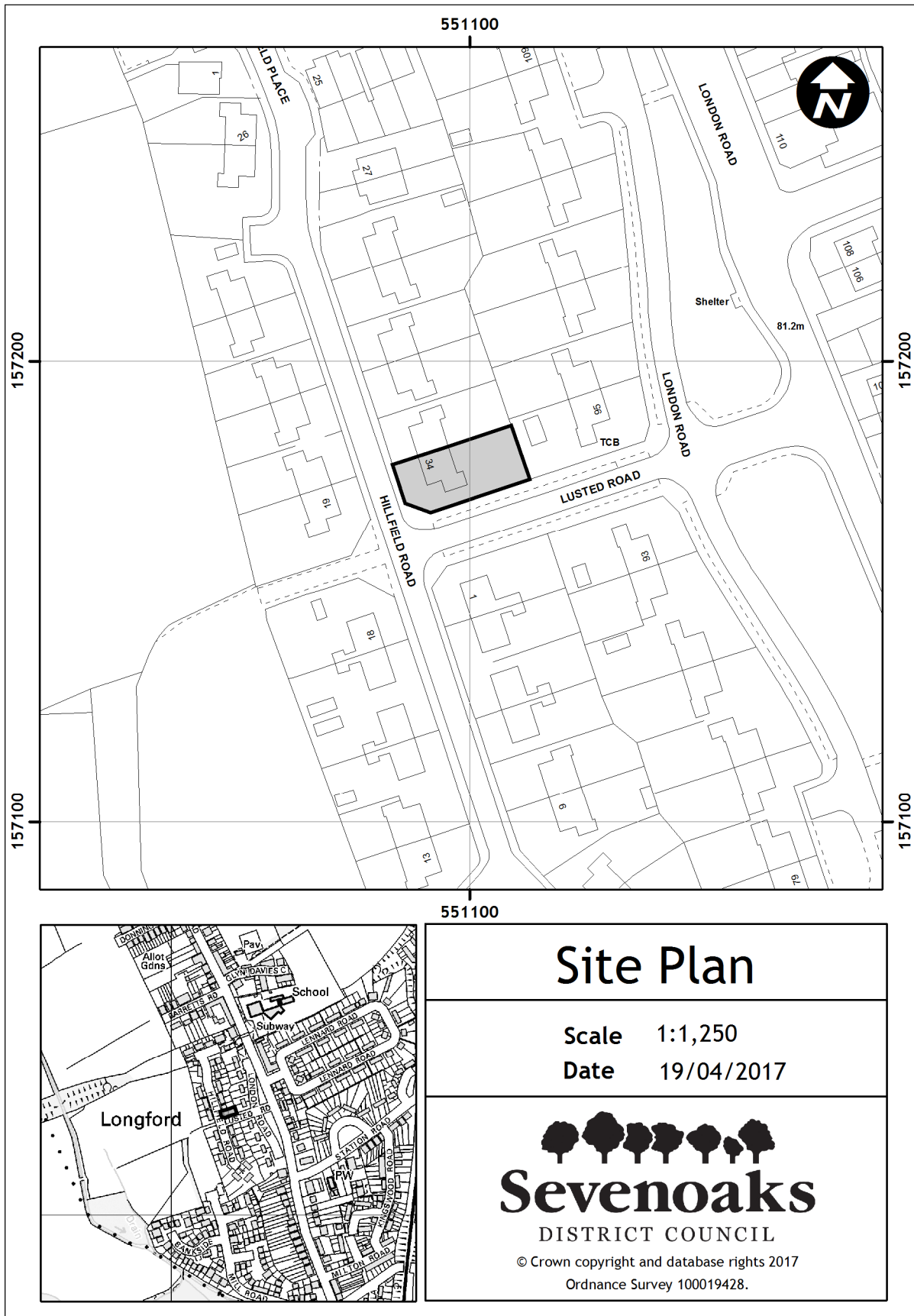
Richard Morris
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OKYEZJBK0L000>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OKYEZJBK0L000>



Site Plan

Scale 1:1,250

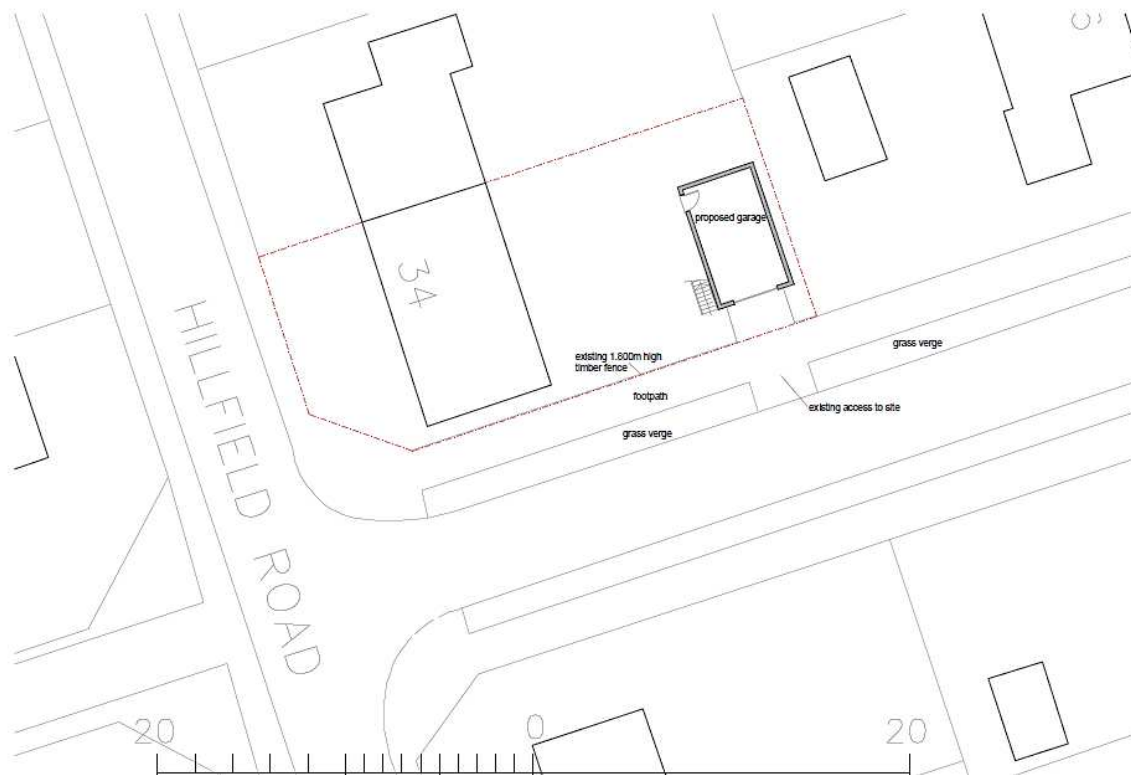
Date 19/04/2017



DISTRICT COUNCIL

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Ordnance Survey 100019428.



Planning Application Information on Public Access - for applications coming to

DC Committee on Thursday 18 May 2017

4.1 SE/16/03749/HOUSE Fletchers Oast, Egg Pie Lane, Weald TN14 6NP

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OHTRCWBKN4000>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OHTRCWBKN4000>

4.2 SE/16/03813/FUL Foxbury Farm, Stone Street, Seal TN15 OLW

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OI30P8BKI2D00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OI30P8BKI2D00>

4.3 SE/16/03814/LBCALT Foxbury Farm, Stone Street, Seal TN15 OLW

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OI30PBBKI2E00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OI30PBBKI2E00>

4.4 SE/17/00347/HOUSE 34 Hillfield Road, Dunton Green, TN13 2UH

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