

26 July 2018 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks
Despatched: 18.07.18



Development Control Committee

Membership:

Chairman, Cllr. Williamson; Vice-Chairman, Cllr. Thornton
Cllrs. Ball, Barnes, Bosley, Brown, Clark, Coleman, Edwards-Winsor, Gaywood,
Halford, Horwood, Mrs. Hunter, Layland, McArthur, 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	Contact
Apologies for Absence		
1. Minutes To approve the minutes of the meeting of the Committee held on 5 July 2018, as a correct record.	(Pages 1 - 8)	
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 18/01071/FUL - Sherinside, Stonehouse Road, Halstead TN14 7HN Construction of a replacement dwelling and outbuildings following the demolition of the existing dwelling and outbuildings.	(Pages 9 - 24)	

EXEMPT INFORMATION

Consideration of Exempt Information

Recommendation: That, under section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting when considering Agenda item 4.2 below, on the grounds that likely disclosure of exempt information is involved as defined by Schedule 12A: paragraph 3 - Information

relating to the financial or business affairs of any particular person (including the authority holding that information); and paragraph 5 - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

PLEASE NOTE

The report below has been restricted to members of the Committee only, on a separate supplementary agenda.

4.2 17/02279/FUL - Swanley Centre, London Road, Swanley BR8 7TQ

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 23 July 2018.

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.

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

Should you need this agenda or any of the reports in a different format, or have any other queries concerning this agenda or the meeting please contact Democratic Services on 01732 227000 or democratic.services@sevenoaks.gov.uk.

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 5 July 2018 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Thornton (Vice Chairman)

Cllrs. Ball, Brown, Coleman, Edwards-Winsor, Horwood, Mrs. Hunter, Layland, Parkin, Reay, Thornton and Raikes

Apologies for absence were received from Cllrs. Barnes, Bosley, Clark, Gaywood and Purves

Cllrs. Piper, Halford* and McArthur* were also present.
(*Members of the Committee sitting as observers as not yet received training as required by the Constitution).

7. Minutes

Resolved: That the minutes of the Development Control Committee meeting held on 24 May 2018 be approved and signed by the Chairman as a correct record.

8. Declarations of Interest or Predetermination

There were none.

9. Declarations of Lobbying

Councillors Thornton and Williamson declared that they had been lobbied in respect of Minute 4.1 18/01050/FUL - 41 Park Hill Road, Otford TN14 5QH.

Unreserved Planning Applications

There were no public speakers against the following items and no Member reserved the item for debate. Therefore, in accordance with Part 7.3(e) of the constitution, the following matters were considered without debate:

10. 18/00596/FUL - Faulkners Hill Farm, Yorks Hill, Ide Hill TN14 6LG

The proposal sought planning permission for a new barn and silage clamp together with enlargement of existing brown water lagoon and new harvested clean water attenuation lagoon.

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The application had been referred to Committee as the applicant was a relative of a member of staff.

Members attention was brought to the agenda papers.

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 application form.

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

- 3) No lighting shall be installed to serve the approved development until a 'lighting design strategy for biodiversity' 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 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. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and maintained thereafter in accordance with the strategy.

To ensure the development is not detrimental to protected species in accordance with Policy SP11 of the Core Strategy and the NPPF.

- 4) Prior to the commencement of any development hereby approved, details of ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include, but not be limited to:
 - a) Bat roosting features within the buildings on the site;
 - b) Bat boxes with adjacent vegetation;
 - c) Bird boxes on the buildings/adjacent vegetation;
 - d) Soft landscaping to promote native species;
 - e) Water plants within the new clean water lagoon.

The proposed enhancements shall be installed prior to the first occupation or use of the development hereby approved or to a timetable submitted to and approved in writing by the Local Planning Authority and maintained as such thereafter.

To ensure there is no net loss of biodiversity on the site and to provide enhancements in accordance with Policy SP11 of the Core Strategy and the NPPF.

- 5) Prior to the commencement of development, a precautionary mitigation statement for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include the following:

- a) immediate maintenance of low vegetation cover (max 10cm) on site where the silage clamp will be built from the start and until the end of development works to prevent the works area becoming suitable for reptiles;
- b) no construction materials or vehicles stored directly adjacent to the vegetated or grass areas;
- c) any holes covered overnight to prevent any animals falling in;
- d) any lights to be directed away from the southern vegetated boundary, and;
- e) the southern vegetated boundary to be protected during construction works. The development shall be carried out only in accordance with approved precautionary mitigation statement.

To protect biodiversity and to comply with policy SP11 of the Core Strategy and the NPPF.

- 6) The development hereby permitted shall be carried out in accordance with the following approved plans: 03, 04, 05RevA date stamped 20 February 2018, 06RevB date stamped 26 February 2018 and 02RevE date stamped 23 April 2018.

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

Informative

- 1) A public right of way may be affected by this proposal and planning permission does not authorise its stopping up or diversion (even temporarily). There is a separate and sometimes lengthy procedure to deal with this and you should contact Kent County Council for further information. It is an offence to obstruct a public right of way. It would be advisable to ensure any Diversion Order is approved by the relevant

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authority and that any new route is provided before any development under this planning application is commenced.

11. 18/01519/LBCALT - 2 Wolfe Cottages, Vicarage Hill, Westerham TN16 1TJ

The proposal sought planning permission for the provision of a replacement wet room.

The application had been referred to Committee as the agent was a member of staff.

Members' attention was brought to the main agenda papers.

The motion was put to the vote and it was

Resolved: That planning permission 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) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 18/00122/AFG date stamped 11/05/2018.

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

Informative

- 1) The applicant is reminded that separate consent may be required for any external changes, or changes to the building beyond those shown on the approved drawings, associated with the new wet room, for example changes to drainage pipes.

Reserved Planning Applications

The Committee considered the following planning applications:

12. 18/01050/FUL - 41 Park Hill Road, Otford TN14 5QH

The proposal sought planning permission to split the residential plot and construction of a new 3 bed chalet bungalow style dwelling with new drop kerb/access from Dynes Road and suspension of current parking bays. The application had been referred to Development Control Committee by Councillors Reay and Stack to consider the loss of amenity to the local shops as result of the loss of parking spaces with regard to policy EN1 and T2 of the Sevenoaks District Council Allocation Development Management Plan.

Members attention was brought to the main agenda papers.

The Committee was addressed by the following speakers:

Against the Application: -
For the Application: -
Parish Representatives: Parish Cllr Tony Andrews
Local Member: The Vice Chairman read a statement from Cllr Stack

Members asked questions of clarification from Officers. Officers advised that the applicants would be entitled to install an access across the layby under Permitted Development Rights, potentially losing a parking space within the layby.

It was moved by the Chairman and duly seconded that the recommendations within the report be agreed.

Members discussed the application, sympathising with the local parking issues and acknowledging the use of the layby by customers of local businesses. Discussion took place around other developments and accesses permitted adjacent to the sit, the presence of off-street parking for some of those developments and ownership and parking potential of the roadside grass verges. Members also noted that the construction of a dropped kerb in the location proposed on the application did not require planning permission. It was noted that there had been no objections from Kent Highways.

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) 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, and details of the materials to be used in the rear paving area, have been submitted to and approved in writing by the

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local planning authority. The development shall be carried out using the approved materials.

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

- 4) Prior to commencement of development a scheme to show the provision of an electric vehicle charging point, including the proposed location, type and specifications shall be submitted to and approved by the Local Planning Authority. The charging point shall be installed in accordance with the approved details prior to first occupation of the development.

To ensure the sustainability of the site in accordance with policy T3 of the Allocations and Development Management Plan.

- 5) No development shall be carried out on the land until details of how the development will enhance biodiversity have been submitted to and approved in writing by the Local Planning Authority. The approved details will be implemented.

To enhance the biodiversity of the site in accordance with policy SP11 of the Sevenoaks District Council 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.

- 6) The landscaping shall be carried out in accordance with plan 5986-PD-006 A. If any part of the approved landscaping scheme is removed, dies, becomes 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.

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

- 7) The development hereby permitted shall be carried out in accordance with the following approved plans: 5986-PD-005 A date stamped 6/04/2018, 5986-PD-004 A, 5986-PD-006 A date stamped 12/04/2018.

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

Informative

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

THE MEETING WAS CONCLUDED AT 7.21 PM

CHAIRMAN

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4.1 - 18/01071/FUL Revised expiry date 15 June 2018

Proposal: Construction of a replacement dwelling and outbuildings following the demolition of the existing dwelling and outbuildings.

Location: Sherinside, Stonehouse Road, Halstead TN14 7HN

Ward(s): Halstead, Knockholt & Badgers Mount

ITEM FOR DECISION

The application has been called to Development Control Committee by Councillor Grint because the proposal constitutes inappropriate development in the Green Belt.

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

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

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

2) The materials to be used in the construction of the development shall be those indicated on the approved plan: P132-118, 120 and the 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) No development shall take place until details of the existing levels of the land any proposed slab levels and any changes in levels as a result of the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

To safeguard the visual appearance of the area as supported by Policy EN1 of the Sevenoaks District Local Plan.

4) No works shall commence until the tree protection strategy has been implemented as shown on the submitted Tree Protection Plan 17_1356_TPP_NT and Tree Survey Report dated 29th March 2018. The tree protection strategy shall be maintained during the duration of the works.

To prevent damage to the trees during the construction period as supported by Policy EN1 of the Sevenoaks District Councils Allocation and Development Management Plan.

5) Prior to the first occupation of the dwelling hereby permitted full details for the provision of facilities for the safe charging of electric vehicles has been submitted to and approved in writing by the local planning authority. The facilities

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shall be installed in accordance with the details so approved prior to the first occupation of any of the residential units and be retained, maintained thereafter and be available for use at all times.

In order to mitigate and adapt to climate change in accordance with policies EN1 and T3 of the Sevenoaks Allocations and Development Management Plan.

6) The full bat mitigation strategy, as detailed in paragraph 5.1.2.1 and in Figure 3 Bat roost compensation/enhancement scheme of the Updated Ecology Report, dated 29 March 2018 along with measures to enhance the site for bats shall be implemented in full and to the timetables provided, and shall be thereafter retained.

To ensure the protection of protected species and to enhance biodiversity on site as supported by the NPPF and Policy EN1 of the ADMP and SP11 of Sevenoaks District Council's Core Strategy.

7) The full Lighting Design Strategy for Biodiversity, as detailed in appendix 6 of the Updated Ecology Report, shall be implemented in full prior to occupation in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

To ensure the protection of protected species as set out within the NPPF.

8) 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 development including basements within the curtilage of the dwelling house permitted by Classes A, B, C, D or 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.

In recognition of the very special circumstances of the case and to mitigate harm to the openness of the Green Belt as supported by the National Planning Policy Framework and policy GB3 of the Allocations and Development Management Plan.

9) The proposed garage shall be used solely as ancillary to the main dwelling and for no other purpose.

To prevent overdevelopment of the land as supported by Policy EN1 of the Sevenoaks District Local Plan.

10) No development shall take place until the dwellinghouse, shed and garage as shown on plan P132-113 has been demolished and all resulting materials have been removed from the land.

To protect the openness of the Green Belt and to support the very special circumstances of the case including maintaining the openness of the Green Belt.

11) The development hereby permitted shall be carried out in accordance with the following approved plans: P132-104, 105, 106, 112, 116, 117, 118, 120, 17_1356_TPP_NT, P132-113.

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

Informatives

1) Prior to work commencement, the following vegetation clearance scheme has to be carried out by an experienced ecologist to ensure no harm occurs to reptiles during the proposed development :

- Any cutting of the vegetation and removal of piles of masonry/concrete and debris within the work area, should be undertaken during the active season for reptiles (April to early October inclusive) in any given year.
- Immediate maintenance of low vegetation cover (max 10cm) on site from the start and until the end of development works to prevent the works area becoming suitable for reptiles. To enable reptiles to relocate to surrounding habitats, the vegetation will be cut using hand tools only (strimmer and brush cutters acceptable).
- Appropriate checks by the experienced ecologist prior to careful removal of the piles of masonry/concrete, debris and other suitable reptile refuges and to be kept away from the areas to avoid reptiles colonising those.

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.

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Description of proposal

- 1 Construction of a replacement dwelling and outbuildings following the demolition of the existing dwelling and outbuildings.

Description of site

- 2 Sherinside is a detached dwelling located at the end of a cul-de-sac outside of the built village confines of Halstead set within a rural location.

Constraints

- 3 Adjacent Ancient Woodland
- 4 Adjacent Local Wildlife Site
- 5 Adjacent Tree Preservation Orders
- 6 Metropolitan Green Belt

Policies

Allocations and Development Management (ADMP):

- 7 Policies:
 - EN1 - Design Principles
 - EN2 - Amenity Protection
 - GB3 - Residential Outbuildings in the Green Belt
 - GB4 - Replacement Dwelling
 - GB5 - Dwellings permitted under Very Special Circumstances
 - T1 - Vehicle Parking
 - T3 - Provision of Electrical Vehicle Charging Points

Core Strategy (CS):

- 8 Policies:
 - SP1 - Design of New Development
 - SP11 - Biodiversity

Other

- 9 Sevenoaks District Council (SDC) Development in the Green Belt Supplementary Planning Document (SPD)
- 10 National Planning Policy (NPPF)
- 11 National Planning Policy Guidance.

Relevant planning history

- | | | | | |
|----|---------------|--|-------|------------|
| 12 | 75/00548/HIST | Erection of single storey living extension to side | GRANT | 08/07/1975 |
|----|---------------|--|-------|------------|

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77/01096/HIST	Erection of detached double domestic garage to replace existing single garage	GRANT	14/10/1977
78/01310/HIST	Demolition of existing dwelling and residential development of approximately 1.64 acres of land and construction of cesspits	REFUSE	30/11/1978
84/00739/HIST	Demolition of existing dwelling and erection of three detached houses and garage each with septic tank drainage	REFUSE	20/08/1984
15/01087/LDCPR	Demolition of two rear dormers and single storey extension to rear. Erection of two single storey side extensions. Two storey extension with flat roof dormers to rear. Alterations to roof.	REFUSE	23/06/2015
15/03877/LDCPR	Demolition of single storey extension to rear and side. Erection of single storey side and rear extensions.	GRANT	08/02/2016
16/00829/LDCPR	Construction of a class E garden building.	REFUSE	01/06/2016
16/01879/LDCPR	Construction of a class E garden building.	GRANT	13/09/2016
17/03302/FUL	Construction of a replacement dwelling and outbuilding following the demolition of the existing dwelling and outbuilding.	REFUSE	28/12/2017
18/00217/LDCPR	Rear and side single storey extensions, new dormer window at rear, front porch. Erection of a detached outbuilding (games room).	GRANT	15/03/2018

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Halstead Parish Council

13 “Halstead Parish Council object to this application.

Having reviewed this application, we believe it constitutes overdevelopment and that the design and volume proposed does not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion (GB3 & GB4 - Sevenoaks Allocation and Development Management Plan)

The design is also not in keeping with the village and does not enhance the distinctive features that contribute to the special character of its landscape (LO7).”

Bromley Borough Council

14 No response received.

Kent County Council (KCC) Ecology

15 We advise that sufficient ecological information has been provided for the determination of the planning application. We require no additional ecological information to be submitted prior to determination of the planning application.

Kent Wildlife Trust

16 No response received

Natural England

17 Natural England has no comments to make on this application.

SDC Tree Officer

18 “No objections, all appears acceptable.”

Representation

19 One response supporting the proposal.

Chief Planning Officer’s Appraisal

Principal issues

20 The main issues for consideration are:

- Impact upon the Green Belt
- Design and impact on the street scene
- Impact on trees
- Impact upon ecology

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

Presumption in favour of sustainable development:

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

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

Appraisal

Green Belt

Development plan policy summary:

- 22 The NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Therefore, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 23 When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 24 A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this includes amongst others:
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces:

Policy GB4 states that proposals to replace an existing dwelling within the Green Belt which would meet the following criteria will be permitted:

- a) the existing dwelling is lawful and permanent in nature;
- b) the design and volume proposed does not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion;
- c) the proposal adheres to the ‘original’ dwelling curtilage; and the applicant provides clear evidence that the total floorspace of the replacement dwelling, together with any retained extensions, alterations and outbuildings would not result in an increase of more than 50% above the floorspace of the “original” dwelling (measured externally).

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- 25 GB3 states that proposals for residential outbuildings, within the curtilage of an existing dwelling in the Green Belt, will be treated as an extension under Policy GB1 if the proposed outbuilding would be located within 5m of the existing dwelling. Outbuildings located more than 5m from the existing dwelling will be permitted where the building, including the cumulative impact of other outbuildings and extensions within the curtilage of the dwelling, would be ancillary to the main dwelling in terms of function and design and would not materially harm the openness of the Green Belt through excessive bulk or visual intrusion.
- 26 Policy GB5 of the ADMP states that where new dwellings are permitted in the Green Belt, on grounds of very special circumstances or as part of a rural exception scheme, we will remove permitted development rights for extensions and outbuildings to prevent future additions that cumulatively impact upon the openness of the Green Belt. Applications to extend dwellings or erect or extend outbuildings to dwellings that have or are permitted on grounds of very special circumstances, or as part of a rural exceptions scheme will not be permitted.
- 26 The existing building is lawful and permanent in nature. In reviewing the history of the site, the property has benefited from the addition of a rear and side extension. From reviewing the design it is not considered that the dormers are original.

Accordingly:

	m ²	% increase
Original dwelling	106.82	
Proposed dwelling	284.33	166.6

- 27 The proposal would result in a two-storey dwelling with a flat roof rising to a height of 7m. This would result in a significantly larger and bulkier property than is currently on site. The proposal would represent inappropriate development harmful to the openness of the Green Belt.
- 28 The proposal also includes the removal of the existing garage and shed and its replacement with a garage / office and a new shed.
- 29 The proposed outbuildings would measure 12.0m by 7.0m rising to a height of 3.2m with a flat roof and a shed with a floor area of 8m² rising to a height of 2.5m. The existing drive would be widened with a maximum increased width of 3m rising to a height of 1.5m which would add additional bulk on site.
- 30 In comparing the existing and proposed floor areas,

	m ²
Existing outbuildings	71.6
Proposed outbuilding	92.00

- 31 The proposed outbuildings would be ancillary to the proposed dwelling in respect to their use and function and would result in an increase in the floor area of outbuildings on site.
- 32 The proposal would result in a significantly larger and bulkier building than the original dwelling on site which with the proposed outbuildings would represent inappropriate development which would be harmful to the openness of the Green Belt. The proposal would accordingly fail to meet the requirements of the NPPF and policy GB5 of the NPPF.

Very special circumstances:

- 33 There has been a claim made of very special circumstances.

Design and impact on street scene

- 34 The relevant policies relating to design and the character of the area are SP1 of the Core Strategy and EN1 of the ADMP. The Residential Extensions SPD is also applicable.
- 35 The NPPF states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.
- 36 The proposal would remove an existing chalet bungalow with a larger dwellinghouse incorporating a flat roof with a contemporary design over two storeys with a basement below. The proposals include timber cladding, slate tiling and grey render with grey aluminium window frames and grey powder coated doors and frames.
- 37 In addition to the dwellinghouse, the proposal would result in the demolition of an existing outbuilding and garage and the erection of a garage / home office and a shed. The proposed garage / home office would comprise a rectangular flat roofed block clad in timber. The proposal would incorporate a modern design which due to its location set beyond the proposed dwellinghouse and set against the backdrop of the adjacent bank and trees would be largely screened from views beyond the site. The proposed wooden shed which would serve as a bin store with an appropriate design.
- 38 Stonehouse Road incorporates a mix of properties from traditional bungalows and two storey houses to larger detached properties such as Rosewood incorporating large expanses of fenestration to the adjacent dwelling to Sherinside, Fort Alpha, which possesses a crenelated roof. The addition of the proposed contemporary dwelling at the end of the cul-de-sac would not be out of character with the mix of dwellings within this road in respect to its style and size.
- 39 The dwelling would be located largely on the site of the existing dwelling with the proposed garage sited to the south of the house.
- 40 The proposed dwelling would incorporate four bedrooms with sufficient parking on site to accommodate a property of this size. Conditions could be

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imposed to ensure that an electric charging point is incorporated within the scheme and to ensure that all the buildings on site are removed prior to development occurring.

- 41 In consequence, the proposal would meet the requirements of the NPPF and policy EN1 of the ADMP.

Neighbouring amenity

- 42 Policy EN2 of the ADMP and our Residential Extensions SPD are relevant in the consideration of this application.
- 43 Sherinside is located at the end of a cul de sac with mature woodland to the east and trees to the north and south ensuring that the property to the north, Fort Alphan is screened from the proposed development. The land to the west drops down from the site before rising to the west beyond the site. The closest dwellings to the west are located over 200m away ensuring that the proposal would not have a detrimental impact upon their amenities. In consequence, the proposal would meet the requirements of the NPPF and policy EN2 of the ADMP.

Impact on trees

- 44 A Tree Survey Report and a Tree Protection scheme has been submitted which shows that two trees are to be removed whilst retaining the majority of trees adjacent to the proposed works. The proposal incorporates a Tree Protection Strategy around the retained trees. A condition can be imposed to ensure that works take place in accordance with the proposed Tree Protection scheme, which should be in accordance with BS5837.

Impact upon ecology

- 45 An ecological report has been submitted which identified the presence of bats on site and potential for reptiles. Bats were identified as emerging from a dormer window and it is proposed that this dormer and any other potential bat roosting locations would be dismantled under the supervision of a Natural England bat licence holder.
- 46 A bat mitigation strategy has been submitted and additional ecological enhancements are proposed. In respect to the potential impact upon reptiles an informative can be imposed to advise that existing piles of masonry on site are removed under the supervision of an ecologist.
- 47 It has been confirmed that a European Protected Species Mitigation Licence will be required if planning permission is granted which the applicant would need to apply for.
- 48 KCC Ecology has not objected to the proposal subject to a relevant condition relating to bat mitigation and ecological enhancements.

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

- 49 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:

- 50 The applicant has summarised these as:
- That alternative development could be built which would have a greater floor area and bulk than the proposed which would have a greater impact upon the openness of the Green Belt
 - That the proposal is sustainable exceeding current Building Regulation requirements in respect to energy use and insulation, would incorporate photovoltaic panels with solar water storage, rainwater harvesting and whole house mechanical ventilation with heat recovery.

Assessment of very special circumstances:

- 51 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 openness of the Green Belt which is also given significant weight.
- 52 Lawful Development Certificates have been granted for a garden building and the demolition of the existing side and rear extensions and the erection of single storey side and rear extensions through applications 16/01879/LDCPR and 18/00217/LDCPR.
- 53 In reviewing the proposed development that could occur on site with the existing outbuildings:

Existing house

	m ²
Original house	106.82
Extensions to date	213.68
Existing garage	56.00
Existing outbuilding	15.60
Proposed outbuilding	84.00
Total	476.10

Agenda Item 4.1

Proposed development

	m ²
Proposed dwelling house	284.33
Proposed outbuildings	92.00
Total	376.33

54 The case of Very Special Circumstances is that the proposed dwelling and outbuildings would be smaller in respect to their footprint and volume than what could potentially be built on site. The applicant has provided details of a recent high court case and three appeals where fall-back positions were involved.

55 The Court of Appeal decision *Mansell v Tonbridge and Malling Borough Council [2017]* and the key cases citing it (*Brown v Ealing LBC [2018]* and *Travis Perkins v Westminster CC [2017]*), state that a possibility of their being a fall back position represented a material consideration. The Council's legal advice is that the lawful development certificates would represent a fall back position.

56 In this instance there are two granted lawful development certificates that would represent a fall-back position. From visiting the site, part of it has already been cleared of vegetation.

57 The application also states that the proposal would be environmentally sound, exceeding current Building Regulations in relation to energy use and insulation and incorporates a design and technologies that would reduce the property's environmental impact.

Conclusion on very special circumstances:

58 The proposal would represent inappropriate development which would harm the openness of the Green Belt which is accorded significant weight.

59 The current submission incorporates an LDC (18/00217/LDCPR) for extensions to the dwelling house submitted by the current owner and the previous LDC (16/01879/LDCPR) for a garden building as submitted by the previous owner.

60 In considering the fall-back position if implemented this would represent a significantly larger development than that being proposed. This is the second application that the current applicant has made for a replacement property and if this application were to be refused it is considered that there is a strong likelihood that the lawful development certificates would be implemented. This represents a material consideration in determining this application.

61 If planning permission were to be granted permitted development rights could be removed in respect to further extensions or outbuildings. On balance it is considered that the harm of this fall-back position and the future removal of permitted development rights would outweigh the harm

of the proposal representing inappropriate development and its harm to openness.

62 Limited weight is given to the sustainability of the proposed development.

63 Accordingly the very special circumstances advocated would offset the significant harm of the current proposal in respect to it representing inappropriate development which would be harmful to the openness of the Green Belt.

CIL

64 This proposal is CIL liable.

Other issues

65 Sherinside lies outside of the settlement confines of Halstead and accordingly policy L07 would not apply to this application.

Conclusion

66 The proposal would incorporate an appropriate design that would not impact upon local amenities and meet the requirements of the national and local planning policies.

Recommendation - Grant

Background Papers

Site and Block Plan

Contact Officer(s): Guy Martin Extension: 7351

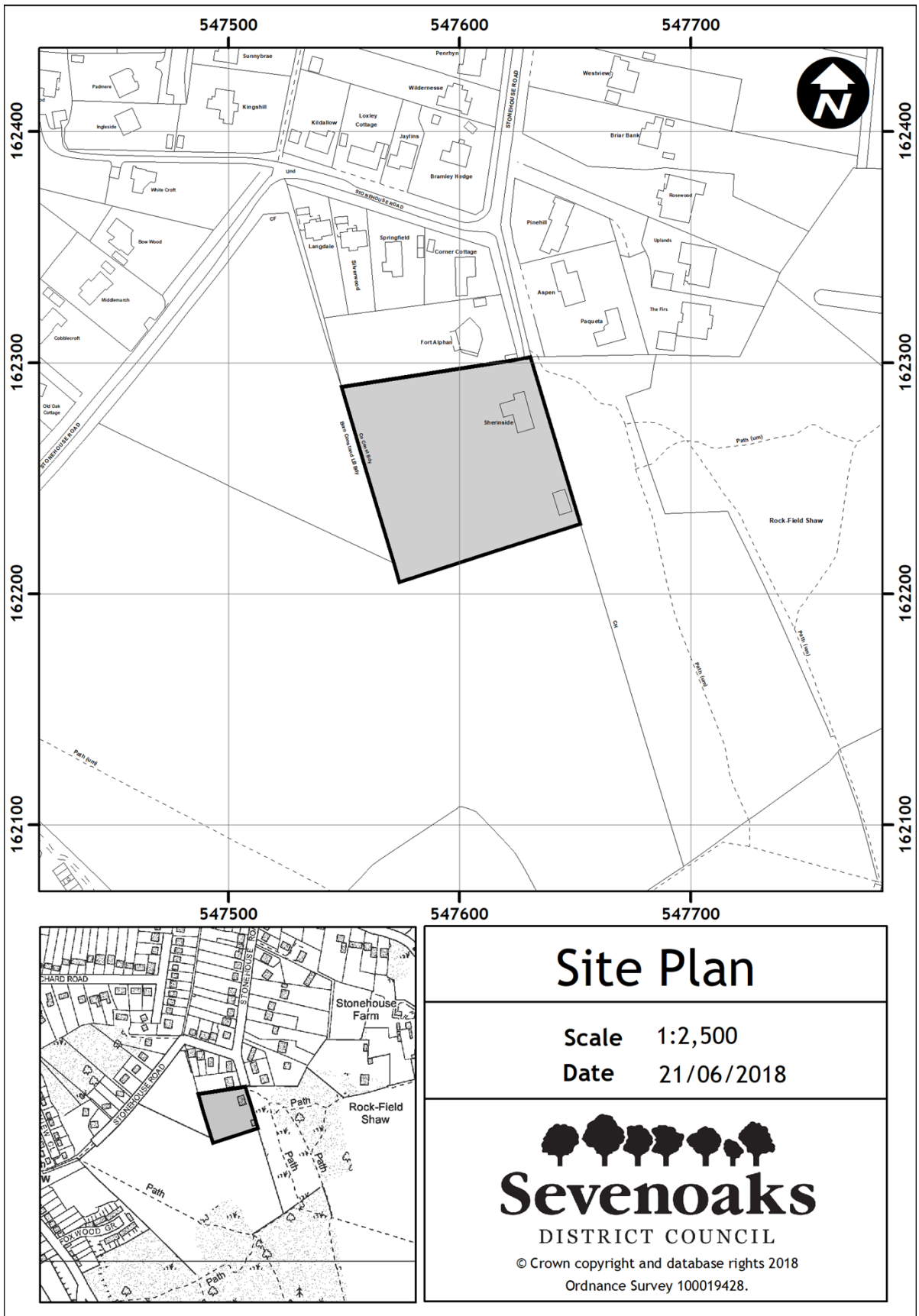
Richard Morris
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P6M9WHBKFO900>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P6M9WHBKFO900>



Site Plan

Scale 1:2,500

Date 21/06/2018


Sevenoaks
 DISTRICT COUNCIL

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Ordnance Survey 100019428.



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Planning Application Information on Public Access - for applications coming to

DC Committee on Thursday 26 July 2018

4.1 18/01071/FUL Sherinside, Stonehouse Road, Halstead TN14 7HN

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P6M9WHBKFO900>

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