

17 January 2019 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks
Despatched: 09.01.19



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 13 December 2018 as a correct record. | (Pages 1 - 14) | |
| 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 18/00928/FUL - Land South Of Trotts Cottage, Trotts Lane, Westerham Kent TN16 1SD Proposed erection of one 1 bedroom bungalow, parking and garden space. | (Pages 15 - 34) | Emma Gore Tel: 01732227477 |
| 4.2 18/02964/FUL - 3 Bull Cottages, Church Road, Brasted, Kent TN16 1HY Removal of existing garden building and the erection of a new detached house including access and relocation of existing garden shed. | (Pages 35 - 48) | Guy Martin Tel: 01732 227351 |

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, 14 January 2019.

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.

Public Access Links

Late Observations

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 13 December 2018 commencing at 7.00 pm

Present: Cllr. Thornton (Vice Chairman) (In the Chair)

Cllrs. Ball, Clark, Coleman, Edwards-Winsor, Gaywood, Halford, Mrs. Hunter, Layland, McArthur, Parkin, Purves, Reay and Raikes

Apologies for absence were received from Cllrs. Barnes, Bosley, Horwood and Williamson

Cllrs. Clack, McGregor, Piper and Scholey were also present.

42. Ruling by the Chairman regarding Urgent Matters

In accordance with Section 100B (4) of the Local Government Act 1972, the Chairman advised the Committee that he had agreed to accept an urgent matter - "18/03506/AGRNOT Land North of Oakenden Farm, Oakenden Lane, Chiddingstone Hoath TN8 7DE" (Minute 51 below) as a prior notification application had been submitted and such applications had to be determined within a given timescale or they benefited from automatic permissions. The applications expired on 14 December 2018 and the next meeting of Development Control was not until 17 January 2018.

43. Minutes

Resolved: That the minutes of the Development Control Committee held on 15 November 2018 be approved and signed as a correct record.

44. Declarations of Interest or Predetermination

Councillor Reay declared that for Minute 46 - 18/03413/HOUSE - 24 Dynes Road, Kemsing, Sevenoaks TN15 6RA he was the applicant for the item and would not take part in the debate or voting thereon.

Councillor McArthur declared that for Minute 47 - 18/00690/FUL - Swan Inn, Swan Lane, Edenbridge TN8 6BA she had previously considered the matter when it was discussed by Edenbridge Town Council, but that she remained open minded.

Councillor Raikes declared that for Minute 48 - 18/02753/FUL - 18 St Botolphs Road, Sevenoaks TN13 3AQ he had previously considered the matter when it was discussed by Sevenoaks Town Council, but that he remained open minded.

Councillor Coleman declared that for Minute 51 - 18/03506/ARGNOT Land North of Oakenden Farm, Oakenden Lane, Chiddingstone Hoath TN8 7DE she would be

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speaking on the item as the local Member and would not take part in the debate or voting thereon.

45. Declarations of Lobbying

All Councillors except Ball, Halford and McArthur declared that they had been lobbied in respect of Minute 47 18/02753/FUL - 18 St Botolphs Road, Sevenoaks TN13 3AQ

All Councillors except Ball, Coleman, McArthur and Purves declared that they had been lobbied in respect of Minute 48 - 71 Newlands Cottages, Stones Cross Road, Crockenhill BR8 8LT.

All Councillors except Ball and McArthur declared that they had been lobbied in respect of Minute 49 - 18/02613/HOUSE - Keepers Cottage, Hill Hoath Road, Chiddingstone TN8 7AE.

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 matter was considered without debate:

46. 18/03413/HOUSE - 24 Dynes Road, Kemsing, Sevenoaks TN15 6RA

The proposal sought planning permission for the demolition of a conservatory and erection of a single storey rear and side extension.

The application had been referred to Development Control Committee as the applicant was an elected ward councillor.

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 external surfaces of the development hereby permitted shall match those used on the existing building.

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

- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 1815/01 and 1 unnumbered 1:250 scaled location plan, 1 unnumbered 1:500 scaled block plan.

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

Reserved Planning Applications

The Committee considered the following planning applications

47. 18/00690/FUL - Swan Inn, Swan Lane, Edenbridge TN8 6BA

The proposal sought planning permission for the development of a three storey residential building.

The application had been referred to the Development Control Committee by Councillors McGregor and Scholey due to concerns relating to loss of amenity and loss of light from overshadowing and noise issues arising from the pub, causing disturbance.

Members' attention was brought to the main agenda papers and the late observations sheet.

The Committee was addressed by the following speakers:

| | |
|--------------------------|-------------------|
| Against the Application: | Stephen Wilson |
| For the Application: | - |
| Parish Representatives: | Town Cllr Scholey |
| Local Member: | Cllr McGregor |

Members asked questions of clarification from Officers. An error within the report was noted in paragraph 47 whereby the public house was referred to instead of the application in relation to avoiding adverse effects in habitable rooms. Officers advised that the density target of 40 dwellings per hectare in residential areas was a guideline figure. Acoustic protection had been conditioned to limit noise impact from the public house and main road. Members raised questions about parking provision and the type of electric charging point proposed.

It was moved by the Chairman and duly seconded that the recommendation within the report to grant planning permission be approved.

Members raised concerns around the design of the proposal. Concerns were raised about its "brick-like" appearance and flat roof which were not considered in keeping with the street scene and were considered detrimental to the appearance of the local area.

The motion to grant planning permission was put to the vote and it was lost.

It was moved by the Chairman and duly seconded that planning permission be refused on the grounds of the design, scale and massing of the proposal.

The motion was put to the vote and it was

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Resolved: That planning permission be refused on the grounds that the design, scale and massing of the proposed development would create a prominent and incongruous feature within the street scene. The development is contrary to policy SP1 of the Core Strategy, EN1 of the Sevenoaks Allocations and Development Management Plan and the aims and objectives of the National Planning Policy Framework and Edenbridge Design Statement (1998).

48. 18/02753/FUL - 18 St Botolphs Road, Sevenoaks TN13 3AQ

The proposal sought permission for the demolition of the existing building on site, and the erection of two buildings providing 2x4 bed semi-detached, and 3x3 bed terraced houses with associated parking and waste storage.

The application had been referred to the Development Control Committee by Councillor Fleming due to concerns about the proposal being contrary to paragraph 127 of the NPPF with regards to design and appearance and the Sevenoaks Residential Character Area Assessment.

Members' attention was brought to the main agenda papers and the late observation sheet.

The committee was addressed by the following speakers:

Against the Application: Robert Mankiewicz
For the Application: Duncan Parr
Parish Representatives:
Local Member: Cllr Fleming

Members asked questions of clarification from Officers. Members were advised that the "missing documents" referred to in the public comments were not required for the validation process and the plan inaccuracies related to a boundary dispute between the applicant and a neighbour. It was confirmed that the Vine Conservation Area was up to and including 28 St Botolphs Road.

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

Discussions took place around the proposal's relation to the conservation area and the street scene in the lower part of St Botolphs Road. It was noted that other similar developments had taken place in this area and the proposal did not appear to be overdeveloped in comparison with neighbouring properties. Some concerns regarding design were raised. Despite the small gardens planned for the site Members noted the proximity to the Vine and other parks within central Sevenoaks. It was noted that obscured windows and roof lighting had been included in the proposal to ensure acceptable light levels and the privacy of neighbouring properties.

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) Prior to the commencement of development, details and samples of the external materials to be used for the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 3) The development hereby permitted shall be carried out in accordance with the following approved plans and details: FP1 rev A, FP10 rev A, FP11 rev B, FP12 rev A, FP13 rev A, FP14 rev A, FP15 rev B, FP16 rev A, FP17 rev A and FP18 rev A.

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

- 4) No development shall take place until full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, have been submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and thereafter retained.

To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 5) The window(s) on the first and second floor of the western elevation of Block 2 and the windows on the second floor of the southern elevation of Block 1, of the development hereby permitted shall be glazed with obscure glass and permanently fixed shut, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall thereafter be permanently retained as such.

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To safeguard the privacy of the occupants of adjoining properties in accordance with Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

- 6) All planting, seeding or turfing approved shall be carried out in the first planting and seeding season following the occupation of the development or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting season with others of similar size, species and number, unless otherwise agreed in writing by the local planning authority.

To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 7) No demolition, site clearance or building operations shall commence on site until the protective fencing and other protection measures as shown on Appendix C and Appendix G in the Arboricultural Survey and Planning Method Statement have been installed. At all times until the completion of the development, such fencing and protection measures shall be retained as approved. Within all fenced areas, soil levels shall remain unaltered and the land kept free of vehicles, plant, materials and debris.

To protect the trees on site which are to be retained in the interests of the visual amenities of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 8) No development shall take place until details of all boundary treatment have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development or phased as agreed in writing by the local planning authority. The approved scheme shall thereafter be retained.

To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 9) No development shall take place until a Method Statement (detailing all aspects of construction and staging of works along the eastern and northern boundaries) and a cross sectional drawing of the site to include the retaining wall and the construction of the access has been submitted

to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details.

To protect the trees on site which are to be retained in the interests of the visual amenities of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 10) No development shall take place until details of all utility routes through the site have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details.

To protect the trees on site which are to be retained in the interests of the visual amenities of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 11) No development including any works of demolition or preparation works prior to building operations shall take place on site until a Construction Transport Plan has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period and shall include: (a) parking for vehicles of site personnel, operatives and visitors (b) loading and unloading of plant and materials (c) storage of plant and materials used in constructing the development (d) programme of works (including measures for traffic management) (e) provision of boundary security hoarding behind any visibility zones (f) wheel washing facilities (g) measures to control the emissions of dust and dirt during construction (h) a scheme for the recycling/disposing of waste resulting from demolition and construction works (i) hours of operation.

To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause inconvenience to other highway users in accordance with Policy T2 of the Sevenoaks Allocations and Development Management Plan.

- 12) Prior to occupation of the dwellings the ecological enhancements detailed within paragraph 5.2 of the Ecology Report (Greenlink Ecology; August 2018) must be implemented and thereafter maintained.

To preserve and enhance biodiversity and habitats in accordance with Policy SP11 of the Core Strategy.

- 13) The car parking spaces as shown on the approved plans shall be used solely for the benefit of the occupants of the dwelling(s) and their visitors and shall be permanently maintained for that purpose.

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To ensure that the development does not prejudice highway safety or cause inconvenience to other highway users in accordance with Policy T2 of the Sevenoaks Allocations and Development Management Plan.

- 14) Prior to any above ground works, full details of any proposed works to the railings on the northern front boundary have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development or phased as agreed in writing by the local planning authority. The approved scheme shall thereafter be retained.

To safeguard the special architectural and historic interest of the locally listed asset in accordance with Policy EN4 of the Sevenoaks Allocations and Development Management Plan.

- 15) Prior to the occupation of the development communal electric vehicle charging points shall be provided within the site, sufficient to charge five vehicles at any one time.

To encourage the use of low emission vehicles in accordance with policy T3 of the Sevenoaks Allocations and Development Management Plan.

- 16) The proposed dwellings shall not be occupied until details of the construction of the footpath in the north eastern corner are submitted to and approved in writing by the local planning authority. The approved scheme shall thereafter be retained.

To protect the trees on site which are to be retained in the interests of the visual amenities of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 17) Prior to the commencement of any works, notice shall be given to the local planning authority five days prior to a hand dug trench being excavated to the depth of 1 foot, along the length of the driveway, in the RPAs of the Oak (T1) and Horse Chestnut (T2) trees. The Local Planning Authority shall inspect the trench and any appropriate mitigation measures put in place shall be formerly agreed by the Local Planning Authority in writing prior to any further works being carried out.

To protect the trees on site which are to be retained in the interests of the visual amenities of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

Informative

- 1) The proposed development has been assessed and it is the Council's view that the CIL is payable. Full details will be set out in the CIL Liability Notice which will be issued with this decision or as soon as possible after the decision.

49. 18/02608/HOUSE - 71 Newlands Cottages, Stones Cross Road, Crockenhill BR8 8LT

The proposal sought permission for the demolition of outbuildings and existing side extension, proposed a double storey side extension and single storey rear extension and a change of car parking from rear to the front of the property.

The application had been referred to the Development Control Committee by Councillor Lindsay who believed that the development did not represent inappropriate development that was harmful to the openness of the Green Belt.

Members' attention was brought to the main agenda papers.

The Committee was addressed by the following speakers:

Against the Application: -
For the Application: Lee Palmer
Parish Representatives: -
Local Member: -

Members asked questions of clarification from Officers.

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

It was noted that the proposed 80.9% increase in floor area was considered to be overdevelopment in a greenbelt area. Members discussed the street scene and thought that the design and size would be appropriate for the area and in keeping with neighbouring properties. The proposal was considered to be against policy which Members weighted against the importance of good design and continued use of existing materials.

The motion to refuse planning permission was put to the vote and it was lost.

It was moved by the Chairman and duly seconded that planning permission be granted, subject to conditions to limit further development and protect trees and landscaping with formal wording delegated to the Chief Planning Officer.

Resolved: That

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- a) planning permission be granted subject to outbuildings to be demolished prior to development and conditions to be included to limit further development by removing permitted development rights B, D and E and to protect trees and landscaping; and
- b) the Chief Planning Officer be delegated authority to draft the formal wording for the decision notice in line with (a) above.

50. 18/02613/HOUSE - Keepers Cottage, Hill Hoath Road, Chiddingstone TN8 7AE

The proposal sought permission for alterations to an existing dwelling including rear single storey and part two storey extension and a new bay window on the front elevation.

The application had been referred to Development Control Committee by Councillor Coleman to consider the impact upon the openness of the Green Belt and the level of development permitted without requiring planning permission.

Members' attention was brought to the main agenda papers and the late observation sheets.

Against the Application: -
For the Application: Roland Foord
Parish Representatives: -
Local Member: -

Members asked questions of clarification from officers and the speakers. The size of the garage was confirmed to be 41 square meters. Not including the garage, the proposal would increase the size of the property by 61%. Officers clarified the scope of the Lawful Development Certificate held for the property which would permit the ground floor proposal to be built without planning permission. Members were advised that approving this proposal would remove the applicant's permitted development rights for further development.

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

Members considered the proposal's setting within an Area of Outstanding Natural Beauty (AONB). The application was considered to be well designed and congruous with the wider area. If refused, concerns were expressed around the applicant producing a less attractive and fitting design which they would not be required to apply for planning permission for if in line with the Lawful Development Certificate. Members considered the support from the Parish Council for the application. It was noted that the development would only constitute a 20% increase on current permitted building rights.

The motion to refuse planning permission was put to the vote and it was lost.

It was moved by the Chairman and duly seconded that planning permission be granted subject to conditions to limit further development with formal wording delegated to the Chief Planning Officer.

Resolved: That planning permission be granted subject to the following conditions

- a) 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.

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

To maintain the integrity and character of the building as supported by the NPPF and policy EN1 of Sevenoaks District Councils Allocations and Development Management Plan.

- c) The garage and summer house and all existing outbuildings, except those shown on plan 000.10.01.Pln. 020/A shall be demolished prior to development being carried out on the land.

As the removal of these structures contributes to the very special circumstances in this case that clearly outweigh the harm to the Green Belt and to mitigate further harm as supported by the National Planning Policy Framework and policy GB3 of Sevenoaks District Councils Allocations and Development Management Plan.

- d) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development shall be carried out in relation to Schedule 2, Part 1, Class A, B, D and E of that order without prior planning permission from 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 policies GB1 and GB3 of the Allocations and Development Management Plan.

- e) No development shall be carried out above the damp proof course of the hereby approved development until full details of soft landscaping has been submitted to and approved in writing by the Local Planning Authority. These details shall cover as appropriate: Planting plans; boundary treatments; Written specification (including cultivation and other operations associated with plant and grass establishment); Schedules of plants, noting species, planting sizes and proposed

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numbers/densities where appropriate. Implementation timetables.

Development shall then be carried out in accordance with the approved details. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

- f) The development hereby permitted shall be carried out in accordance with the following approved plans: 000.10.01.Pln. 020A, 021, 022, 023, 024, 060, 061, 62, proposed site plan, proposed front entrance parking / driveway.

At 9.20 p.m. the Chairman adjourned the Committee for the convenience of Members and Officers. The meeting resumed at 9.26 p.m.

51. 18/03506/AGRNOT Land North of Oakenden Farm, Oakenden Lane, Chiddingstone Hoath TN8 7DE

In accordance with Section 100B (4) of the Local Government Act 1972, the Chairman had agreed to accept this report as an urgent matter.

The Agricultural Notification had been called to the Development Control Committee by Councillor Coleman on the grounds that the building may not have been reasonably necessary for the purposes of the agricultural unit and may have not been sited appropriately.

Members' attention was brought to the main agenda papers and the late observations sheet.

The Committee was addressed by the following speakers:

Against the Application: -
For the Application: -
Parish Representatives: Parish Cllr Mitzi Quirk
Local Member: Cllr Coleman

(Having spoken as the local Member Cllr Coleman remained in the Chamber but did not take part in the debate or voting thereon.)

Members asked questions of clarification from the Officers. It was queried whether the proposed agricultural store could be sited elsewhere on the land and Members were advised that the applicant had been asked to consider alternative siting however had not found an alternative.

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

The motion was put to the vote and it was

Resolved: That prior approval was not required.

THE MEETING WAS CONCLUDED AT 10.08 PM

CHAIRMAN

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4.1 18/00928/FUL

Date expires 28 January 2019

Proposal: Proposed erection of one 1 bedroom bungalow, parking and garden space.

Location: Land South Of Trotts Cottage, Trotts Lane, Westerham Kent TN16 1SD

Ward(s): Westerham & Crockham Hill

Item for decision

Councillors Maskell and Esler have referred the application to Development Control Committee due to the impact to the character of the area in accordance with policy EN1 of the Sevenoaks District Council's Allocation and Development Management Plan and the National Planning Policy Framework.

RECOMMENDATION: That the Planning Inspectorate be advised that Members of the Development Control Committee would have resolved that planning permission be granted subject to the following conditions:

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

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: S18/6535/01, 17815PL101 C, 17815PL102 B.

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

3) No development shall be carried out above damp proof course level of the hereby approved dwelling until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. 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) Prior to the occupation of the dwelling full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. Those details shall include:-planting plans (identifying existing planting and trees, plants and trees to be retained and new planting and trees), - written specifications (including cultivation and other operations associated with tree, plant and grass establishment), -schedules of new plants and trees (noting species, size of stock at time of planting and proposed number/densities where appropriate), - Details of any means of enclosure, and -a programme of implementation. If any part of the approved landscaping scheme is removed, dies, becomes severely damaged or diseased within five years of completion of the

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development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season. The works shall be carried out in accordance with the approved details.

To enhance the visual appearance of the area as supported by EN5 of the Sevenoaks Allocations and Development Management Plan.

5) Prior to any works commencing on site (including vegetation clearance) a precautionary ecological method statement and ecological enhancement strategy produce by an experienced ecologist is submitted for written approval by the local planning authority. The works must be implemented as detailed within the approved strategy.

To ensure the protection of any protected species and reptiles in accordance with policy SP11 of the Sevenoaks District Council Core Strategy.

6) Prior to the occupation of the approved dwelling details of ecological enhancements across the site shall be submitted to and approved in writing by the local planning authority. The proposed works shall be carried out in accordance with the approved details.

To enhance the ecology of the local area, protected species and reptiles in accordance with policy SP11 of the Sevenoaks District Council Core Strategy.

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

To safeguard the amenities of neighbouring occupiers as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

8) Development shall not begin until details of surface water drainage works have been submitted to and approved in writing by the local planning authority. The dwelling shall not be occupied until the approved works for the disposal of surface water have been provided on the site in accordance with details to be submitted to and approved in writing by the local planning authority.

In the interest of preventing surface water run off in accordance with policy EN1 of the Sevenoaks District Council Allocation and Development Management Plan.

9) The development hereby permitted shall be carried out in accordance with tree protection guidance BS5837:2012 and construction shall follow the following guidance: (a) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012 or otherwise to the satisfaction of the Local Planning Authority. The means of tree protection shall be maintained until all equipment, machinery and surplus materials have been removed from the land; (b) No fires shall be lit within the spread of branches of the trees and other vegetation; (c) No materials or equipment shall be stored within the spread of the branches of the trees and other vegetation; (d) No buildings, roads or other engineering operations shall be constructed or carried out

within the spread of the branches of the trees and other vegetation; (e) No pruning of the existing trees or the spread of the branches shall take place, except as may be otherwise agreed in writing by the Local Planning Authority.

To protect the existing trees and the visual amenity of the area in accordance with policy EN1 of the Sevenoaks District Council Allocation and Development Management Plan.

10) Prior to the occupation of the dwelling a scheme to show the provision of 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. 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.

Informative

1) The granting of any planning application does not override current wildlife legislation.

National Planning Policy Framework

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

Background

1 The application has been appealed on the grounds of non-determination. Development Control Committee is therefore unable to determine the application but can advise how they would have determined the application if it was not for the appeal.

Description of Proposal

2 Proposed erection of a single storey one bedroom bungalow, parking and garden space.

Description of Site

3 The application site is located at the end of Trotts Lane in Westerham. The site relates to a parcel of land opposite Trotts Cottage and Far End. A small building/garage used to occupy the site. Some close-boarded fencing runs to

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the south of the land and an informal access runs to the north of the site from west to east. The levels of the land also slope away towards the east and north. The site is located in an Area of Outstanding Natural Beauty.

Constraints

4 Area of Outstanding Natural Beauty - (AONB)

Policies

5 National Planning Policy Framework (NPPF)

Para 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-to-date development plan should be approved without delay.

Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 6); or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- Footnote 6 relates to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

6 Core Strategy (CS)

- LO1 Distribution of Development
- LO7 Development in Rural Settlements
- SP1 Design of New Development and Conservation
- SP3 Provision of Affordable Housing
- SP5 Housing Size and Type
- SP7 Density of Housing Development
- SP11 Biodiversity

7 Allocations and Development Management (ADMP)

- SC1 Presumption in Favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- EN5 Landscape
- T2 Vehicle Parking
- T3 Provision of Electrical Vehicle Charging Points

8 Other

- Kent Downs Area of Outstanding Natural Beauty Management Plan 2014 - 2019
- Sevenoaks Countryside Assessment SPD 2011
- Westerham and Crockham Hill Village Design Statement 2000.
- Draft Westerham Village Design Statement (has not been formally adopted and is still in the consultation phase).

Relevant Planning History

- 9 SW/5/73/521 - 'Erection of a dwelling in the garden' - Refused.
SE/89/1500 - 'Single storey detached bungalow with integral garage. Amended by plans received 20th of Feb 90' - Refused.
SE/94/1539 - 'Single storey detached bungalow with integral garage' - Refused - Appeal Dismissed.
17/03749/FUL - Proposed erection of one bedroom bungalow, parking and garden space - Withdrawn.

Trotts Cottage:

- 10 03/00664/FUL - Proposed two storey front extension - GRANTED.

Consultations

Westerham Town Council:

- 11 Objection.

'WTC objects to this application, it is disappointed in the lack of accuracy and incorrect information contained in this further application. It would appear that the plot boundaries have been moved from the previous application and they seem to have again included land not directly owned to improve their density calculations and site lay out.

There are once again many comprehensive objections lodged by neighbors who have spent considerable time and money responding to this and previous applications.

The principal objections to the application last month remain and despite changes made there is no material difference in the development now proposed which is still inappropriate for this site. Despite claiming that there was only one prior refusal we know that there is a history of refused applications together with withdrawn and amended plans, all of which failed a number of past and current Local Plan and NPPF policies, in particular EN1 and EN2.

WTC would wish to make it very clear to the applicant that under current planning policies new housing on this site would not be permitted due to constraints in the AONB and restricted nature of the plot'.

2nd Consultation Westerham Town Council

- 12 Objection

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‘WTC maintains its existing objection to this application that remains substantially the same as that already proposed.

The fundamental issue is that this site is within the AONB. As a result the only way a new building can be permitted is through the acceptance of exceptional circumstances. It has already been established through the emerging SDC Local Plan that housing need in itself is not sufficient to overcome the restrictions inherent in the AONB. That is the only argument proposed by the applicant and the application must therefore fail.

We would add that the applicant has continued to provide erroneous evidence of the plot size in the calculations of site coverage as well as the bulk of the new building in its setting. The site is not in the Town Centre as claimed and we would argue that there is insufficient space to turn a single vehicle on the site to allow safe access.

Due regard should also be taken of the emerging Westerham Design Statement, which had been accepted by SDC planning officers and will shortly be recommended to the DCC for public examination. This development fails policies LS2 and LS5 of this Statement’.

Kent County Council Ecology

- 13 No surveys require prior to determination. No objection subject to condition relating to precautionary ecological method statement and ecological enhancement strategy.

Thames Water

- 14 No response.

Kent County Council Highways

- 15 No comment.

Kent Fire and Rescue Services

- 16 No response.

Representations

- 17 We received 24 letters of objection, including a report and property deeds. While some residents have commented more than once the application the number of objections is counted as one per resident, all correspondence and objections have however been read. The objections relate to the following issues:

Plans:

- In accurate red line which includes land outside of the applicants ownership,
- Inaccurate plans,
- Land not a vacant plot was actually garden land previously owned by Trotts Cottage,
- AA- line on drawing shows incorrect depth,
- Inaccuracies in the Design and Access Statement,

- Llonsson Ltd report states land within red line belongs to other dwellings

Character of the area:

- Unacceptable density - density should not be calculated including the access,
- Plot size is too small and would cover too large a degree of the plot,
- Would fail to conserve and enhance the AONB,
- Would fail to comply with the Westerham and Crockham Village Design Statement including 5/1, 5/2, 5/6, LS2 and LS7,
- Property would not be in keeping with family homes set in spacious plots,
- Limited landscaping,
- Trotts Lane has a semi-rural feel which would be obscured by dwelling,
- Garden space is limited and not accurate.

Amenity:

- Proposed garden gate would result in loss of privacy.
- Permitted Development Rights should be removed should the application be granted,
- Loss of amenity including light, outlook and privacy,
- Loss of amenity specifically in relation to Trotts Cottage land gradient would result in loss of light and privacy,
- The proposed dwelling would have limited amenity as it would be overlooked and feel confined,
- Environment of existing property would be harmed,
- Overbearing to Trotts Cottage,
- Proposal would interfere with rights under the Human Rights Act Protocol 1, Articles 1 and 8,

Parking and access:

- Location of dwelling would prevent access for emergency vehicles including ambulances and the fire service,
- Fence would impede access to Far End,
- Insufficient parking and no parking for visitors,
- Increased pressure on parking along narrow un-adopted lane,

Biodiversity:

- Loss of wildlife through existing site clearance - in breach of wildlife legislation,
- Impact on local wildlife including loss of bats and slow worms,

Other

- Would fail to comply with policy EN1, EN2, EN5, SP5, SP4 should not be considered as part of the application,
- Enforcement order should be issued on the site i.e. un-tidy site,
- Dwelling could not provide accommodation for the elderly due to land levels, steps internally and externally and level changes,
- Surface water run off would increase.

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Re-Consultation:

- 16 responses received all previous objects remain the same,
- Boundary may have been altered, but remains inaccurate.

Chief Planning Officer's Appraisal

18 The main planning considerations are:

- Principle of development,
- Impact to the AONB,
- Design and impact on the character of the area,
- Impact on neighbouring amenity,
- Impact on parking and highways,
- Ecology,
- Trees and landscaping,
- Other.

Principle of Development

- 19 Para 122 of the NPPF (in part) states that planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an areas prevailing character and setting (including residential gardens) or of promoting regeneration and change.
- 20 Policy LO1 seeks to focus development within the built confines of existing settlements and lists the main urban areas. The smaller service villages are listed in Policy LO7, Westerham falls into this category.
- 21 Policy LO7 states that within the settlement confines of Westerham development on a modest scale will be permitted where it can take place in an acceptable manner consistent with local character.
- 22 Whilst the National Planning Policy Framework (NPPF) places an emphasis on development on previously developed land, it does not preclude other land, from being developed for residential use, provided such development is in suitable locations and relates well to its surroundings.
- 23 The site is located within the existing built confines of Westerham and development plan policies seek to optimise the potential of such sites in accordance with the NPPF. This is especially important within Sevenoaks District where the majority of the District falls within the Green Belt.
- 24 The density of development would broadly reflect that of the local area. In addition to this, the proposal would provide additional housing for the district in a sustainable location, which supports the aspirations of the NPPF.
- 25 Policy SP5 of the Core Strategy seeks new housing development to contribute to a mix of different housing types in residential areas, taking

into account the existing pattern of housing in the area, evidence of local need and site-specific factors.

- 26 Policy SP5 explicitly seeks the inclusion of small units (less than 3 bedrooms) in new development schemes in suitable locations to increase the proportion of smaller units in the District housing stock. The provision of a 1-bedroom bungalow would be consistent with the aspirations of policy SP5.
- 27 The proposed occupancy of a dwelling with a single bedroom is not for the authority to determine. A single bedroom dwelling can provide accommodation for varied members of a community and is not restricted to one element of the community.
- 28 Taking the above into account of, the principle of development is accepted subject to other considerations.
- 29 It should be noted that in dismissing the appeal in 1994, the Inspector considered that that building on this open site would harm the character of the area due to the loss of openness. Since this decision local and national policy planning policy places a greater emphasis on making the best use of land with a presumption in favour of sustainable development. Consequently, this historic appeal decision is a material consideration but could be given very limited weight. This proposal needs to be considered on the basis of current local and national planning policy.

Impact to the AONB

- 30 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.
- 31 Paragraph 172 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty.
- 32 Policy EN5 of the ADMP states that proposals within the AONB will be permitted where the form, scale, materials and design will conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance.
- 33 The site is located in Westerham which is an existing settlement that is located in within the Kent Downs Area of Outstanding Natural Beauty (AONB).
- 34 Policy SD9 of The Kent Downs AONB Management Plan seeks to ensure:

‘The particular historic and locally distinctive character of rural settlements and buildings of the Kent Downs AONB will be maintained and strengthened. The use of locally-derived materials for restoration and conversion work will be encouraged’.

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- 35 The built form and development associated with Westerham forms part of the character of the AONB landscape. Residential dwellings are an expected feature and are an existing part of the views experienced from the wider landscape.
- 36 The site is surrounded by residential properties to the north, east, south and west. The dwellings in the area vary in scale, density and design. The proposed bungalow would set within existing residential development and partially screened by these existing dwellings from the wider landscape. As result of its location, the proposed dwelling would be seen in the context and backdrop of a residential area. The proposal would not be a prominent addition to the landscape and would conserve the character of the area from a wider landscape perspective.
- 37 The proposed dwelling would have a pitched roof and would have a modest scale. The use of brickwork and plain tiles would match those used in the local area. As such, the design and use of materials would conserve and strengthen the character of the local area in accordance with the Kent Downs AONB Management Plan.
- 38 As the proposed dwelling would be within the confines of an existing settlement and so dwellings are an expected feature from the wider landscape and scenic beauty of the AONB. The use of materials in keeping with the area would strengthen the character of the AONB in this location. This in conjunction with landscaping and ecological enhancements which could be secured by condition would also work to enhance the AONB.
- 39 The Design and Access indicates the protection of an existing Holly tree. To ensure the protection of the trees surrounding the plot it would be reasonable to condition any grant of permission to require tree protection measures. In addition, landscaping conditions would aid in adding vegetation across the site.
- 40 Overall, it is considered that the proposed development would conserve the character of the AONB in this location and would comply with policy EN5 of the ADMP.

Design and impact on the character of the area

- 41 Policy SP1 of the Core Strategy and Policy EN1 of the ADMP states that all new development should be designed to a high quality and should respond to and respect the character of the area in which it is situated.
- 42 The density of development would broadly reflect that of the local area, as it is a detached dwelling with small area for amenity.
- 43 The third party comments have indicated that the density should not include the access. If the access is excluded from the density calculation the dwellings per hectare (dph) would equate to around 47.6(dph), if included the density would be 41.7(dph). This density is considered acceptable given the NPPF emphasis on the optimisation of such sites.

- 44 Policy SP7 does recommend that in this location new developments would be expected to achieve a density of around 30dph. This policy is however flexible to taking account of the character of the area and is also pre both the 2012 and 2018 version of the NPPF. In addition to this, the proposal would provide additional housing for the district in a sustainable location, which supports the aspirations of the NPPF. The density of development varies on Trotts Lane, Squerryes Mede and Black Eagle Close.
- 45 Trotts Lane is a narrow lane to the west of Westerham centre. The dwellings along Trotts Lane vary in scale and architectural style. The lane is fronted by residential dwellings to the west and east. Trotts Lane terminates to the south and a single dwelling, Moreton Lodge, is located at this terminus. A few dwellings can be accessed to the west of Moreton Lodge some of which are bungalows. As the area is characterised by residential properties the addition of a dwelling would not be out of character with the general pattern of development.
- 46 Due to the variance in land levels, the dwellings to the west are sited upon higher land levels than those located to the east. At the end of Trotts Lane, there is no uniformity to the orientation, layout or design of the dwellings.
- 47 The proposed bungalow would sit adjacent to Moreton Lodge at an angle and front the highway. Given that a number of residential dwellings are visible to the south of the site and the proposed dwelling would be single storey in height, it would be set against the backdrop of this existing built form.
- 48 A gap in excess of 5m would lie between the proposed dwelling and Moreton Lodge. Although the bungalow would sit within 1m of the side boundary, due to the land level changes, orientation of the proposed dwelling and the distance between the proposed bungalow and the distance between dwellings, no visual terracing would occur.
- 49 The proposed dwelling would be slightly set back from the front boundary and would have space surrounding the dwelling. The overall proportions of the dwelling would be modest and would not overwhelm the scale of the site.
- 50 The bungalow would have a pitched roof, which would be in keeping with the variety of pitched roofs along Trotts Lane. The 'L' shaped footprint of the bungalow would break up the massing of the development. The proposed windows and openings would be proportionate to the dwelling. The use of tiles to the roof and brickwork would mirror the varied use of brick, render and tile hanging found along Trotts Lane.
- 51 The Westerham and Crockham Hill Village Design Statement is used as informal planning guidance and carries less weight than Design Statements adopted as SPDs. The Westerham and Crockham Hill Village Design Statement was created prior to the introduction of the NPPF as it was created in the year 2000.
- 52 The guidance within the Village Design statement seeks to make greater uses of hedges and boundaries treatments for future development, use of

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Kentish ragstone and flint in appropriate areas should be encouraged and features such as coloured bricks included with generous parking provided.

- 53 Features such as hedging and soft landscaping could be achieved through condition. The use of ragstone is only required where appropriate, given the predominate use of brick and tile hanging in the area the use of this materials would be inappropriate. However, bricks are proposed for this dwelling which would follow the guidance of the Westerham and Crockham Hill Village Design Statement. Issues regarding parking will be addressed below, parking standards have changed since the Westerham and Crockham Hill Village Design Statement was created.
- 54 Soft landscaping has been proposed which would soften the development and reflect the verdant nature of the street scene. The proposed 1.8m fencing would be higher than the typical enclosure treatments along the street scene. However, the dwelling and fencing would be located slightly to the east of Trotts Lane and would be partially obscured from view by Trotts Cottage, so the boundary treatments would not be prominent features in the street.
- 55 Overall, the scale, massing and design would be in keeping with the residential and varied character of Trotts Lane and would comply with policy EN1 of the ADMP.

Impact on Neighbouring Amenity

- 56 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.

Moreton Lodge:

- 57 Moreton Lodge is located to the west of the site and is located at a higher level to that of the proposed bungalow. The proposed dwelling would have 1 side window facing towards Moreton Lodge. This window would be a secondary source of outlook, set back from the western boundary. This together with the changes in ground levels would not result in a significant loss of privacy.
- 58 Moreton Lodge has two side windows in its eastern elevation facing towards the site. Moreton Lodge benefits from windows to the front and rear of the dwelling, which provide outlook to the dwelling as a whole. The proposed bungalow would be located at a lower level and would lie in excess of 5m from the side elevation of Moreton Lodge. Given the land level changes, distance, and the existing outbuildings associated with Moreton Lodge it is not considered that outlook of Moreton Lodge would be detrimentally affected.
- 59 Loss of light analysis has been undertaken and shows that Moreton Lodge would not be significantly affected by loss of light or overshadowing issues.

Trotts Cottage:

- 60 Trotts Cottage is located to the north of the site and is a semi-detached two-storey dwelling. Trotts Cottage is sited in a depression of the ground

levels and has windows facing to its south, west and north elevations. The entrance to Trotts Cottage is located along the west elevation.

- 61 The proposed bungalow would be located at an angle to Trotts Cottage and would not directly align with Trotts Cottage's southern elevation. A single window is proposed to the northern elevation of the proposed bungalow, facing towards Trotts Cottage. The window would be located to the western side of the dwelling and would be set back from the road. As a result, it would not result in a significant loss of privacy to Trotts Cottage.
- 62 The proposed garden area of the proposed bungalow would sit opposite to Trotts Cottage. The garden amenity area would be located behind 1.8m fencing which would screen views to Trotts Cottage. The proposed gate opening to the northern boundary of the garden would not provide significant views across the amenity space of Trotts Cottage.
- 63 An approximate distance of 11.2m would extend between the proposed dwelling and Trotts Cottage. The proposed bungalow would be located at an elevated level to that of Trotts Cottage and Far End but would be single storey in height.
- 64 Trotts Cottage has a number of openings across its elevations. A window in the south facing elevation of Trotts Cottage serves a kitchen, which has another window to the west elevation that provides an alternative outlook to the west.
- 65 Given the distance that would separate Trotts Cottage from the proposed dwelling, the height of the proposed bungalow and the other openings on Trotts Cottage there would be no harm to the amenity of this property as a result of this proposal.
- 66 Trotts Cottages amenity space wraps around the dwelling from the west to the south. Low fencing encloses this area, although vegetation is present along its boundaries to provide some screening.
- 67 The southern elevation of Trotts Cottage would face towards the site. This elevation benefits from direct sunlight. The southern elevation of Trotts Cottage contains two windows at ground floor, a conservatory side extension, and a single window at first floor. The ground floor windows serve a kitchen, and a window serving a living room. The living room also receives light from other windows and the conservatory.
- 68 Given the distance between the dwellings, the openings along Trotts Cottage elevation and the sun's trajectory, some over shadowing may occur to the garden space but not to an extent that it would be harmful. Overall Trotts Cottage would not suffer a loss of amenity that would be harmful.

Far End:

- 69 Far End is a two storey semi-detached dwelling located to the east of the site, on the opposite side of the access.
- 70 The proposed bungalow would have openings facing east to serve a kitchen and living room. As Far End is located on the opposite side of the access,

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the proposed windows would not have a direct view of Far End. Some vegetation exists along the eastern boundary, which provides some additional screening. As such no significant loss of privacy would occur.

- 71 The proposed bungalow would be sited further to the west of Far End and would not be directly aligned. An approximate distance of 13m would separate Far End and the proposed bungalow. As a result of the siting and the distance separating the dwellings its not considered that the outlook and light enjoyed by this property would be harmed.

11 Squerryes Mede:

- 72 11 Squerryes Mede is located to the south east of the site. The rear garden of the proposed bungalow would sit adjacent to the rear garden of 11 Squerryes Mede.
- 73 Due to the orientation and siting of the proposed dwelling a significant loss of light and visual intrusion to neighbouring outlook would not occur. The windows along the east elevation of the proposed dwelling would directly face 11 Squerryes Mede. The single storey nature of the proposed dwelling in combination with its orientation to 11 Squerryes Mede would mean a harmful loss of privacy would not occur.

50 Black Eagle Close:

- 74 50 Black Eagle Close is located to the south of the site, with its rear garden backing onto the sites southern boundary. A separation distance of 16.8m would extend between the dwelling and the rear elevation of 50 Black Eagle Close. As a result of this distance and the single storey nature of the bungalow the existing residential amenities of this property would not be harmed.

Proposed bungalow:

- 75 The proposed one bedroom bungalow would have a small amenity area for the occupant/s. The property would benefit from openings which would allow natural light to filter in and would provide an outlook to the north and east.
- 76 Given the confines of the site it would be reasonable to remove permitted development rights for classes A, D and E to ensure that further development would not harm the amenity of local residents. It would not be reasonable to remove class B as the site is within the AONB and therefore class B cannot be utilised.
- 77 Other dwellings are located at a sufficient distance and orientation that they would not be subjected to a significant loss of amenity as a result of the proposed development. Taking the above into consideration, the proposal would comply with policy EN2 of the ADMP.

Parking and Highways Impact

- 78 Policy EN1 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking.

Policy T2 of the ADMP states that dwellings in this location with 1 bedroom require 1.5 parking spaces.

- 79 KCC Highways have not commented as the application is for a single dwelling only.
- 80 The proposed dwelling would have provision to accommodate a standard parking space size of 2.5x5m. Trotts Lane is a private road and therefore does not have parking restrictions although it is narrow in nature. Given the dwelling would have 1 bedroom the parking provision offered is considered acceptable.
- 81 Trotts Lane has a number of residential accesses. Given the residential nature of the area and the narrow nature of the road vehicle movements and speeds, reflect the context of the area. The creation of a new access in this location enables a vehicle to manoeuvre in and out of the access.
- 82 The granting of any application does not overrule the Highway Code or allow any vehicle to block an existing access.
- 83 Fencing has been proposed along the northern boundary adjacent to the informal access to Far End. The fencing at its closest point to the access would allow a gap of approx.3.1m, which would still allow access to Far End.
- 84 Policy T3 of the ADMP states that electrical vehicle charging points should be provided within new residential developments to promote sustainability and mitigate climate change. A vehicle charging point can be securely conditioned.
- 85 The proposed scheme is considered to comply with parking and highway policy subject to condition.

Biodiversity

- 86 Policy SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancements to ensure no net loss of biodiversity.
- 87 The site was previously occupied by a garage that has been demolished. The site currently is undeveloped. Third parties have raised concerns with regard to the wildlife on site and the loss of habitat. The siting of bats and reptile have been previously recorded by local residents.
- 88 KCC Ecology have accepted that due to site clearance works and the scale of the site, there is no requirement for an ecological survey to be submitted prior to the determination of the application. However, it has been noted that some habitat would still be present that could be utilised by reptiles. On this basis, a condition could be attached to any granted application requiring a precautionary mitigation strategy and ecological enactments on site.

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- 89 It should be noted that a granted planning application does not override other wildlife legislation. An informative can be placed upon any granted application to this effect.

Other issues

View:

- 90 Planning legislation and policy cannot protect views from properties. The potential impact on amenity is referred to above.

Fire and Rescue:

- 91 Kent Fire and Rescue did not respond to this application, but did respond to application 17/03749/FUL. As part of the response it was concluded that the access provided would be satisfactory. In addition, it was commented that: 'The proposed dwelling will not detrimentally affect the access and therefore will not make the emergency access situation worse'.

Protocol 1, Article 1 and 8 of the Human Rights Act:

- 92 The Human Rights Act 1998, incorporated provisions of the European Convention on Human Rights (ECHR) into UK law. The general purpose of the ECHR is to protect human rights and fundamental freedoms and to maintain and promote the ideals and values of a democratic society. Article 8 refers to (Right to respect for private and family life, home and correspondence), and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).
- 93 An assessment of the impact of the proposal on various issues, including on to the amenity of neighbouring dwellings has been undertaken. In weighing, the rights against the planning merits it is not considered on balance that the proposed dwelling would interfere with these rights. The proposal is for an additional dwelling for the benefit of others.

Deeds and inaccurate plans:

- 94 Neighbours have raised concerns over land ownership. Deeds and title plans have been submitted. The information provided is however unclear and the applicant has amended the red line boundary.
- 95 A number of third party comments and reports have been received regarding the accuracy of the plans and land ownership. The agent has confirmed that the land is all under one ownership. Planning legislation cannot determine land ownership, which is a private civil matter.
- 96 With regard to the third parties concerns regarding the AA line (levels) inaccuracies, consideration of amenity has been undertaken with regard to a site visit, the trajectory of the sun and BRE light guidance. As such, the AA line has not formed a substantive part of the consideration of amenity. Plans submitted to the local authority are accepted in good faith that they accurately depict the site.

Surface water run off:

- 97 Matters relating to surface water drainage could be addressed by a condition requiring details of surface water drainage.

Policy SP4:

- 98 Neighbouring comments have highlighted that policy SP4 should not be considered as the dwelling could not accommodate a person with disabilities. Policy SP4 relates to affordable housing. As the development is for a single dwelling affordable housing would not be required and therefore policy SP4 has not been addressed within the report. Policy SP4 is for exceptions housing and relates to rural needs. Westerham is a town so policy SP3 applies.
- 99 In relation to affordable housing, on 28 November 2014 the Government issued a Written Ministerial Statement that amended National Planning Practice Guidance (PPG) to restrict the circumstances where contributions for affordable housing should be sought.
- 100 Under that guidance, other than in designated rural areas, contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floor-space of no more than 1000sqm. In Areas of Outstanding Natural Beauty, contributions should not be sought from developments of 5 units or less.
- 101 This is a material consideration that should be taken into account when determining planning applications and must be weighed against Policy SP3 of the Core Strategy. It is noteworthy that the material consideration post dates the Core Strategy and was confirmed by the Court of Appeal in 2015 and thus afforded weight.
- 102 Since the development size is below the threshold introduced in the Written Ministerial Statement a strict adherence to the edicts of Policy SP3 is unlikely to be substantiated at appeal as such a contribution to affordable housing would not therefore be sought on a development of this size.

Emerging Westerham Design Statement:

- 103 The emerging Westerham Design Statement has limited weight as it has not yet been adopted.

CIL

- 104 This proposal is CIL liable and there is no application for an exemption.

Conclusion

- 105 The proposed development is considered to conserve and enhance the character of the AONB landscape, be in keeping with the character of the street scene and would not result in a harmful loss of amenity.

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- 106 Given the passage of time and emphasis on providing new housing in sustainable locations the development is considered to have overcome the previous historic reasons for refusal and the dismissed appeal.
- 107 The proposal is considered to provide acceptable levels of parking and access. The development complies with local and national planning policy, there are no other material considerations to indicate otherwise.

Recommendation

It is therefore recommended that this application is granted subject to conditions.

Background Papers

Site and Block Plan

Contact Officer: Emma Gore Extension: 7206

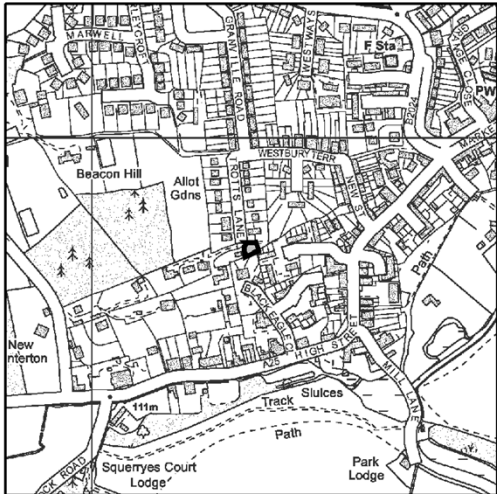
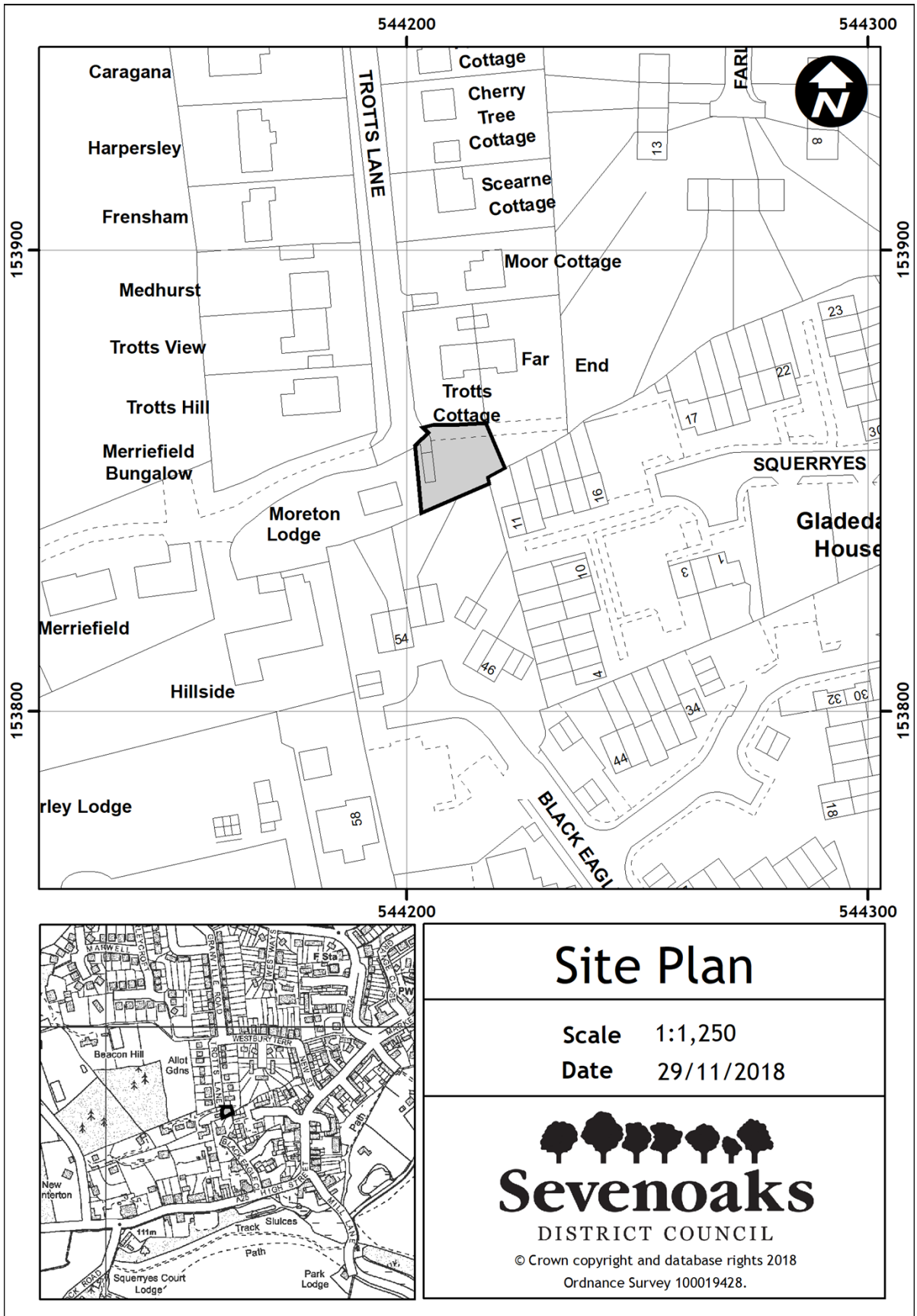
Richard Morris
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P5WFCXBKI0300>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P5WFCXBKI0300>



Site Plan

Scale 1:1,250
Date 29/11/2018



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Ordnance Survey 100019428.

4.2 18/02964/FUL

Revised expiry date 18 January 2019

Proposal: Removal of existing garden building and the erection of a new detached house including access and relocation of existing garden shed.

Location: 3 Bull Cottages, Church Road, Brasted, Kent TN16 1HY

Ward(s): Brasted, Chevening And Sundridge

Item for decision

This application has been referred to Development Control Committee by Councillor Firth because the proposal:

- Fails to preserve the character and appearance of the Brasted High Street Conservation Area.
- Fails to properly assess the adverse effects of increased parking along that particular stretch of Church Road during evenings and weekends bearing in mind that Church Road is also the emergency access to the M25.

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 application form.

To ensure that the appearance of the development enhances the character and appearance of the area as supported by Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

3) Prior to occupation of the dwelling, details for the provision of facilities for the safe charging of electric vehicles and an implementation timetable for the installation of the unit shall be submitted to and approved in writing by the local planning authority. The facilities shall be installed in accordance with the details so approved 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.

4) The windows on the north facing and south facing elevations shall be obscure glazed to level 3 and non-opening at all times unless the windows are more than 1.7m above the floor of the room in which the windows are located and shall be retained and maintained thereafter.

To protect the amenities of the neighbouring property Rose Cottage as supported

by policy EN2 of the ADMP.

5) Prior to works commencing the detailed foundation design shall be submitted to and approved in writing to the Local Authority. The foundations shall be carried out in accordance with the approved details.

To ensure protection of the adjacent trees as supported by policy EN1 of the ADMP.

6) The tree protection strategies shall be carried out as set out within the submitted Arboricultural Method Statement dated 10th January 2018.

To ensure protection of the adjacent trees as supported by policy EN1 of the ADMP.

7) Prior to first occupation, the access and parking areas shown on the approved plan BCOT/4A shall be formed and brought into use and shall be retained for this purpose thereafter.

To ensure adequate parking provision is provided as supported by policy EN1 and T2 of the ADMP.

8) No extension or external alterations shall be carried out to the dwelling hereby approved, despite the provisions of any Development Order.

To prevent inappropriate development in the Green Belt as supported by Government guidance in the form of the National Planning Policy.

9) No building, enclosure or swimming pool, shall be erected within the curtilage of the dwelling hereby approved, despite the provisions of any Development Order.

To prevent inappropriate development in the Green Belt as supported by Government guidance in the form of the National Planning Policy.

10) The development hereby permitted shall be carried out in accordance with the following approved plans and details: BCOT/1A, 2A, 3, 4A

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

National Planning Policy Framework

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

Description of Proposal

- 1 This application seeks permission for the removal of existing garden building and the erection of a new detached house including access and relocation of existing garden shed.

Description of Site

- 2 3 Bull Cottages is an end of terrace property located on the western side of Brasted village. The site is divided by a boundary treatment which runs north-south across the site. The land in front of the fencing provides off street parking (understood to be used by No.3 Bull Cottages) and the land behind comprises the garden of No.3. The site contains two structures: a timber shed with pitched roof, and a larger barn-style building with timber cladding and hipped tiled roof with barn ends, approved in 2008.

Constraints

- 3 Area of Archaeological Potential
- 4 Area of Outstanding Natural Beauty
- 5 Conservation Area
- 6 Metropolitan Green Belt (rear section of the site)

Policies

- 7 National Planning Policy Framework (NPPF)

Para 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-to-date development plan should be approved without delay.

Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- Footnote 6 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

- 8 Core Strategy (CS)

- SP1 Design of New Development and Conservation
- SP11 Biodiversity
- LO8 Area of Outstanding Natural Beauty

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9 Allocations and Development Management (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- EN4 Heritage
- EN5 Landscape
- T1 Vehicle Parking
- T3 Provision of Electrical Vehicle Charging Points

10 Other

- Sevenoaks Residential Extensions Supplementary Planning Document (SPD)
- Brasted High Street Conservation Area Appraisal

Planning History

- 11 16/03708/FUL Removal of existing garden building and the erection of a new detached house including road access and relocation of existing garden building. Refused.

17/00874/FUL Removal of existing garden building and the erection of a new detached house including road access and relocation of existing garden shed.

Consultations

Brasted Parish Council

- 12 “Brasted Parish Council objects to this proposal for the following reasons:

- a. It fails to preserve the character and appearance of the Brasted High Street Conservation Area.
- b. Off street parking provision whilst only marginally short of the requirements in the Guidance Table of the Kent Design Guidance Review, takes no account of increased parking along that particular unrestricted stretch of Church Road during evenings and weekends. Church Road is also the emergency access to the M25.
- c. Notwithstanding any measures taken, possible damage to the trees identified as important by the Inspector is probably quite high during construction.”

KCC Highways

- 13 “As far as the emergency access to the M25 is concerned, KCC Highways would not raise an objection in respect to the impact of the proposal upon this access.

I am sure that should an emergency occur on the M25 and this lane needed to be used (possibly as a last resort?) then the emergency services would be able to clear any parked cars that were causing an obstruction. I would

assume that any cars parked on-street belong to the local residents therefore could be moved if necessary.

As far as parking goes, yes 3 spaces does not truly comply with IGN3 Parking Standards - but only just and they are guidelines after all. Given the inspector's view from the previous appeal, and the fact there are some parking restrictions in Church Road that create passing places, a refusal on highway safety grounds i.e. lack of parking, would not stand up at another appeal and therefore I do not raise any objection to this application on highway grounds."

Highways Agency

- 14 The Highways Agency were informally consulted and they confirmed that they did not have a concern in respect to the impact of the proposal upon the emergency access onto the M25.

SDC Tree Officer

- 15 "I refer to the above application. I have visited the site and have studied the plans provided and have made the following observations:

I note that the inspector raised concerns within his report regarding the proximity of the proposed dwelling to the existing Yew tree and the Hornbeam. He believed this would result in the severe pruning of both trees to accommodate the proposed building. Having read the Arboricultural Impact Assessment submitted by PJC Consultancy, they state that 1m clearance between the trees and the proposed building would be required. This is not an excessive amount bearing in mind that both trees have recently undergone crown reduction works. Both trees are of the species that could tolerate this method of crown management.

I also note that the Inspector raised concerns regarding the design of the foundations to be used. The Arboricultural Impact Assessment has highlighted this issue and has recommended that traditional strip foundations or those requiring trenches would not be acceptable in this instance. They are recommending that piled foundations are used, either screwed or concrete. If concrete foundations are to be used, they will have to be sleeved to prevent leakage into the surrounding soil. The detailed foundation design is to be submitted by a structural engineer using details within the report submitted by PJC Consultancy. The foundation slab will have to be located above ground to leave a void to enable rainwater to drain into the surrounding soil and to allow gaseous diffusion into the soil. This has been recommended within the Arboricultural Impact Assessment.

The information provided by the Arboricultural Impact Assessment addresses the concerns raised by the Inspector. All that remains to be provided is confirmation of the foundation design to be used. Providing this is of a design as recommended within the report and the Arboricultural Method Statement is adhered to, I have no objection to the proposal."

Thames Water

- 16 No response received.

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Representations

- 17 No representations have been received.

Chief Planning Officer's Appraisal

Previously developed land - part of residential curtilage:

- 18 Whilst the NPPF places an emphasis on development on previously developed land, it does not preclude other land, including garden land, from being developed for residential use, provided such development is in suitable locations and relates well to its surroundings. Residential gardens outside 'built up areas' can be previously developed land. Land in 'built up areas' such as private residential gardens is excluded from the definition of previously developed land (Annex 2 NPPF).
- 19 The site lies within the urban confines of Brasted village and the proposal would represent a suitable location for a new dwelling.

Principle of Residential Development

- 20 Core Strategy policy LO7 states that within the settlement confines of Brasted infilling and redevelopment on a small scale only will be permitted taking account of the limited scope for development to take place in an acceptable manner and the limited range of services and facilities available. The provision of one additional dwelling is therefore considered acceptable, subject to consideration under other development plan policies discussed below.
- 21 The Design and Access Statement states the site is 330sqm. The development therefore equates to a density of 30.3 dwellings per hectare. This is compliant with policy SP7 and is an acceptable density for this location.

Impact on the Green Belt

- 22 As set out in paragraph 145 of the NPPF, new buildings in the Green Belt are inappropriate development. There are some exceptions to this, such as the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Paragraph 143 states that 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.
- 23 Paragraph 144 of the NPPF advises we 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. Therefore, the harm in principal to the Green Belt remains even if there is no further harm to openness because of the development.
- 24 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 principal to the Green Belt from inappropriate development.

- 25 The rear (western) part of the site lies within designated Metropolitan Green Belt. The proposed new house and relocated shed would not be situated on the Green Belt and accordingly the proposal would not impact upon this constraint. However, as outbuildings and extensions could be built under permitted development rights within the Green Belt it is considered appropriate to impose a condition requiring these rights on any granting of permission to protect the Green Belt and Conservation Area.

Impact on the character and appearance of the area, the Conservation Area, the Area of Outstanding Natural Beauty and impact upon trees

- 26 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.
- 27 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.
- 28 Policy EN5 of the ADMP states that the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings will be given the highest status of protection in relation to landscape and scenic beauty. Proposals within the AONB will be permitted where the form, scale, materials and design will conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance.
- 29 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 30 Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.
- 31 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.
- 32 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. Policy EN1 of the ADMP states that the form of proposed development should be compatible in terms of scale, height, density and site coverage with other buildings in the locality.

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The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.

- 33 The Conservation Area Appraisal identifies the Conservation Area as comprising an essentially linear village which follows the A25 with the majority of development fronting the High Street. Development also generally thins and is less dense away from the High Street and this provides the transition between the village and the open countryside beyond.
- 34 To the south of the application site is the terrace comprising 1- 3 Bull Cottages. These are two-storey, modestly scaled properties with pitched tiled roofs fronting Church Road. To the north of the application site is Rose Cottage set at a 90 degree angle to the street with its principle elevation facing south towards the application site.
- 35 The proposal would demolish an existing outbuilding and erect a detached, two storey dwelling with associated parking. A shed on site would be relocated to the north of its current location.
- 36 Development has recently occurred within the locality with new dwellings on the site of the Bull Public House car park on the junction of Church Road and the High Street to the south of the site and an infill development of a detached dwelling to the north of the site between Rose Cottage and Lavender Cottage.
- 37 The proposed dwelling would be set back on its site with the majority of the first floor located within the roof space. The proposed materials would comprise of wood clad at first floor with lime render below and natural Welsh slate roof which would not be out of keeping with the locality.
- 38 As confirmed by the Planning Inspector, the siting of the proposal between no. 3 Bull Cottages and Rose Cottage to the north, set back from the road would have only a limited detrimental impact upon the sense of space between these two neighbouring properties. In addition, the Inspector noted that the proposal would not result in a cramped site layout or have a harmful impact upon any break in built form between 3 Bull Cottages and Rose Cottage.
- 39 The proposal would result in an appropriately designed property which would be located within the built confines of Brasted village ensuring that it would ensure that the character of the wider landscape is conserved and enhanced.
- 40 This application duplicates the design of the previously refused application 17/00874/FUL, which was subsequently dismissed at appeal. The Inspector refused the proposal solely due to the potential impact of the proposal upon a mature Yew and a mature Hornbeam tree located adjacent to the proposed dwelling and the impact that the loss of these trees would have on the character and appearance of the Conservation Area.
- 41 In respect to the Planning Inspectors concerns regarding the impact of the foundations upon the trees, the current application includes the submission of a new Arboricultural Impact Assessment, Method Statement and Survey

which have been reviewed by SDC's Tree Officer. He confirms that the extent of pruning proposed would not be harm the trees. The proposed impact assessment has noted that a detailed foundation design will be submitted by a structural engineer and a condition can be imposed to require details of the foundation design and for the Arboricultural Method Statement to be adhered to.

- 42 In consequence of the above, the proposal would now protect the trees and ensure that the character of the Conservation Area would be retained.
- 43 If granted a condition could be incorporated to ensure that an electric vehicle charging point is incorporated within the scheme.
- 44 The proposal would incorporate an appropriate design that would conserve and enhance the AONB and would conserve the character of the Conservation Area ensuring that the proposal would meet the requirements of national and local policy and would not have an adverse impact upon the two adjacent trees.

Neighbouring Amenity

- 45 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development. The Residential Extensions SPD provides more detail on the expectations of development in relation to residential amenity.
- 46 The properties likely to be affected by the development are Rose Cottage to the north and 3 Bull Cottages to the south. These are considered in turn.

Rose Cottage

- 47 This is a two-storey property, orientated at 90 degrees to the street with its principle elevation facing the application site. There are four windows facing directly towards the application site. A recent planning application for this property (16/03669) identifies in the existing plans that the ground floor windows serve a dining room and a lounge, and the first floor windows serve two separate bedrooms. In each case these windows are the sole source of light and of outlook to these habitable rooms.
- 48 The proposed development would not be sited directly in-front of Rose Cottage and is set back slightly behind the line of the front windows. The tests for sunlight and daylight contained in the Residential Extensions SPD are useful in assessing the impact of proposed development on sunlight and daylighting. In this case, due to the positioning of the proposed building its distance of 6.5m from Rose Cottage at its closest point, the development would pass the 45 degree and 25 degree tests and would not be likely to result in a harmful loss of sunlight or daylight. While some loss of outlook and loss of light would be experienced, it is not considered that this would cause harm to the overall living conditions of Rose Cottage.
- 49 Three windows are proposed in the ground floor level of the north elevation of the new dwelling. Two serve a living room as secondary windows and the third serves the entrance hall. If the proposals were otherwise acceptable conditions could be used to ensure that they were obscure glazed to protect privacy.

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3 Bull Cottages

- 50 This property has its main outlook to the front (east) and rear (west). There are two windows in the northern elevation at the ground floor level. 2002 floorplans suggest the smaller front window serves the entrance hall and the rear window serves the kitchen as a secondary window. While the development would be in close proximity to these windows, and would cause a reduction in daylight, as they are secondary windows they would not cause harm to the overall living conditions of the property.
- 51 The proposed plans show a secondary kitchen and secondary bedroom window in the south elevation facing towards 3 Bull Lane. If the application were otherwise acceptable these could also be conditioned to be obscure glazed given their proximity to no.3. The proposals would result in the private amenity space of 3 Bull Lane being significantly reduced. However the plans suggest an appropriate area of private garden would be retained for this property.
- 52 The development is not considered likely to have an adverse impact on the living conditions of other properties near the site.
- 53 Overall the development would preserve the amenities of the adjacent properties, compliant with EN2. The amenity of other properties was not raised as an issue by the Inspector in the previous appeal.

Parking and Highways Impact

- 54 The NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 55 Policy EN1 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking. Policy T2 of the ADMP states that dwellings in this location with three bedrooms require two parking spaces.
- 56 Policy T3 of the ADMP states that electrical vehicle charging points should be provided within new residential developments to promote sustainability and mitigate climate change.
- 57 The previous application 17/00874/FUL was refused in part due to the proposal possessing inadequate parking provision for no. 3 Bull Cottages and the proposed dwelling with 3 parking spaces for the two dwellings.
- 58 The Planning Inspector confirmed that the parking standards would require 3.5 parking spaces for the two properties, however on visiting the site the Inspector noted that there were opportunities for parking along Church Road and accordingly felt that the shortfall of 0.5 spaces could be accommodated within the street.
- 59 The Planning Inspector noted that their visit took place during the early morning. Whilst opportunities for parking provision in the evening may be less there are further opportunities for parking within the wider area.

- 60 Accordingly, the Inspector concluded that the proposal would not lead to any detrimental effect on highway safety and would not conflict with the overall aims and objectives of Policy T2 of the ADMP. KCC Highway had no objection in respect to the parking provision provided.
- 61 An authorised access onto the M25 is located to the north of the site, at a distance of approximately 720m leading onto Station Road. Highways England and KCC Highways had no objections to the proposal in respect to the impact upon the emergency access.
- 62 In light of the Inspectors decision, which represents a material consideration in this proposal, it is considered that the parking provision would be adequate to meet the needs of the two properties and in light of the responses from Highways England and KCC Highways the proposal would not have an adverse impact upon the emergency access to the M25.

Affordable Housing

- 63 In relation to affordable housing, on 28 November 2014 the Government issued a Written Ministerial Statement that amended National Planning Practice Guidance (PPG) to restrict the circumstances where contributions for affordable housing should be sought.
- 64 Under that guidance, other than in designated rural areas, contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. In Areas of Outstanding Natural Beauty, contributions should not be sought from developments of 5 units or less.
- 65 This is a material consideration that should be taken into account when determining planning applications and must be weighed against Policy SP3 of the Core Strategy. It is noteworthy that the material consideration post dates the Core Strategy and was confirmed by the Court of Appeal in 2015 and thus afforded weight.
- 66 Since the development size is below the threshold introduced in the Written Ministerial Statement a strict adherence to the edicts of Policy SP3 is unlikely to be substantiated at appeal as such a contribution to affordable housing would not therefore be sought on a development of this size.

Community Infrastructure Levy (CIL)

- 67 This proposal is CIL liable. There is an application for exemption that will need to be considered if this is approved at Committee.

Conclusion

- 68 The proposal would incorporate an appropriate design which would conserve and enhance the AONB, would conserve the Conservation Area, would not impact detrimentally upon the adjacent trees or adversely impact upon local amenities and would incorporate sufficient parking.

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Recommendation

It is therefore recommended that this application is granted.

Background Papers

Site and Block Plan

Contact Officer: Guy Martin Extension: 7351

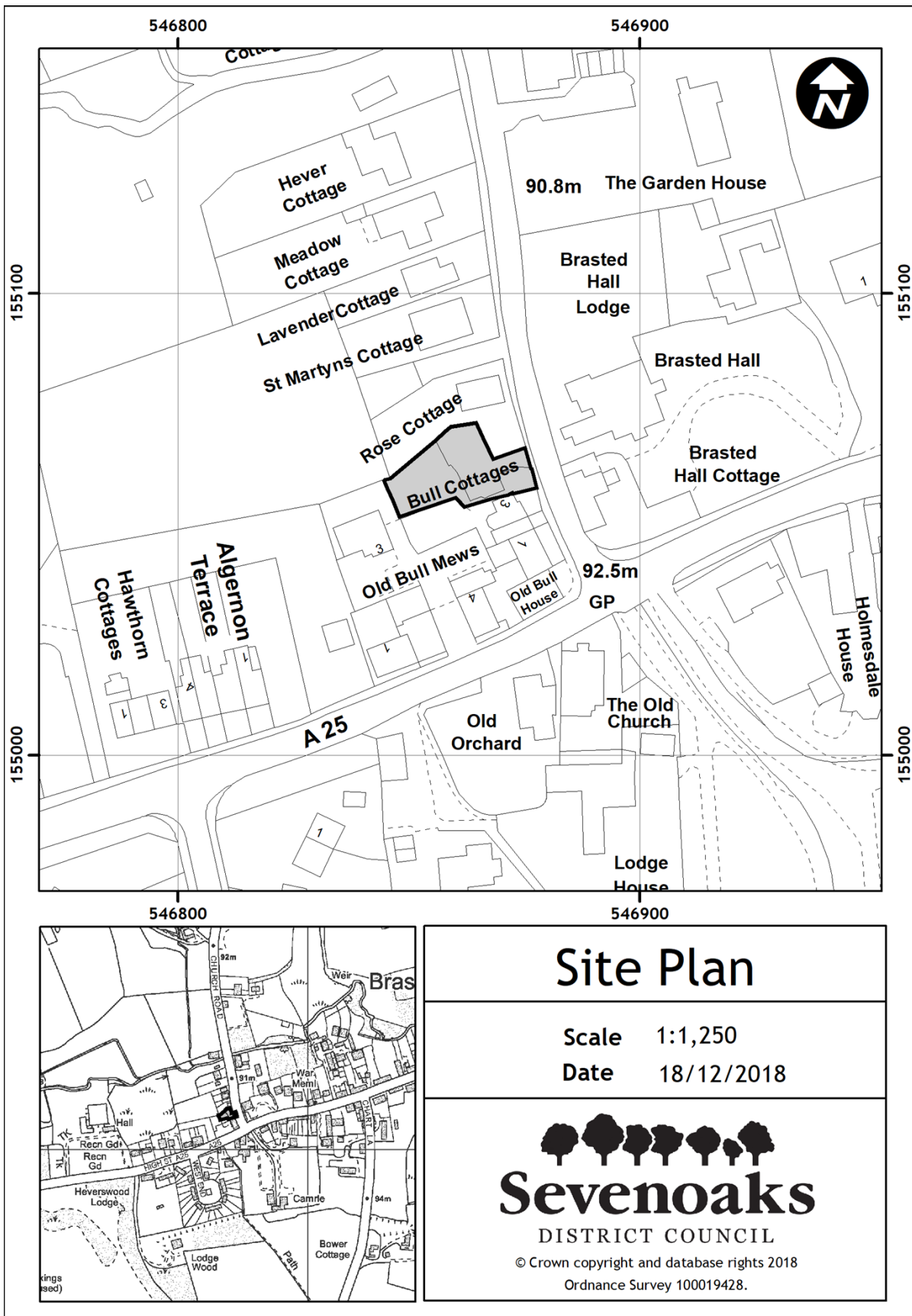
Richard Morris
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PFD37DBKKML00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PFD37DBKKML00>



Site Plan

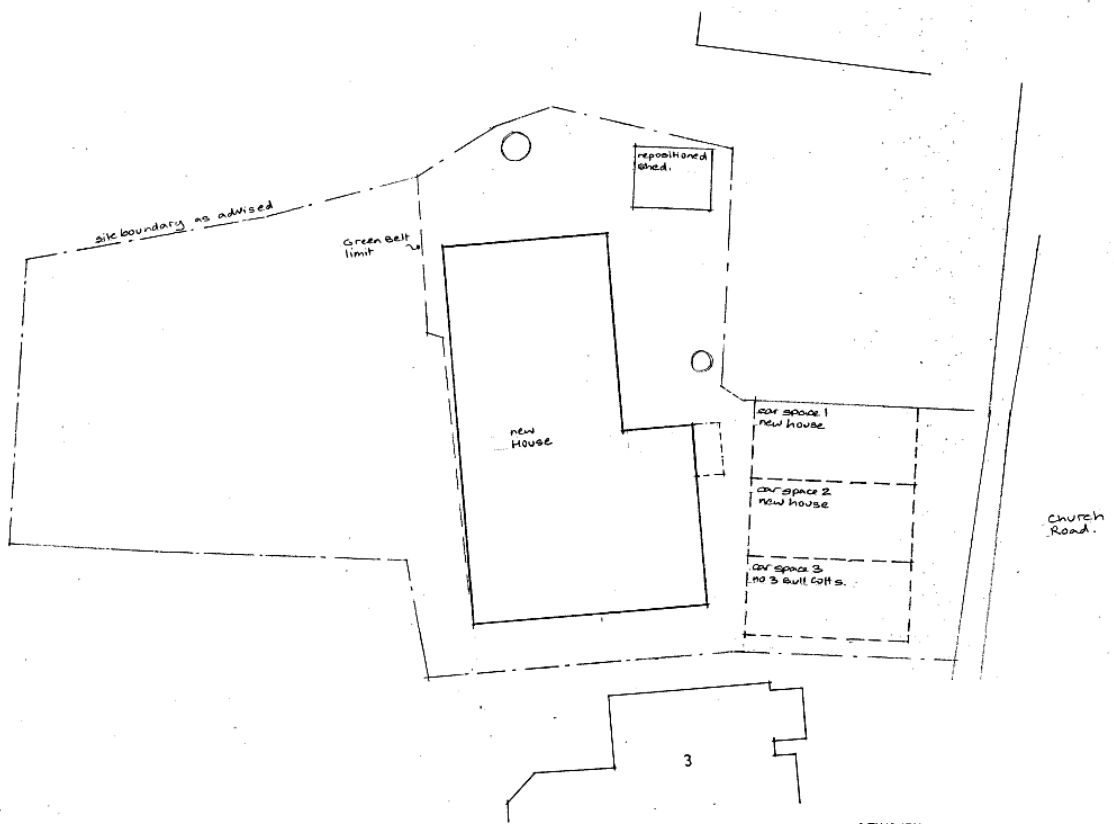
Scale 1:1,250

Date 18/12/2018



DISTRICT COUNCIL

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Ordnance Survey 100019428.



Planning Application Information on Public Access - for applications coming to

DC Committee on Thursday 17 January 2019

4.1 18/00928/FUL Land South of Trotts Cottage, Trotts Lane, Westerham TN16 1SD

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P5WFCXBKI0300>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P5WFCXBKI0300>

4.2 18/02964/FUL 3 Bull Cottages, Church Road, Brasted, Kent TN16 1HY

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PFD37DBKKML00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PFD37DBKKML00>

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