

04 July 2019 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks
Despatched: 26.06.19



Development Control Committee

Membership:

Chairman, Cllr. Williamson; Vice-Chairman, Cllr. Reay
Cllrs. Ball, Barnett, Brown, Cheeseman, Perry Cole, Coleman, P. Darrington, Firth,
Hogarth, Hudson, Mrs. Hunter, Layland, McGarvey, Pett, Purves, Raikes, and Roy

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 6 June 2019, as a correct record.	(Pages 1 - 12)	
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 18/03929/MMA - Watercrofts Wood, Old London Road, Badgers Mount, Kent	(Pages 13 - 30)	Jim Sperryn Tel: 01732 227000
4.2 19/00353/FUL - Woodlands Farm, Otford Lane, Halstead, Kent TN14 7EF	(Pages 31 - 46)	Claire Shearing Tel: 01732 227000
4.3 17/02424/FUL - Area Of Land Between Button Street And M20 Slip Road, Button Street, Swanley, Kent	(Pages 47 - 68)	Jim Sperryn Tel: 01732 227000

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, 1 July 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.

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 6 June 2019 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllrs. Barnett, Cheeseman, Firth, Hudson, Layland, Pett, Raikes, Roy, Darrington, Mrs. Hunter, Purves, Ball, Cole, Hogarth and McGarvey

Apologies for absence were received from Cllrs. Coleman and Reay

Cllrs. Fleming, Grint and Thornton were also present.

1. Minutes

Resolved: That the minute of the meeting of the Committee held on 25 April 2019, be approved and signed as a correct record.

2. Declarations of Interest or Predetermination

Councillors Hogarth and Raikes declared for Minute 6 - 19/00116/FUL - 95 Dartford Road, Sevenoaks Kent TN13 3TF they had previously considered the matter when discussed by Sevenoaks Town Council, but that they remained open minded.

Councillor McGarvey declared that for Minute 5 - Objection to Tree Preservation Order Number 3 of 2019 that he attended Eynsford Church and knew the objector.

3. Declarations of Lobbying

Councillor Raikes declared that he had been lobbied for Minute 6 - 19/00116/FUL - 95 Dartford Road, Sevenoaks, Kent TN13 3TF.

Unreserved Planning Applications

There were no public speakers against the following item 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:

4. 18/03518/MMA - Land South Of 162, Hever Avenue, West Kingsdown, Kent TN15 6DU

The application sought to make amendments to an earlier planning permission which was granted in 2017 for the construction of a detached chalet bungalow on the land south of 162 Hever Road, West Kingsdown. The proposed amendments included: relocation of the building 500mm to the south (away from 162 Hever Avenue), removal of the external chimney breast to the northern elevation;

Agenda Item 1

Development Control Committee - 6 June 2019

conversion of integral garage into a habitable room with insertion of window instead of garage doors and removal of window in the southern side elevation.

The application was referred to Development Control Committee, as Sevenoaks District Council was the applicant of the original planning permission and the landowner.

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

- 1) The development hereby permitted shall be begun before the expiration of the earlier planning permission 16/02931/FUL.

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: 6642-PD-01/B, 6642-PD-02/A, Acoustic Assessment (by Able Acoustics, dated August 2016), Reptile Survey Report (dated 21 April 2016 / Ref. 2016/02/09), Preliminary Ecological Appraisal (dated 20 October 2015 / Ref. 2015/10/03), Arboricultural Method Statement (dated 22 October 2015), Tree Protection Plan, Design and Access Statement.

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

- 3) Unless in accordance with details approved on 04.01.2019 under reference 18/03186/DETAIL, no development shall be carried out on the land until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the 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. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

- 4) Unless in accordance with details approved on 13.12.2018 under reference 18/03241/DETAIL, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:

- a) soft plantings, including trees, grass and turf areas, shrub and herbaceous areas; their location, species (use of native species where

- possible) and size;
- b) enclosures: including types, dimensions and treatments of boundaries (including a more appropriate boundary treatment to the front of the approved dwellings), walls, fences, pedestrian and vehicular gates, screen walls, barriers, rails, retaining walls and location, species and size of hedges;
- c) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, steps and if applicable synthetic surfaces; and
- d) any other landscaping feature(s) forming part of the scheme.

All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

To enhance the visual appearance of the area as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

- 5) Unless in accordance with details approved on 13.12.2018 under reference 18/03242/DETAIL, no development shall be carried out on the land until full details of appropriate measures to enhance the biodiversity and nature conservation value of the site have been submitted to and approved in writing by the Local Planning Authority. The details may include, but not be limited to the recommendations set out in section 4.10 of the Preliminary Ecological Appraisal (dated 20 October 2015 / Ref. 2015/10/03). No development shall take place other than in accordance with the approved details prior to the first occupation of the development.

In order to enhance the biodiversity value of the site in accordance with policy SP11 of the Core Strategy, policies EN1 and GI1 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue

Agenda Item 1

Development Control Committee - 6 June 2019

before development commences and that without this safeguard planning permission should not be granted.

- 6) Unless in accordance with details approved on 13.12.2018 under reference 18/03243/DETAIL, prior to the commencement of development, full details of the noise mitigation measures set out in section 6.5.1 of the hereby approved Acoustic Assessment (by Able Acoustics, dated August 2016), including details of a mechanical ventilation system, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved details prior to the first occupation of the dwelling and the noise mitigation measures shall be retained and maintained as such thereafter.

To ensure the provision of adequate residential amenities for future occupiers in accordance with paragraph 123 of the National Planning Policy Framework and policies EN2 and EN7 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

- 7) Before the first occupation of the development hereby permitted, the car parking and turning areas shown on the approved drawing 6642-PD-01/B shall be provided and shall be kept available for the parking of cars at all times.

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

- 8) Unless in accordance with the details approved on 13.12.2018 under reference 18/03244/DETAIL, no development shall be carried out on the land until details for the provision of an electric vehicle charging point for the dwelling has been submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging point shall be installed in accordance with the details so approved prior to the first occupation of the dwelling hereby approved and retained and maintained as such thereafter.

In order to mitigate and adapt to climate change in accordance with policies EN1 and T3 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

- 9) The first floor level windows in the side (north and south) elevations of the dwelling shall be obscure glazed and fixed shut below 1.7m from

finished floor level and shall be retained and maintained as such thereafter.

In order to safeguard the residential amenities of surrounding occupiers in accordance with policy EN2 of the Sevenoaks Allocations and Development Management Plan.

- 10) Unless in accordance with details approved on 13.12.2018 under reference 18/03245/DETAIL, prior to the commencement of any development on the site, full details regarding the protection of the protected Oak tree to the front of the site and trees located immediately adjacent to the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved. The details shall include:
- a) Details of the no-dig construction method for the hereby approved access and driveway and timetable for implementation;
 - b) Details of the utility routes, method for installation and timetable for implementation;
 - c) Details of the specification and position of fencing or other measures to create a 'retained tree protected area' for the protection of retained trees from damage before or during the course of development and a timetable for implementation;
 - d) Details of the location and extent of any area on the land to be used during the construction period for storage (including materials, plant and machinery) and/or for siting any temporary ancillary structures, such as a site office. The development shall be carried out in accordance with the details so approved.

To secure the retention and long term health of existing trees as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

- 11) Unless in accordance with details approved on 13.12.2018 under reference 18/03246/DETAIL, details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority before the first occupation of the development. Despite any development order, outside lighting shall only be provided in accordance with the approved details.

To mitigate the impact of development on nature conservation and to preserve the visual appearance of the area as supported by policy SP11 of the Core Strategy (2011), policies EN1 and GI1 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework. The Local Planning Authority is satisfied that

Agenda Item 1

Development Control Committee - 6 June 2019

it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

- 12) Unless in accordance with details approved on 12.03.2019 under reference 18/03247/DETAIL, no development shall be carried out on the land until a detailed method statement setting out a precautionary mitigation approach in relation to the potential presence of dormice on the site has been submitted to and approved in writing by the Local Planning Authority. The mitigation strategy shall be implemented in accordance with the details so approved.

In order to enhance the protect and enhance the biodiversity value of the site in accordance with policy SP11 of the Core Strategy, policies EN1 and GI1 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

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

In order to enhance the protect and enhance the biodiversity value of the site in accordance with policy SP11 of the Core Strategy, policies EN1 and GI1 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no development within the curtilage of the dwelling house permitted by Classes A, B or C of Part 1 of Schedule 2 of the 2015 Order (as amended), shall be carried out or made to the dwelling without the grant of a further planning permission by the Local Planning Authority.

In order to safeguard the residential amenities of surrounding occupiers in accordance with policy EN2 of the Sevenoaks Allocations and Development Management Plan.

Informatives

- 1) The proposed development has been assessed and it is the Council's view that the CIL is payable. Full details will be set out in the CIL Liability Notice which will be issued with this decision or as soon as possible after the decision.
- 2) It appears that the proposal involves works that affect the highway and / or its verge. Before commencing such works, you must obtain the separate consent of the Highway Authority. Please contact Kent Highway Services, Network Operations on 01474 544068.

CHANGE IN ORDER OF AGENDA ITEMS

With the Committee's agreement, the Chairman brought forward consideration of the Tree Preservation Order.

Tree Preservation Order

5. Objection to Tree Preservation Order Number 3 of 2019

The Assistant Arboricultural Officer referred to the objection received from the Reverend Owen in respect of the confirmation of the tree preservation order.

It was moved by the Chairman and duly seconded that the recommendation and late observations in the report be confirmed.

Members discussed the amenity value of the trees and were advised that the TPO would not prevent management of the trees but any work would need approval from the Council first.

The motion was put to the vote and it was

Resolved: That TPO 3 of 2019 be confirmed without amendment.

Reserved Planning Applications

The Committee considered the following planning applications:

6. 19/00116/FUL - 95 Dartford Road, Sevenoaks, Kent TN13 3TF

The proposal sought permission for the erection of a pair of semi-detached dwellings with parking and gardens and extending the drop kerb, with demolition of outbuildings.

The application had been referred to Development control committee by Councillor Fleming due to concerns over its impact on car parking and highways safety due to the parking and vehicle access arrangements.

Agenda Item 1

Development Control Committee - 6 June 2019

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

The Committee was addressed by the following speakers:

Against the Application: Chris Beddell
For the Application: Phil Bell
Parish Representative: Sue Camp
Local Member: Councillor Fleming

Members asked questions of clarification from the Officers.

Members were advised that a previous application was dismissed at appeal for the demolition of the existing building and construction of a 3 storey building with rear dormers, due to the impact on properties to the rear.. Members were advised that the existing building on site was part of the local list due to the features of the building.

It was moved by the Chairman and duly seconded that the recommendation within the report and late observations be agreed.

Members debated the application. It was considered that the application was for development of two dwellings rather than the demolition of number 95. Regarding highways issues neither the Inspectorate nor Kent Highways had raised objection on the present application or the previous one and there would be off street parking for 4 cars. Members discussed the need for housing in the District and its sympathetic design.

The motion was put to the vote and it was

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

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

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

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details:17507 P-150 REV P517507 P-200 REV P417507 P - 450 REV P317507 E-00117507 E -010 REV A

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

- 3) Notwithstanding the approved plans no development shall take place above damp proof course level until samples of the external materials for the new dwellings have been submitted to and approved in writing

by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

To maintain the integrity and character of the area and Locally Listed Building as supported by EN1 and EN4 of the Sevenoaks Allocations and Development Management Plan.

- 4) No development shall be carried out above damp proof course level until full details of hard and soft landscape works and boundary treatments have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:-details of all boundary planting and enclosures, planting plans (identifying existing planting, plants to be retained and new planting);-a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); and-a programme of implementation. The landscaping works shall be implemented prior to occupation of the dwellings and retained thereafter, unless otherwise agreed in writing by the local planning authority. If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To protect the visual appearance of the area as supported by Policy EN1 of the ADMP.

- 5) Prior to occupation of the development 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.

- 6) No development, including any works of demolition or preparation works prior to building operations, shall take place on site until a Construction Management Plan is submitted and the details should include the following:(a) Routing of construction and delivery vehicles to / from site(b) Parking and turning areas for construction and delivery vehicles and site personnel(c) Timing of deliveries(d) Provision of wheel washing facilities(e) Temporary traffic management / signage

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 T1 of the Sevenoaks Allocations and Development Management Plan.

Agenda Item 1

Development Control Committee - 6 June 2019

- 7) Prior to the use of the site commencing provision and maintenance of 2 metres x 2 metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level shall be implemented and retained as such thereafter.

In the interests of pedestrian and highway safety.

- 8) No development shall commence until details of all tree protection measures are submitted to and approved in writing by the Local Planning Authority. The approved measures shall be retained on site for the duration of the development, and no works, storage or activities within a protected area shall take place unless specifically set out in the above report or agreed in writing by the local planning authority.

To protect existing trees on site, in order to safeguard the character of the area and soften the impact of the development, in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 9) No development shall take place until details of the layout and construction of areas for the parking of cars and means of access have been submitted to and approved in writing by the Local Planning Authority. The parking areas approved shall be provided and kept available for parking in connection with the use hereby permitted at all times. 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.

To ensure a permanent retention of vehicle parking for the property as supported by Policy EN1 and T2 of the Sevenoaks Allocations and Development Management Plan.

- 10) The demolition of the existing garages and outbuildings shall not take place until full details of all boundary treatment to the north west boundary of the application site have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be implemented and retained as such thereafter.

To protect the visual appearance of the area as supported by Policy EN1 of the ADMP

- 11) No development shall be carried out above damp proof course level until full details of appropriate refuse and recycling storage facilities for each dwelling have been submitted to and approved in writing by the local planning authority. The refuse and recycling storage facilities shall be provided in accordance with the details so approved prior to first

occupation of the dwellings and shall be retained and maintained for use at all times.

To ensure satisfactory provision of refuse and recycling facilities and to safeguard residential amenity in accordance with policies EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

Informatives

- 1) Any discharge to a public sewer, requires prior approval from Thames Water Developer Services. Should you require further information please refer to our website.

<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewaterservices>

- 2) The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-largesite/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 0093921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

7. 19/00802/HOUSE - Lannacombe, 1 Harrow Road, Knockholt, Kent TN14 7JT

The application sought permission for the demolition of existing garage and workshop. Erection of part single part two-storey extension with basement. New front porch and alterations to fenestration. The application was referred to Development Control Committee by Councillor Grint, due to the adverse impact on neighbouring amenity.

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

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Kelvin Hinton
Parish Representative:	Rita Radford
Local Member:	Councillor Grint

Agenda Item 1

Development Control Committee - 6 June 2019

Members asked questions of clarification from the Officers. It was confirmed that the two storey element had been reduced from the 5m projection from the rear wall on the 2015 application to 3m. The planning permission in 2016 removed permitted development rights and therefore if further developments were to take place, a planning application would have to be made to the Council.

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

Members debated whether the proposal would result in overdevelopment, and its bulk, height, scale and form and whether this would have a detrimental impact on the neighbouring properties. Concern was raised that the additional development, above that already granted permission, had made the proposal unacceptable. The development would result oversized extensions to this property and larger than the existing dwelling.

The motion was put the vote and it was lost.

It was moved from the Chair that planning permission be refused on the grounds that there would be unacceptable harm to the living conditions of the neighbouring property contrary to policy EN2 due to the bulk, height, scale and form.

The motion was put to the vote and it was

Resolved: That planning permission be refused on the grounds that by virtue of its height, bulk, length and the constrained nature of the rear garden of Antique House, the proposal would result in an overbearing form of development that would add to an unacceptable degree of enclosure which would have a detrimental impact on the amenities of the residents of Antique House. The proposal does not comply with the National Planning Policy Framework or policy EN2 of the Allocations and Development Management Plan and the Sevenoaks Residential Extensions SPD

THE MEETING WAS CONCLUDED AT 8.34 PM

CHAIRMAN

4.1 18/03929/MMA Date expired 6 March 2019

Proposal: Minor material amendment to 16/03186/FUL - Proposed Chapel, maintenance store, access, car parking and associated landscaping. To re-position external windows and doors. As amplified by amended Proposed Site Plan drawing received 25 April 2019.

Location: Watercrofts Wood, Old London Road, Badgers Mount, Kent

Ward(s): Halstead, Knockholt & Badgers Mount

Item for decision

Councillor Williamson has referred the application to Development Control Committee on the grounds that the proposals would have a unacceptable impact on the openness of the Green Belt contrary to policy.

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

1) The permission hereby granted shall only be exercised in conjunction with the permission for use of the land as a cemetery in accordance with SE/93/01575/FUL as amplified by SE/08/02894/LDCEX.

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

2) The maintenance building shall not be constructed other than in accordance with the details indicated on drawing 3917_PL_07 on application SE/16/03186/FUL.

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) Use of the building shall not commence until details of the individual tree planting indicated as part of the landscaping proposals on Proposed Site Plan drawing 3917_PL_10 Rev. D have been submitted to and approved in writing by the District Planning Authority, such details to specify the siting, species and size of planting. The details should also include a scheme of tree planting to the east of the access road opposite the chapel and adjacent to the proposed turning head. Such details to also include details of ecological enhancements as recommended in the Landscape Planning Ltd. Preliminary Ecological Appraisal approved under application reference 16/03186/FUL. In all other respects the hard and soft landscaping shall be implemented in accordance with the details indicated on the Proposed Site Plan. All soft landscaping and ecological enhancements shall be completed/planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance/watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved

(Item No 4.1) 1

Agenda Item 4.1

landscaping scheme which are removed, die, become severely damaged or diseased within ten years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

To safeguard the visual appearance of the area and the ecological interests of the site as supported by EN1 of the Sevenoaks Allocations and Development Management Plan and policy SP11 of the Council's Core Strategy.

4) Unless in accordance with the badger survey and mitigation approved under reference 18/00144/DETAIL approved 6 March 2018, no further development shall take place until an updated badger survey has been undertaken and any potential impact from the proposals considered. Details of the results of the survey and any proposed mitigation and timetable for implementation as necessary shall be submitted to the District Planning Authority for approval in writing. Any necessary mitigation shall be undertaken in accordance with the approved details within the agreed timescale.

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

5) Unless in accordance with the details approved under reference 18/00145/DETAIL approved 3 August 2018 no external lighting shall be installed on site until a "lighting design strategy for biodiversity" for the site has been submitted to and approved in writing by the local planning authority. The lighting strategy shall: a) Identify those areas/features on site that are particularly sensitive for badgers and bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory; b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory. No external lighting shall be installed on the building or within the site other than in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the approved details.

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

6) Any further measures required in regard to the control and mitigation of Japanese Knotweed on the site shall be carried out in accordance with the details approved under reference 18/00146/DETAIL dated 6 March 2018.

In the interests of the ecology of the site as supported by Government advice in the form of the National Planning Policy Framework, policy SP11 of the Council's Core Strategy.

7) The Construction Management Plan approved under reference 18/00149/DETAIL dated 31 May 2018 shall be adhered to throughout the remaining construction period.

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

8) The 2.4m by 120m sightline indicated on drawing 3917_PL_04 approved under reference 16/03186/FUL dated 27 January 2017 shall be provided and maintained in accordance with the approved drawing and there shall at no time be any obstructions over 1m above the carriageway within the splays.

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

9) Prior to occupation of the development details of the size, design and materials of the bin storage shall be submitted to the District Planning Authority for approval in writing. No bin storage shall be provided other than in accordance with the approved details.

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

10) The details relating to minimising the risk of crime on the site shall be implemented in accordance with the details approved under reference 18/00150/DETAIL dated 31 May 2018.

In the interest of Security, Crime Prevention and Community Safety as supported by the National Planning Policy Framework and Policy EN1 of the Allocations and Development Management Plan.

11) For the avoidance of doubt the information to which this decision relates is as follows: Drawing Nos.: 3917_PL_02 C, PL_10 D, PL_13 C; Willow Town & Country Planning Ltd. Planning Statement and BHD Supporting Statement.

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

Informatives

1) The applicant is advised that no removal of hedgerows, trees or shrubs should take place between 1st March and 31st August inclusive to avoid any damage or disturbance to nesting birds.

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

Agenda Item 4.1

Description of site

- 1 The wider site is located to the north-east of Badgers Mount, with the boundary to the east formed by London Road and the boundary to the north-west formed by Watercroft Road. It occupies a relatively rural location.
- 2 The site as a whole has a total area of some 12 hectares, although the current application relates only to a small portion of the wider area (very approximately 0.7ha). The larger part of the site comprises dense ancient woodland (roughly western 2/3rd's), the remaining portion to the south-east is more open though with some self-sown trees. The ancient woodland to the west is also subject to a Woodland Tree Preservation Order. The land generally rises steeply from south-east to north-west towards Watercroft Road. The site has access to London Road and Knockholt rail station is located approximately 750m to the north. To the south the site lies adjacent to open fields.
- 3 The area to which this application relates roughly comprises an access driveway serving a chapel, which is set within a clearing to the west of the driveway, and a southerly strip of land for car parking.
- 4 Planning permission has recently been granted for an access, chapel and parking area and works are nearing completion.

Description of proposal

- 5 As outlined above, planning permission was granted on 26th January 2017 for a new chapel and maintenance store together with associated access and parking.
- 6 The approved chapel, which is sited roughly centrally within the open flat clearing has a rectangular form, orientated along a north-south axis. There would be a smaller projecting wing to the front (north-eastern corner) and extending centrally from the west elevation. The chapel would be of modern design, incorporating a mono-pitched sloping, sedum (natural green) roof containing several centrally located rooflights. The “wings” would be lower level, but of similar design. There would be a projecting canopy to the front (north) to provide a covered entrance. The interior would contain the chapel itself, together with entrance/waiting areas, toilets and an associated office.
- 7 Details have been discharged relating to this permission and work has commenced on site and is nearing completion.
- 8 The present application is a variation on that approved under 16/03186/FUL. The key changes are summarised below:
 - Enlargement to footprint of western wing of the building by 2m to provide a staff rest area (and omission of extending wall).
 - Increase in the depth of the building by 2.4m.

- Infill of rear (south-western corner of building to “square-off” rear) to create 4m² of additional floorspace to improve coffin access to the building.
 - Changes to the window arrangement to the eastern elevation to replace small window openings with larger aluminium sliding doors to provide access to the area to the east of the chapel. Change to window design to waiting area. Some changes to the window design to the west elevation and introduction of a second set of doors to the coffin access area.
- 9 The increase in floorspace totals approximately 46m² and represents an approximately increase of 17-20% over that originally approved.
- 10 Following a visit to the site, it became apparent that the area immediately to the north of the chapel had been laid out in a slightly different arrangement to that approved, with hardsurfacing extending slightly further to the north and landscaped strip containing the entrance canopy supports slightly reduced in size.
- 11 Also the trees to the immediate east of the chapel, which were originally intended to be retained, had been removed and an enlarged area of hardstanding provided. It should be noted that the supporting statement explains that five of these were required to be removed by the Statutory Undertaker as part of their programme to dismantle the existing electricity pylons and re-siting the cables underground.
- 12 A revised plan has been submitted which incorporates the changes made and those proposed. There is a revised layout to the area to the immediate east of the chapel with extended hardsurfacing, which includes planted beds and some visitor seating. The plan also included details of replacement planting, including shrubs and a number of new Cherry and Apple trees (7no) to replace those removed. New tree and shrub planting is now also proposed to the south of the building. The hearse access road and footpath access to the building will be in shingle tarmac. There is no change proposed to the asphalt access driveway or parking spaces which would be formed in Golpa reinforced gravel (permeable). However, it would appear that the access road has been very slightly re-aligned eastwards and widened adjacent to the hearse access and east of the chapel.
- 13 The revised plan has been subject to re-consultation.
- 14 Apart from the amendments sought, the siting, layout and general arrangement of the site remain as previously approved.
- 15 In support of the application, the Cemetery Manager has made the following comment, in summary:
- (a) Increased space in the foyer is intended to provide better accommodation for early arrival for a ceremony whilst providing segregation from the preceding ceremony.

Agenda Item 4.1

- (b) The increased size of the hall is more efficient and would provide some increase in capacity and is considered ideally suited for the majority of funerals.
- (c) The increase in the right hand “wing of the building is to improve facilities for attending staff and separate toilet facilities.
- (d) The larger doors are to improve access to the building and provide an overflow area.
- (e) Extension of minister’s area at the rear of the building to provide space for the minister and for audio visual controls and equipment.
- (f) See Appendix A for full contents of supporting letter.

- 16 It should also be noted that, as with the previous permission, this application relates solely to the access road, chapel and associated parking area and not to the wider extent of the site or the woodland to the west.

Relevant planning history

- 17 93/01575/OUT: Erection of chapel and provision of car park with new vehicular access. Refused but ALLOWED at appeal 10.5.1995.
- 93/01576/FUL: Use of land as a cemetery with new vehicular access. Refused but ALLOWED at appeal 10.5.1995.
- 94/00377/OUT: Erection of crematorium, chapel and provision of car park together with ancillary facilities and new vehicular access. Refused 1.6.1994.
- 97/01988/REM: Details of siting, design and external appearance pursuant to Condition 1 of SE/93/01575. Refused but ALLOWED at appeal 28.10.1998.
- 97/02070/FUL: Erection of woodman’s store and maintenance shed.
- 03/02138/FUL: Retention of permission for erection of woodman’s storage/maintenance shed. Granted 5.12.2003.
- 03/02139/FUL: Erection of chapel & provision of car park and cesspool. Granted 5.12.2003.
- 08/02894/LDCEX: Lawful Development Certificate for existing use - to establish that planning permission 93/01576 (Use of land as cemetery with new access) was implemented. Granted 10.11.2009.
- 10/00079/FUL: Erection of a chapel and maintenance shed, car park and ancillary facilities. Granted 30.4.2010. (Details subsequently approved).
- 14/02003/FUL; Erection of chapel/crematorium, provision of ancillary car park and erection of a woodman’s shed. Refused 10.6.15.
- 15/01235/LDCPR: Erection of entrance walls and timber gates (900mm-1000mm). Erection of separate entrance gates and piers no higher than 2000mm. Granted 10.6.15.

15/01244/LDCEX: To establish that planning permission SE/10/00079/FUL (Erection of a chapel and maintenance shed, car park and ancillary facilities. Refused but ALLOWED at appeal 9.5.16.

16/03186/FUL: Proposed chapel, maintenance store, car parking and associated landscaping. Granted 26.1.2017.

Conditions pursuant to the above permission have been discharged.

18/02164/MMA: Minor material amendment to application 16/03186/FUL for the (Proposed chapel, maintenance store, access, car parking and associated landscaping) to re-position some external windows and doors, open canopy and introduction of resomation burial system equipment.

Refused on 26.9.2018 on the grounds that the proposals involved a change of use and thus did not fall to be considered as a minor material amendment.

Policies

18 Sevenoaks Core Strategy

- LO1 Distribution of Development
- LO8 The Countryside and the Rural Economy
- SP1 Design of new Development and conservation
- SP2 Sustainable Development and Low Carbon Energy Generation
- SP11 Biodiversity

19 Allocations and Development Management Plan (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- EN5 Landscape
- T1 Mitigating Travel Impact
- T2 Vehicle Parking

20 Other

National Planning Policy Framework 2019

Constraints

21 The site lies within:

- Green Belt
- Tree Preservation Orders/Area of Ancient Woodland
- Biodiversity Opportunity Area

Consultations

Halstead Parish Council

22 Object for the following reasons:

Agenda Item 4.1

- “The development is contrary to Policy EN1 in that the form of the proposed development does not respond to the scale, height and materials of the area. The light pollution cast from this development would also be wholly inappropriate in the Green Belt area it sits within and, contrary to policy EN4, does not enhance the Heritage Asset of Ancient Woodland and an AONB that make up this land.
- This council do not believe that this development meets the exceptional circumstances deemed necessary by both GB policies and the NPPF for developments in the Green Belt. Aside from the fact that this area has permission for 2 burial grounds within extremely proximity - the application does not respect the rural nature of this area and we believe constitutes urbanisation of the Green Belt.
- The NPPF Section 145b states that the provision of the appropriate facilities such as burial grounds should be considered as an exception to the limitations of developing in the Green Belt so ‘long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it’
- Halstead Parish Council also believe that numerous trees have been removed from this site without prior consent despite a blanket TPO (TPO No: 18 of 1975 - W1) in place. This site contains area of Ancient Woodland which is obviously irreplaceable but also a number of native flora and fauna which would struggle to flourish without this woodland.”

Badgers Mount Parish Council: (In summary)

- 23 This application is an attempt to enlarge the building (by 20%) by stealth and should not be treated as a minor amendment. The proposals would be detrimental to the Green Belt and adjacent ancient woodland. Building would allow for larger funerals with highway implications. Chapel should be built to the approved size.

Arboricultural Officer:

- 24 With regard to the amended Proposed Site Layout Plan:

“The proposed landscaping as shown upon drawing number 3917_PL_10 appears acceptable. I would like to see specific details of tree species, varieties and where planted and sizes please.”

Environmental Health: (In summary)

- 25 No adverse comments or observations.

Natural England: (In summary)

- 26 No objection.

KCC Ecology: (In summary)

- 27 No comments on application.

Environment Agency:

28 No comments.

Representations

29 In response to proposals as originally submitted:

Seventeen representations have been received raising the following points:

- A 20% increase in the size of the building impacts the green belt.
- Proposals would have substantial negative impact on traffic in the area.
- Object to more woodland being built on.
- Increase in size would increase the capacity of the site.
- Object to removal of trees across the site.
- Application should not be a minor material amendment because of the increase in size.

30 Response to amended plan:

Six responses have been received in response to the amended plan.

- One raises no objections to the changes to windows and doors, but raises concerns regarding works to the wider woodland.
- Several letters object to further removal of trees on the application site but one letter also considers the hearse layout and extended hardsurfacing to be an improvement.

Chief Planning Officer's Appraisal

31 The main planning consideration are:

- Principle of Development
- Impact on Green Belt
- Impact on Ancient Woodland
- Impact on landscape
- Impact on ecology
- Other matters

Background:

32 There are several applications listed above which are material considerations of significant weight in the consideration of the current application. There are several which relate to the use of the wider site as a cemetery, however, the present application does not relate to the whole site, only a portion within the centre. In summary, the most relevant applications to this as follows:

Agenda Item 4.1

- 33 In 2009 a Lawful Development Certificate established the use of the (wider) site *including the creation of the access* (Ref: SE/08/02894/LDCEX). Planning permission was then granted for the erection of a chapel, maintenance shed, car park and ancillary facilities in 2010 (Ref: SE/10/00079/FUL) with the relevant details subsequently discharged. In 2015 a Lawful Development Certificate was granted at appeal confirming that this permission for the chapel (and works associated) had been lawfully implemented (Ref: SE/15/01244/LDCEX). In 2015 a Lawful Development Certificate was granted for the erection of walls, and 2 sets of entrance gates (Ref: SE.15/01235/LDCPR).
- 34 Most recently is the grant of planning permission for a chapel, parking, landscaping and associated works. This is being implemented, but is not in accordance with the approved plans. In summary the amendments seek an 11% increase in the size of the approved building, more extensive hardsurfacing to the immediate north and east of the chapel and new landscaping proposals. This submission seeks to formalise the situation.

Presumption in favour of sustainable development:

- 35 Paragraph 8 of the NPPF states that achieving sustainable development means the planning system has three overarching objectives...; economic, social and environmental.
- 36 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.
- 37 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.

Principle of Development:

- 38 The development which this application seeks to amend has by definition been judged to be acceptable in principle. On this basis an assessment under section 73 should be focussed on whether any national or local policies or other material considerations have changed significantly since the original grant of planning permission, as well as the changes sought. In this regard the most significant material change in policy since the original

grant of planning permission at appeal some 10 months ago is the introduction of the revised National Planning Policy Framework (July 2018).

- 39 This report should be read in conjunction with the earlier report and decision for permission (16/03186/FUL) which addresses the principle of the development. The increased size in the building warrants further consideration as there may be implications for the Green Belt. The revised hard and soft landscaping also requires consideration. However, the implications with regard to impact on highways and ecology are little different to the approved scheme.
- 40 The fact that there is permission for a similar form of development is a material consideration of considerable weight. Thus, it would not be reasonable to reconsider the principle of the development. Were this application to be refused, the applicant could lawfully implement that approved under 16/03186/FUL.
- 41 This report will therefore focus on the differences to the approved scheme and whether or not these differences are harmful to such a degree that they would warrant refusal of this application.
- 42 For convenience, this report will follow the format of 16/03186/FUL, which sets out the main considerations under the following headings.

Principle of Development in Green Belt and impact on openness:

- 43 Government advice, in the form of the National Planning Policy Framework, supports the protection of the Green Belts and seeks to restrict development. However, exceptions to the general presumption against inappropriate development include the provision of appropriate facilities for...cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
- 44 In granting permission for application 16/03186/FUL, the principle of this development was accepted.
- 45 The key consideration now is whether the chapel as proposed (and now in situ) results in greater harm to the openness of the Green Belt than that approved.
- 46 The siting and footprint of the chapel is very largely as approved. As approved, the chapel would be approximately 19m in length. As proposed, it would be just over 21m. The western “wing” was approved with a depth of 7m. As proposed this would increase by 2m. The overall increase in floorspace would be 46m², which equates to approximate 17% increase. As the sloped roof form would extend slightly greater in depth, the highest point of the building would also increase by approximately 0.4m.
- 47 I would note that in granting the original permission for a chapel on the site (at appeal), the Planning Inspector concluded that such a facility was essential in connection with the use of the land and thus appropriate in the

Agenda Item 4.1

Green Belt. The extant chapel was considered to result in no greater harm to the openness of the Green Belt.

- 48 Though inevitably the increase in floorspace has some implication on the overall scale and massing of the building, compared to the approved chapel I consider this to be relatively modest. The design of the building remains as approved. I consider the increased size to have only a modest impact on the overall quantum of development already approved. As such, I consider the impact on the openness of the Green Belt would not be significant.
- 49 There is no significant change to the access or car parking arrangements. The alterations to the hearse access, which slightly increases the area of hardsurfacing and slightly reduces the landscaped “island” to the front of the building would have no significant impact on the openness of the Green Belt, in my view.
- 50 In light of the above, in view of the particular circumstances, it is my conclusion that the proposals would have only a very modest impact on the openness of the Green Belt over and above that of the extant scheme.
- 51 Overall the development would represent appropriate development within the Green Belt.

Layout and design and impact on character of area/landscape:

- 52 Policy SP1 of the Core Strategy is clear that new development should be designed to a high quality and respond to the distinctive local character of the area in which it is situated. Outside settlements priority will be given to the protection of the countryside (Policy L08) and any distinctive features that contribute to the special character of the landscape and its biodiversity will be protected and enhanced where possible.
- 53 Policy L08 advises that the countryside will be conserved and the distinctive features that contribute to the special character of its landscape and its biodiversity will be protected and enhanced where possible.
- 54 The contemporary design approach with grass roof to the chapel benefits from planning permission and thus I have no objection to the proposals in this regard. The layout and design largely follows that approved. However, more extensive hardsurfacing has been provided to the east of the chapel, with new landscaping proposed and the hearse access has been slightly extended.
- 55 Because of the raised nature of the site of the chapel relative to the land to the east and south of the site, the hardsurfacing area would not be readily visible outside the site. In my view, the key issue is whether the eastern elevation of the building would be more exposed to wider view because the small tree belt immediately to the east of the chapel has been removed contrary to the approved plans.
- 56 This does expose the site to longer distance views. However, the proposals as amended propose replacement tree planting. In my view, once

(Item No 4.1) 12

established, this planting would provide a good screen to the building and the resultant visual impact would be little different to the approved scheme. I consider it would be advantageous to require this planting to comprise established trees, so that their benefit would be more immediate. This could be adequately covered by condition.

- 57 The Arboricultural Officer has noted the removal of the trees to the east of the chapel. However, he has not raised objections to the extended hardsurfacing and considers the proposed landscaping to be acceptable in principle, subject to clarification of the details. In my view the extended areas of hardstanding are not readily visible outside the site and any adverse visual impact would be addressed by replacement planting as proposed.
- 58 A condition could also include additional tree planting on the eastern side of the access road opposite the chapel, which would provide a second “belt” of tree planting to further screen and soften the impact of the chapel.
- 59 On this basis, I consider the proposals would preserve the visual amenities of the immediate locality and the wider landscape in general and to be policy compliant in this regard.

Impact on trees/ancient woodland:

- 60 The trees which cover the western part of the wide site are designated as Ancient Woodland. *This* is woodland that has had a continuous woodland cover since at least 1600AD and has only been cleared for underwood or timber production. The importance of these woodlands is not just related to the trees themselves, but also that they have had a long time to acquire species and to form flora and fauna communities, and that their soils have remained largely undisturbed. As at 1994 it was estimated that approximately 10% of the county area was made up of both ancient and secondary woodland. The woodland is also protected by a Tree Preservation Order.
- 61 As detailed above the NPPF recognises the importance of the countryside’s differing intrinsic character and beauty and seeks to ensure that planning contributes to conserving and enhancing the natural environment. Policy SP11 seeks to ensure no net loss of biodiversity.
- 62 Third parties have raised objections to more extensive works which have been undertaken within the wider area of Ancient Woodland, including tree removal and laying of footpaths. However, the majority of these works fall outside the application site and have very recently been subject to separate legal action by the Council, with an injunction presently restricting further works to the woodland.
- 63 This application does not include the greater extent of the woodland and is restricted to a much smaller area relating to the access, parking area and siting of the chapel.

Agenda Item 4.1

- 64 It should be noted the access road and parking areas fall *outside* the Ancient Woodland. Whilst the chapel is located within the woodland, this largely occupies an existing clearing. The hardsurfacing adjacent to the extended hearse access to the north of the chapel is close to a number of retained trees. However, the Council's Arboricultural Officer has not raised an objection to these works. There were also a number of (poorer quality) trees on the site which had consent to be removed as part of the approved scheme. Since the original submission of this application however, eight further trees to the east of the chapel, which were originally intended to be retained, have been removed. Whilst I consider the removal of these trees most unfortunate, as the retention of these trees would have provided an established screen, the consideration for this application is whether replacement planting would help re-dress the loss of the trees. The amended plan indicated new planting to the east of the chapel, as referred to in the section above. The Arboricultural Officer raises no objection in principle to new planting proposed, subject to details of sizes etc., which it would be appropriate to seek via condition, in the event that permission were to be granted.
- 65 Bearing in mind the wider site is subject to separate legal control, I consider replacement planting would enhance the character and appearance of the site.

Ecology:

- 66 Section 15 of the NPPF relates to conserving and enhancing the natural environment and includes discussion relating to biodiversity. Paragraph 170 explains that the planning system should protect and enhance valued landscapes, minimise impacts on biodiversity and provide net gains in biodiversity where possible. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity and if significant harm resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 67 Policy SP11 seeks to conserve the biodiversity of the district and seek opportunities for enhancement to ensure no net loss of biodiversity.
- 68 The proposals do not impact the ecology of the site beyond that approved and hence the County Ecologists have no comment on the current submission. A number of conditions have previously been approved relating to the ecology of the site. It would be appropriate to ensure any previously approved enhancements are implemented.
- 69 In light of the above, I consider the proposals would preserve the ecology of the site and thus consider them acceptable in this regard.

Other issues

- 70 With regard to the impact on residential amenity, policy EN2 of the ADMP requires that any development should not have an adverse impact on the amenities of neighbours.

- 71 Policy T1 of the ADMP states that new developments will be required to mitigate any adverse travel impacts, including on congestions and safety, environmental impact, such as noise and tranquillity, pollution and impact on amenity and health.
- 72 The nearest neighbours in any direction are set approximately 200m from the application site and would be screened by intervening foliage. Thus, the direct impact from the physical works would be limited.
- 73 Though the proposed use would have implications for traffic visiting the site, the increase in floorspace would be modest compared to the approved scheme. The Highway Authority previously considered that the approved chapel scheme would be unlikely to result in any material increase in traffic movements from the originally consented scheme and I do not consider the impact of the present proposals would materially differ from that approved most recently.
- 74 In the circumstances, bearing in mind the authorised use of the site, I consider the impact on highway conditions and the related noise and disturbance to local residents because of traffic movements would not be materially different to that approved.

Conclusion

- 75 Planning permission has already been granted for essentially the same proposals. I do not consider the relatively modest increase in the floor area of the chapel or related increase in scale, bulk and massing would have a materially greater impact than that already approved. I therefore consider the proposals to represent appropriate development within the Green Belt. Subject to enhancement landscaping, I consider the proposals would preserve the visual amenities of the wider area. I do not consider there to be any material difference in terms of the impact on highway or ecological conditions to the approved scheme and therefore consider the proposals acceptable in this regard.

Background papers

Site and block plans.

Contact Officer(s): Mr J Sperryn Contact: 01732 227000

Richard Morris
Chief Planning Officer

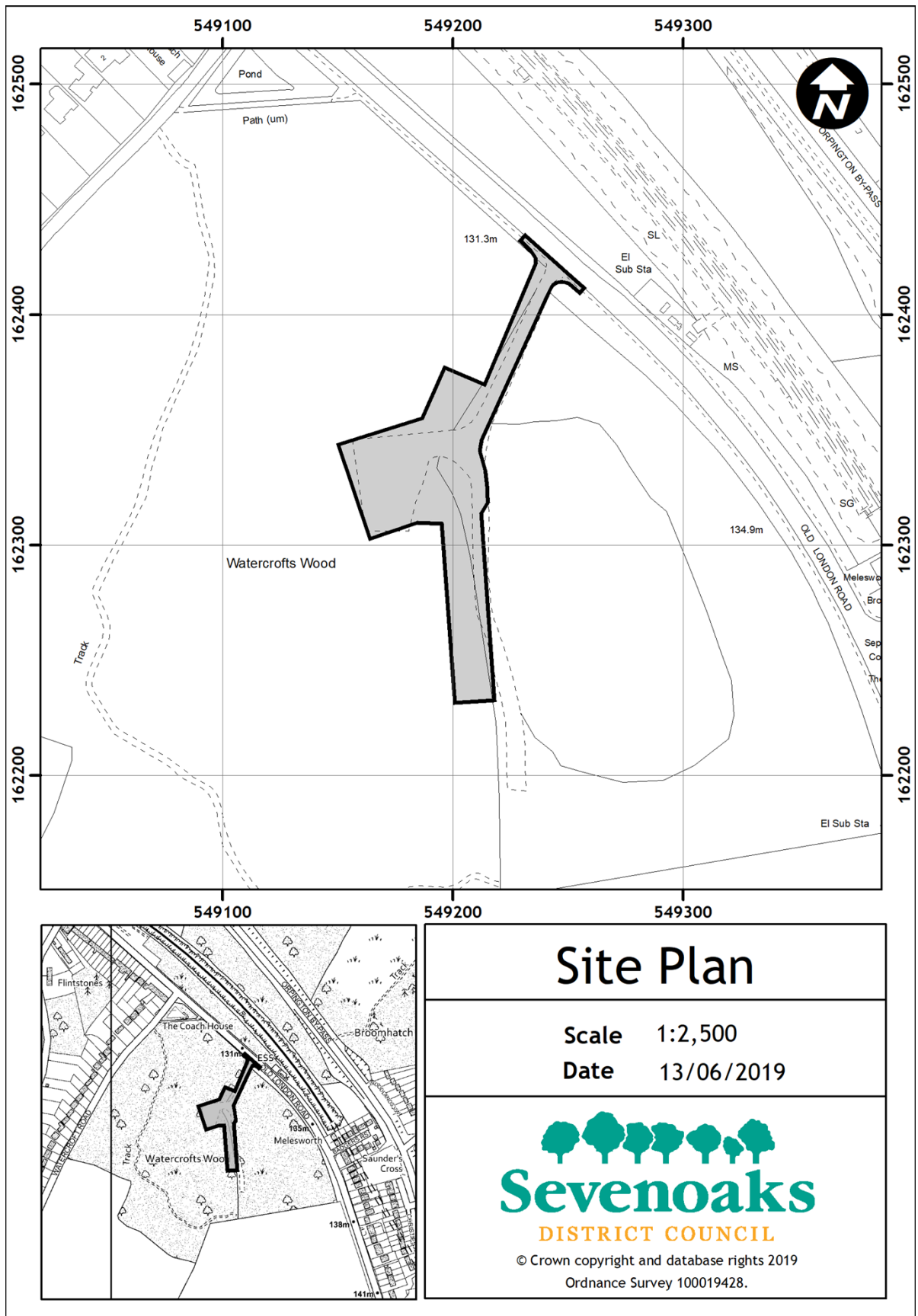
Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PK3JC4BKH9X00>

Link to associated documents:

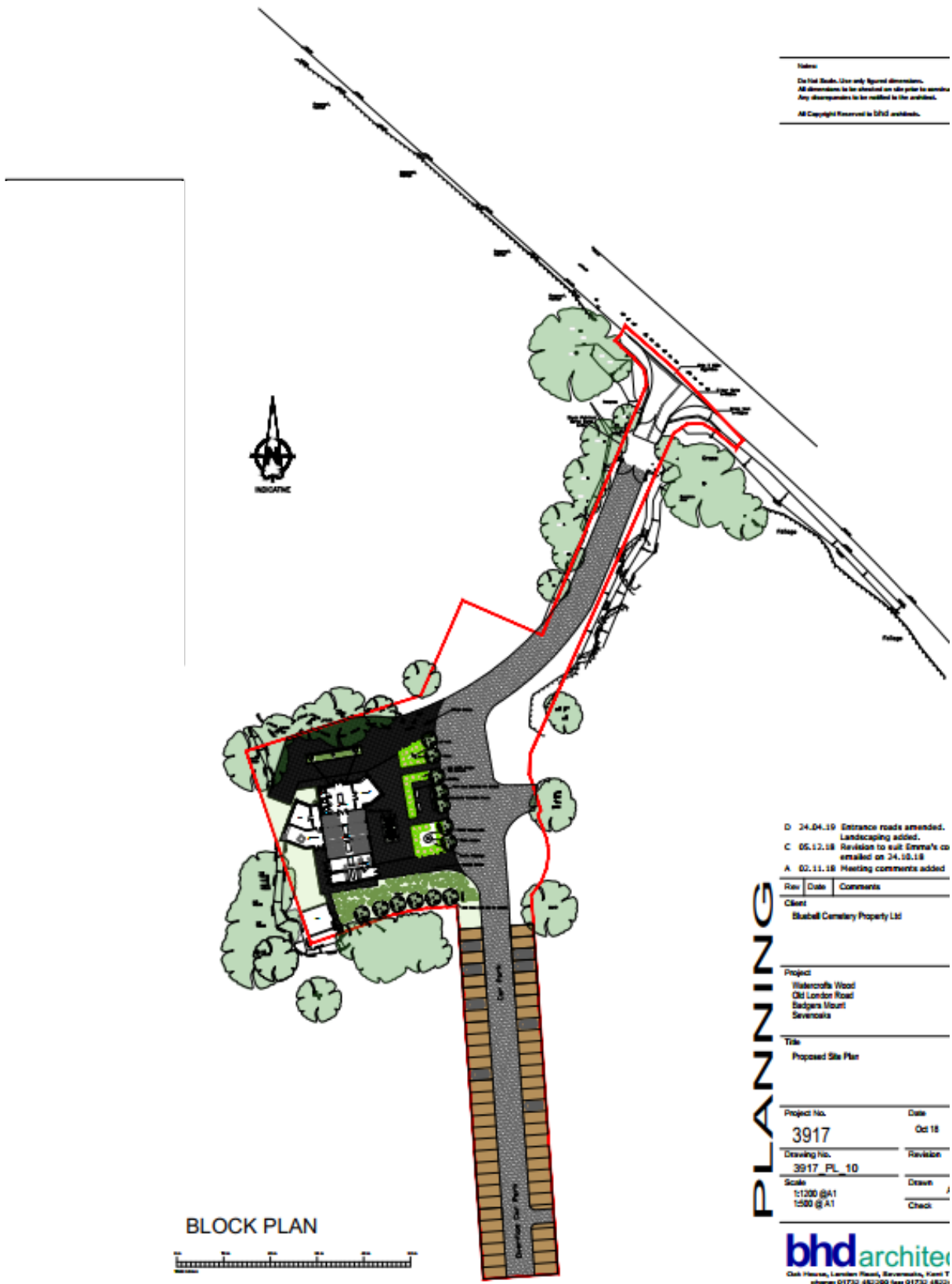
<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PK3JC4BKH9X00>

(Item No 4.1) 15



Block Plan

(Item No 4.1) 16





SITE PLAN

4.2 19/00353/FUL

Date expired 5 April 2019

Proposal:

Demolition of existing dwelling and construction of a new replacement dwelling. Construction of garages & pool house.

Location:

Woodlands Farm, Otford Lane, Halstead, Kent TN14 7EF

Ward(s):

Halstead, Knockholt & Badgers Mount

Item for decision

The application has been referred to the Development Control Committee by Councillor Grint on the grounds that the proposed development is inappropriate in the Green Belt and harmful to its openness.

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

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

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 15-01_P001/A, 15-01_P002, 15-01_P003/A, 15-01_P004/A, 15-01_P005/A.

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

3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting those Orders) no development falling within Classes A, B, C, D or E of Part 1 of Schedule 2 to the said Order shall be carried out without the prior consent in writing of the Local Planning Authority.

To protect the openness of the Green Belt and the purposes of including land within the Green Belt, and to comply with policy GB1 of the ADMP and the aims of the NPPF.

4) The biodiversity enhancements detailed in the letter from Greenlink Ecology dated 26th March 2019 shall be implemented in full in the first planting season following the completion of the development.

To ensure the development delivers appropriate biodiversity enhancements and to comply with policy SP11 of the Core Strategy.

5) Prior to the commencement of the construction of the garage, details of a no-dig method of construction for the garage and its associated utilities, designed to protect the roots of the Oak tree shall be submitted to and approved in writing

Agenda Item 4.2

by the Local Planning Authority. The construction shall take place only in accordance with the approved details.

To ensure the protection of the Oak tree and to comply with policy EN1 of the ADMP.

6) Prior to the commencement of development (including any demolition) details of tree protection measures to protect the existing Oak tree shall be submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall be erected prior to the commencement of works on the site and shall be maintained in accordance with the approved details until such a time that all construction works have been completed.

To ensure the protection of the Oak tree throughout the construction process and to comply with policy EN1 of the ADMP.

7) The pool house and garage hereby approved shall only be used in connection with main dwelling and for ancillary residential purposes.

To preserve residential amenity and local traffic conditions to comply with policies EN1 and T2 of the ADMP.

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 Planning permission is sought for:
 - Demolition of the existing bungalow and redevelopment to provide a replacement 5 bed dwelling with single storey above ground level and single storey basement level;
 - New detached garage to the northern side of the property;
 - New 'pool house' to the eastern side of the property.

Description of Site

- 2 The site lies on the southern side of Otford Lane and is accessed via an unmade track shared with other dwellings. The site comprises an existing bungalow with stables and an agricultural building directly to the north.

Constraints

- 3 The land lies within:

- Metropolitan Green Belt
- Biodiversity Opportunity Area

Policies

4 Sevenoaks Core Strategy (CS)

- SP1 Design of New Development and Conservation
- L01 Distribution of Development
- L08 The Countryside and the Rural Economy
- SP11 Biodiversity

5 Allocations and Development Management (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- GB2 Basements within Residential Developments in the Green Belt
- GB3 Residential Outbuildings in the Green Belt
- GB4 Replacement Dwellings in the Green Belt
- GB5 Dwellings Permitted under Very Special Circumstances or as Rural Exceptions in the Green Belt
- T2 Vehicle Parking

6 Other

- Sevenoaks Development in the Green Belt SPD
- Sevenoaks Residential Extensions SPD
- The NPPF

Relevant Planning History

7 The following records are only those considered relevant to the consideration of this application:

Lawful development certificate (proposed) 18/02539/LDCPR- Granted 02.10.2018 - "Proposed side extension to south elevation of existing property. Construction of pool house. Construction of garage. Demolition of side extension."

Lawful development certificate (proposed) 18/01780/LDCPR- Granted 30.07.2018 - "Demolition of existing conservatory. Erection of a single storey extension to the north elevation of the existing property."

Prior Approval Notification 18/01743/PAE- Prior approval not required 29.06.2018 - "Prior notification of a single storey rear extension which extends 8m beyond the rear wall of the original dwelling house with a maximum height of 4m and eaves height of 2.45m."

Lawful development certificate (existing) 17/01942/LDCEX- Granted 11.08.2017 - "Certificate seeks to confirm extent of land which can reasonably be described as the residential curtilage of the existing dwelling at Woodlands Farm."

Agenda Item 4.2

Consultations

Halstead Parish Council

8 Objection:

“Halstead Parish Council object to this application on the reasons of overdevelopment within the Green Belt. This application is contrary to policy GB1 in that the total floorspace of the proposal would result in an increase of significantly more than 50% above the floorspace of the original dwelling. Halstead Parish Council are surprised that a permitted development of over 50% has already been granted in 3 separate applications.”

KCC Ecology

9 Comments of 21.03.2019 (summary):

- The ecology survey submitted does not provide the detail required to understand the ecological interest of the site.
- The ecological appraisal should include: details of ecologist experience; methodology of how the surveys were carried out; details of how the ecologist reached their conclusions; phase 1 map clearly showing the area which was surveyed.

10 The requested information was provided by the applicant and KCC Ecology consulted on the revised document.

11 Comments of 04.04.2019 (summary):

- A letter from Greenlink Ecology has been submitted providing the results of an updated walkover survey and we have spoken to the ecologist.
- Ideally the letter would have included additional information clarifying why they are satisfied that the building has limited potential to be used by roosting bats. However other reports by the ecologist have been reviewed and we are satisfied with the standard that they carry out ecological surveys and accept on this occasion that this information is not required.
- It is accepted that the site has limited potential to impact protected/notable species and no further surveys are required.
- The letter from Greenlink ecology has made the following recommendations: boundary hedgerows should be planted using native species eg beech, hornbeam, hazel, hawthorn, blackthorn, holly and dog rose; one wall mounted Schwegler bat box should be installed on the south-facing wall of the existing barn at eaves level and away from artificial lighting; two tree mounted Schwegler bird boxes should be installed above 3-4metres on a silver birch in the western part of the site and an oak in the eastern part of the site.
- These enhancements should be incorporated into the site.

SDC Tree Officer

12 Summary:

- No important landscape features within or immediately adjacent to the proposed dwelling space.
- The proposed garage is within the root protection area of a young mature Oak tree. Ideally other locations would be considered and building within the RPA should be a last resort.
- The Tree Report submitted does not adequately deal with the issue of a no dig construction method, or reference to the reasons for the location.
- The garage will also entail hard landscaping and utility routes which have not been clarified.
- The application to build the garage so close to the Oak is not supported without answers to these concerns.

Natural England

13 No comments.

Kent Wildlife Trust

14 No response.

Representations

15 Six letters of support have been received from properties in Otford Lane, Knockholt Road in Halstead, and Birchwood Lane in Halstead. The issues within them can be summarised as follows:

- Layout is better than the permitted development consents.
- New layout provides openness.
- Design and appearance are acceptable.

Chief Planning Officer's Appraisal

16 The main planning considerations are discussed in turn below and relate to:

- Whether the development is appropriate in the Green Belt and impact on openness;
- Impact on the character and appearance of the area;
- Impact on residential amenity;
- Parking and highways;
- Biodiversity and trees.

Whether the development is appropriate in the Green Belt and impact on openness

17 As set out in paragraph 145 of the NPPF, new buildings in the Green Belt are inappropriate development. There are some exceptions to this which includes:

Agenda Item 4.2

- (d) the **replacement** of a building, provided the new building is in the same use and not materially larger than the one it replaces.
- 18 Sevenoaks policy GB4 relates to replacement dwellings in the Green Belt and states that where they meet the following criteria, they will be permitted:
- a) The existing dwelling is lawful and permanent in nature;
 - b) The design and volume of the proposed does not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion;
 - c) The proposal adheres to the “original” dwelling curtilage; and
 - d) The applicant provides clear evidence that the total floorspace of the replacement dwelling, together with any retained extensions, alterations and outbuildings would not result in an increase of more than 50% above the floorspace of the “original” dwelling.
- 19 The development complies with points a) and c). It is therefore necessary to assess whether the proposed development is larger than the one it replaces, how it compares to the size of the “original” building and the impact on the openness of the Green Belt.

Analysis

- 20 The “original” dwelling is defined as how the building existed on 1 July 1948. In the case of this property the original planning permission could not be located, however a dwelling on this site exists on plotting sheets dating back to 1974. Plans for the reconstruction of part of the building from 1995 clearly demonstrate that the building was largely the same footprint as it exists now, with the porch evident on the western elevation. The later additions to the buildings have therefore been: a modest extension to the back of the building of approx. 1m as part of the 1995 building works and; a conservatory to the southern elevation understood to have been added in 1997. I calculate the “original” building therefore to be approximately 109.61sqm (GEA).
- 21 The resulting development comprises a replacement dwelling of 292sqm (GEA) at ground level, with additional basement level accommodation of 140sqm. Therefore the resulting dwelling alone, at ground floor level only and before the outbuildings are accounted for, represents an increase of 140.4sqm and a 128% uplift from the existing.
- 22 Therefore the resulting development would be materially larger than the one it replaces, contrary to the NPPF and Sevenoaks policy GB4d) and would be inappropriate by definition.
- 23 The proposals also include a basement level beneath the house. However this is contained entirely beneath the footprint of the house and would not be evident once the development were complete. As such the basement level is compliant with policy GB2.
- 24 In addition to the proposed new house, a pool house (182.4sqm) and new detached garage (88sqm) are proposed on the site. Both are situated within

5m of the main house so should be treated as extensions rather than outbuildings.

- 25 Cumulatively the replacement development and outbuildings would cause harm to the openness of the Green Belt through encroaching onto the open spaces around the existing bungalow.
- 26 NPPF 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.
- 27 Paragraph 144 of the NPPF advises we should give substantial weight to any harm to the Green Belt and states that 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.
- 28 This is discussed at the end of this report, after all harms have been identified.

Impact on the character and appearance of the area

- 29 Policy SP1 of the Core Strategy and Policy EN1 of the ADMP state 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.
- 30 The replacement dwelling would be single storey (above ground) with pitched roofs and a combination of hipped and gabled ends. The footprint would be in a similar position to the existing building and the massing revised to comprise projecting elements rather than a single mass. The dwelling would comprise charred hardwood cladding with kent clay roof tiles and metal framed windows.
- 31 While the ridge height and eaves level are higher than the existing, the proposals would incorporate traditional roof pitches with a hipped end to its north western side. Overall the resulting building would sit comfortably within its rural context due to its low eaves level and traditional materials. The basement level would not be perceived from outside the property as it has no external lightwell, sky lights or external accesses.
- 32 The pool house and garage are of a similar design and appearance to the proposed dwelling, similarly with timber cladding and clay tiled roof. Together they would continue to read as part of the group of buildings which form the southern side of Otford Lane and which sit among agricultural buildings. Longer views from the south are sheltered by an existing row of tall conifer trees.
- 33 Overall the development would preserve the character and appearance of the area and comply with policies SP1 and EN1.

Impact on residential amenity

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

Agenda Item 4.2

- 35 The nearest residential property is Crendon Cottage located to the north of the site. This is located approximately 100m away from the proposed dwelling and is separated by the existing agricultural buildings on the site. The proposed development would therefore preserve the living conditions of this property.
- 36 Due to the distance of the proposed works from other residential properties, it is not considered that the development would cause harm to the living conditions of any other property.
- 37 Similarly the proposed development would provide a good standard of accommodation and amenity to its future residents, compliant with policy EN2.

Parking and highways

- 38 The proposals would utilise the existing access onto the unmade track which leads south of Otford Lane. As the proposals would maintain a single dwelling on the site the continued use of this access is considered acceptable.
- 39 There is ample space around the site, in addition to the proposed garage, to provide off street parking for the vehicles associated with the new house. This is compliant with policy T2.

Biodiversity and trees

- 40 With regard to trees, the Tree Officer has raised concerns regarding the proximity of the proposed garage to the existing oak tree. While the oak tree contributes positively to the character of the area, it is not protected in its own right and could reasonably be removed without permission from the Council. Furthermore, the proposed garage is in the same location as that proposed under the lawful development certificate 18/02539/LDCPR and could still be constructed without the benefit of planning permission. For these reasons, on balance, it is not considered reasonable to raise objection to the proposals on this basis.
- 41 Despite this, it is the applicant's intention to retain the oak tree due to its amenity value. A condition is recommended to secure details of a no dig method of construction and protection of the tree during the construction period.
- 42 Regarding biodiversity, the applicant has submitted a preliminary ecology site assessment and additional information as requested by Kent County Council Ecology Team.
- 43 In summary the Ecology Team consider the site to have limited potential to impact protected or notable species. A condition is recommended to ensure that the final scheme incorporates measures to enhance biodiversity on the site including native planting, bat and bird boxes. This would ensure compliance with policy SP11.

Assessment of any Very Special Circumstances

44 Para 144 of the NPPF states that when considering any planning application, we should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by any other considerations.

45 Following the above assessment, in this case the harms arising from the development have been identified as follows:

- Harm through being inappropriate by definition, and;
- Harm to the openness of the Green Belt.

46 The potential very special circumstances in this instance are discussed below and could be:

- The permitted development schemes for the existing dwelling as a “fall-back” position.

47 The applicant’s case for very special circumstances relies a number of extensions to the existing building which could be carried out without planning permission. These are extensions which could be carried out without planning permission because they conform to the relevant part of the Town and Country Planning (General Permitted Development) Order. The lawful development certificates and prior approvals which the applicant has obtained are:

- 18/01743/PAE (8m rear extension)
- 18/01780/LDCPR (extension to north elevation)
- 18/02539/LDCPR (extension to south elevation)

48 Taking into account the works which could be carried out under permitted development, the comparative floor areas are as follows:

	Existing	Permitted Development Scheme (GEA)	Proposed Scheme (GEA)
Garage		88 sqm	88 sqm
Main house	133 sqm	292 sqm	306.5 sqm
Pool House		211.2 sqm	182.4 sqm
Total	133 sqm	591.2 sqm	576.9 sqm

49 The foot print of the proposed new dwelling is therefore 14.5sqm larger than that which could be constructed under permitted development.

50 However, the pool house now proposed is 182.4sqm (9.6m by 19m). The pool house which was confirmed as lawful under the lawful development certificate reference 18/02539/LDCPR was 211.2sqm (9.6m by 22m). Therefore under this proposal the pool house would be 28.8 sqm smaller than the permitted development scheme. Under this planning application

Agenda Item 4.2

the pool house would also be relocated to be slightly closer to the main house, thereby reducing its impact on openness.

- 51 In summary, the overall footprint of development on the site under this application would be less than the permitted development scheme.
- 52 In establishing the weight to be given to a permitted development scheme, Officers should establish the likelihood of those additions going ahead. In this instance the lawfulness of those extensions has been established by lawful development certificates. The applicant has submitted information including quotes from builders in relation to those works. In addition it was noted during the site visit that building materials have been brought onto the site including bricks to match the existing building. For these reasons it would appear very likely that the permitted development schemes in this instance would otherwise go ahead. As such it is recognised as a legitimate fall back position and should be afforded substantial weight.
- 53 In addition to the above, the proposals would give the opportunity for a more comprehensive design approach across the site, using materials which are more sympathetic to the rural character of the area.
- 54 The application would also give the opportunity for the removal of permitted development rights to further restrict alterations and additions to the site and this part of the Green Belt.
- 55 Overall, in reviewing the extent of harm and the potential very special circumstances, it is concluded that substantial weight should be given to the specific circumstances of this case and that these circumstances would clearly outweigh the harms identified.

Community Infrastructure Levy (CIL)

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

Conclusion

- 57 The proposed development has been identified as being inappropriate development in the Green Belt and harmful to the openness of the Green Belt. However in this instance very special circumstances have been demonstrated which would clearly outweigh those harms.
- 58 The development is otherwise compliant with policies of the development plan and would preserve the character and appearance of the area and protect the living conditions of nearby properties.

Background Papers

Site and Block Plan

Contact Officer(s): Claire Shearing Extension: 7367

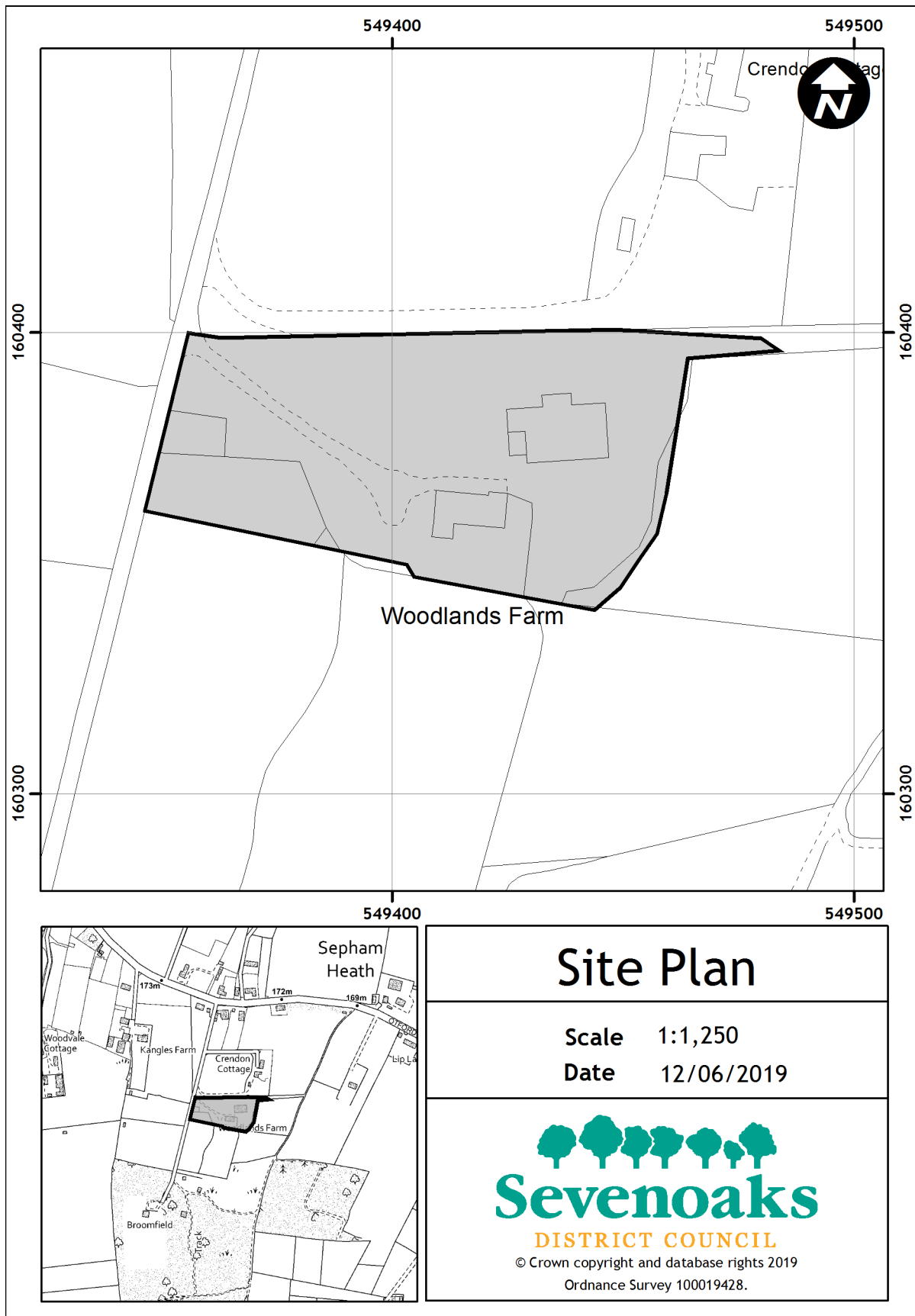
Richard Morris
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PMMA0LBKHG800>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PMMA0LBKHG800>



Block Plan



This page is intentionally left blank

4.3 17/02424/FUL Date expired 17 October 2017

Proposal: The use of land for the stationing of caravans for residential purposes together with dayroom ancillary to that use.

Location: Area Of Land Between Button Street And M20 Slip Road, Button Street, Swanley, Kent

Ward(s): Farningham, Horton Kirby & South Darenth

Item for decision

The application has been referred to Development Control Committee by Councillor McGarvey on the grounds that the very special circumstances do not clearly outweigh the harm to the Green Belt.

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

1) The occupation of the site hereby permitted shall be carried on only by Mr M Nichols and his resident dependants, whilst Mr Mark Nichols resides on the site and while he complies with the definition of gypsies and travellers set out in Annex 1 of Planning Policy for Traveller Sites August 2015.

Given that the very special circumstances in this case which clearly outweigh the harm to the openness of the Green Belt and any other harm expressly relate to Mr M Nichols and in accordance with Planning Policy For Traveller Sites August 2015.

2) There shall be no more than one pitch on the land and on the pitch hereby approved no more than 2 caravans (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended) shall be stationed on the site at any time, of which only 1 caravan shall be a static caravan, together with the single associated amenity building.

In order to protect the openness of the Green Belt and character of the area as supported by Government Guidance in the form of the National Planning Policy Framework, policy L08 of the Council's Core Strategy and policies EN1 and EN5 of the Allocations and Development Management Plan.

3) No commercial activities shall take place on the land, including the storage of materials.

In order to protect the openness of the Green Belt and character of the area as supported by Government Guidance in the form of the National Planning Policy Framework and to preserve the visual appearance of the area as supported by EN1 and EN5 of the Sevenoaks Allocations and Development Management Plan.

4) Notwithstanding the provisions of Part 5 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no

Agenda Item 4.3

other buildings other than the two caravans and utility/day room shall be erected on the site without the written approval of the local planning authority.

To prevent inappropriate development within the Green Belt as supported by the National Planning Policy Framework and policy SP6 of the Council's Core Strategy.

5) Within 2 months of the date of this decision, full details of the acoustic fence shall be submitted to the District Planning Authority for approval in writing. Such details to include the precise siting, method of construction and density of the fence. The acoustic fence shall be erected in accordance with the approved details within a period of two months from the date of approval and maintained as approved thereafter.

In the interests of the residential amenities of the occupiers of the site as supported by policy EN7 of the Council's Allocations and Development Management Plan.

6) For the avoidance of doubt the information to which this decision relates is as follows: Drawing Nos.: 15_757_001, 002 A, 003 A, 004 A and REC Air quality Assessment dated March 2019 and Ned Johnson Acoustic Consultants - Acoustic Assessment of Noise at Pedham Stables.

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

7) When the land ceases to be occupied by Mr Mark Nichols and his resident dependants, the use hereby permitted shall cease and all caravans and structures, materials and equipment brought onto or erected upon the land, or works undertaken to it in connection with that use, shall be removed and the land shall be restored to its condition before the work took place.

Given that the very special circumstances in this case which clearly outweigh the harm to the Green Belt and any other harm expressly relate to Mr M Nichols and in accordance with Planning Policy for Traveller Sites 2015.

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 site

- 1 The application site lies within the Metropolitan Green Belt outside the village boundaries of Farningham Village and the built confines of Swanley. The site is small parcel of land approx.0.13ha, bounded by Button Street to its eastern boundary and a Public Right of Way (SD178A) that runs parallel to its south-west and north-western boundaries. Approximately 35m to the west is the M25 Slip road which is heavily trafficked and beyond this the M20

motorway. The slip road is raised above the level of the site by approximately 5m. Between the site and the slip road is mature scrubland and trees.

- 2 The mobile home, which is in situ at present, is placed upon road scalplings towards the north western corner of the site, beyond which is an external garden area. The site is enclosed by close boarded timber fencing and existing mature landscaping to its north-eastern and north-western boundaries.
- 3 There is also a “day room” located on site immediately to the south-west of the mobile home.
- 4 Vehicular access can be gained from an existing vehicular crossover and access from the western side of Button Street.

Description of proposal

- 5 This is an application for use of land for “stationing of caravans for residential purposes together with dayroom ancillary to that use”.
- 6 Whilst the application forms indicate that the building works and change of use have not started, as described above, there is currently a mobile home located to the north-western corner of the site. To the south-west of this a day room. The accompanying plan scales this at 6m in width by 3m in depth. It has a low-pitched roof 3m to ridge. It is timber clad with bitumen roof and contains windows and doors to the north-east elevation, opening onto the open amenity area in front of the mobile home.
- 7 The proposed site location which indicates the siting of these structures appears to reflect the location of the structures on site and hence the proposals would appear to be retrospective. The Proposed Site drawing also indicates the location of a single touring caravan opposite the day room adjacent to the north-eastern boundary.
- 8 It is also proposed to erect a 2.4m high close boarded timber acoustic fence along the north-western portion of the site boundary, adjacent to the public footpath.
- 9 The supporting statement explains that the proposals are to provide one residential family gypsy pitch. The proposals are for one mobile home, touring caravan and day room, which will provide cooking and other facilities. The statement explains that there will be children living on the site and there is an explicit requirement to treat the needs of the children on the site as a primary consideration.

Relevant planning history

- 10 SE/14/03212/FUL: Application for stationing of a mobile home and a touring caravan (retrospective) and erection of a day room. Refused on 9th October 2015 on the following grounds:
 - 1) The land lies within the Metropolitan Green Belt where strict policies of restraint apply. The change of use proposed would constitute

Agenda Item 4.3

inappropriate development harmful to the green belt in principle and to its openness. Any very special circumstances, noting the insufficient information submitted to support this application to demonstrate that the applicants would have gypsy status, would not clearly outweigh the harm to the green belt. This scheme is therefore contrary to the provisions of the NPPF, policies SP1, SP6 and LO8 of the Core Strategy and policy as set out by the Planning Policy for Travellers and Showpersons August 2015.

2) The applicants have failed to demonstrate that the development by virtue of its location will ensure a satisfactory environment for permanent occupation of the site with regard to the adverse impacts from noise and air quality generated by the nearby motorways. To allow habitable occupation on the site would be contrary to Policy EN2 and EN7 of the Sevenoaks Allocations and Development Management Plan and paragraphs 120 and 123, 124 of the National Planning Policy Framework.

Policies

11 Sevenoaks Core Strategy (CS)

- LO1 Distribution of Development
- LO8 The Countryside and Rural Economy
- SP1 Design of New Development
- SP2 Sustainable Development
- SP3 Affordable Housing
- SP6 Gypsy and Traveller Sites
- SP11 Biodiversity

12 Allocations and Development Management (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- EN7 Noise Pollution
- GB6 Siting of Caravans and Mobile Homes in the Green Belt
- T2 Vehicle Parking

13 Other

- Sevenoaks Countryside Assessment SPD
- National Planning Policy (NPPF)
- Planning Policy for Traveller Sites 2015

Constraints

14 The site lies within:

- Green Belt
- Air Quality Management Area

Consultations

Farningham Parish Council: (Objection)

- 15 “It is acknowledged that children will be brought up on the site. Noise levels in the garden are above healthy maximums. The pollution levels are based on modelling although there is a measuring station not far away in

Wadard Terrace. It is not an official gypsy site in SDC books and may not be recorded as an unofficial one.

- 16 The noise impact report has the best photographs. There is nothing that looks like a caravan on site but we are used to that. Paragraph 6.7 of the noise impact report says that a 2.4m fence will reduce the noise because 'it appears to be on the same plane as the motorway' If you know the site, it is well below the motorway and a 2.4m fence will still be well below the motorway. The noise impact report does not record the weather - a rainy day would generate much more noise than a dry one.

- 17 Our comments from 2014 still apply:-

Paragraph 2 of the covering letter describes Mr Nichols' working life but the repeated statement that he travels throughout the country would argue strongly against the need to settle on green belt land. Secondly, it seems likely that horses for trade will be kept on site and this may have additional planning requirements.

Button Street is a pretty, winding lane that follows the line of a dry river bed; more could be made of this area by SDC but it is losing its amenity value due to unsightly business and housing development along its narrow route. This application refers to the point just before the two-lane road becomes single lane but it is evidently already used by numbers of heavy lorries. We question the desirability of putting new housing beside a sizeable and efficient lorry park and the apparent use of the area on the opposite side of the road for container storage. The impact of large lorries turning in a small area of road needs to be assessed.

Lastly, proximity to the M20/M25 slip road renders the site unsuitable for housing due to the levels of noise and air pollution which cause ill health in both children and adults."

Kent Public Rights of Way Officer (In summary):

- 18 A public Right of Way runs along the northern and western sides of the site, but it is not anticipated that this will be affected other than by the visual impact of the 2.4m high close boarded acoustic fence.

Environmental Health - (Response to original submission)

Noise:

- 19 I refer to the above application that has been passed to this team for comment. These comments concern noise, and comments on air quality will be submitted separately by a colleague.
- 20 The consultant has undertaken sound level measurements both inside and outside the dwelling.
- 21 The measurements taken inside are compliant with BS 8233:2014 Guidance on Sound insulation and noise reduction for buildings. However, it is presumed that measurements were taken with windows closed and alternate arrangements for ventilation would therefore need to be provided. A condition can be suggested on request.

Agenda Item 4.3

- 22 External measurement for the garden was 59 dB LAeq 1 hour. This is above the guideline levels proposed in the above document and WHO's Guidelines for Community Noise. BS 8233:2014 states that "it is desirable that the external noise level does not exceed 50 dB LAeq,T with an upper guideline value of 55 dB LAeq,T.. However, the guidance also concedes that "it is also recognised that these guideline values are not achievable in all circumstances where development might be desirable".
- 23 The Noise Policy Statement for England (NPSE) develops on the NPPF. Whilst the NPSE does not define "Significant Observed Adverse Effect Level" (SOAEL) most acoustic reports define this level as 55 dB LAeq 16 hours for daytime and evening periods, though it could equally be argued to be 50 dB LAeq 16 hours (WHO Guidelines for Community Noise indicates that "moderate annoyance" occurs at 50 dB and "serious annoyance" occurs at 55 dB. It should be noted that 10 dB is approximately equivalent to a halving or doubling of noise level in perceptual terms, therefore 59 dB is nearly twice as loud (subjectively) as 50 dB.
- 24 The consultant suggests that a 2.4m high acoustic fence could be constructed that would provide up to 5 dB noise attenuation (bringing the noise level within the upper guideline figure). I do not know if such a fence would be acceptable in planning terms but if so, this team would first wish to see details of the proposed construction of the fence and acoustic modelling to demonstrate the extent of the garden that would be afforded protection. Since this is a retrospective application it may also be considered appropriate to require further monitoring to be undertaken to verify effectiveness, prior to granting consent.
- 25 I would also like to see the external survey measurements (that are not currently included in the report).

Air Quality:

- 26 The air quality assessment has identified pollution levels to be in excess of air quality objectives and recommends that a system of mechanical ventilation with filtration is employed to treat the air within the dwelling. In order for such a system to provide satisfactory internal air quality levels it would be necessary for windows to be sealed so that all internal air is brought into the dwelling via the filtration system.
- 27 I have concern over the use of such a scheme within a private residential dwelling, where the future occupier may choose to turn off the mechanical ventilation system or choose not to carry out the required maintenance of any purification system or retrofit sealed windows with opening ones Please see attached planning inspector decision regarding an application requiring a filtered mechanical ventilation scheme to treat high levels of air pollution.

Environmental Protection - Response to further information:

Noise (In summary):

- 28 “I have reviewed the information and taken into account previous comments made on the acoustic assessment for this application.
- 29 I agree with the acoustic assessment in that a proper fence 2.4m high with a nominal density of around 18 to 20kg/m² would have a significant impact on the noise exposure at the site. If you were minded to grant permission I would recommend that the details of the acoustic fence be required by condition.”

Air Quality:

- 30 There have been continued discussions with Environmental Protection regarding up-to-date monitoring results for the Diffusion Tube which monitors levels of NO₂ (Nitrogen Dioxide) in Wadard Close, which is located approximately 35m to the north-east of the application site. Figures have now been provided covering the years from 2013 up until 2017. On the basis of this information Environmental Protection have commented (in summary):

“Data below shows that pollution levels at the nearest monitoring location has been falling over recent years.

- 31 I think it would be difficult to support a refusal on AQ grounds as I suspect that levels on site would be below the unacceptable threshold.”

Planning Policy Team (12th October 2017):

- 32 The key strategic planning policy issues are considered to be: the status of the emerging Local Plan and G&T accommodation.
- 33 The Council are currently producing a new Local Plan which will identify locations for accommodating the District’s Gypsy and Traveller community. The recent Gypsy and Traveller Accommodation Assessment identified a need for 51 additional pitches across the District up to 2035. The Local Plan will seek to meet this need in full with a focus on existing sites. Where sites have existing pitches which do not have permanent permission or where there is scope for additional adjacent pitches, the Local Plan will assess the suitability of these sites. We will also consider any new sites submitted to the Council as part of the wider “Call for Sites”.
- 34 The preferred sites for new Gypsy and Traveller pitches will be part of the Draft Local Plan and subject to public consultation in late Spring 2018.
- 35 We would also like to note that this sites adjacent to a major Motorway and junction as well as a smaller road. Therefore, there are likely to be significant air quality and noise issues for this site. The views of the Environmental Health officer will carry significant weight in any suitability appraisal of this site whether for Development Management or Local Plan purposes.

Representations

- 36 None received.

Agenda Item 4.3

Chief Planning Officer's appraisal

Principle issues

37 The main issues for consideration are:

- The status of the applicant in relation to the NPPF and Planning Policy for Traveller Sites (August 2015).
- Appropriateness of the development in the Green Belt and impact on openness.
- Impact on the character and appearance of the Area.
- Impact on the living conditions of the applicant.
- Impact on the amenities of nearby properties.
- Impact on highways.

Of particular relevant to this application is the following guidance:

Presumption in favour of sustainable development

38 Para 11 of the NPPF confirms that the NPPF has a presumption in favour of sustainable development, and that development that accords with the development plan should be approved unless material considerations indicate otherwise.

39 Para 11 of the NPPF (and footnote 6) also advises that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless there are specific policies in the NPPF that indicate that development should be restricted. This applies to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

Green Belt considerations

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

41 As set out in para 143 of the NPPF, where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances.

42 Para 144 of the NPPF advises that LPAs should give substantial weight to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal, is clearly outweighed by other considerations.

43 Therefore, the harm in principle to the Green Belt remains even if there is no further harm to openness because of the development.

44 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principle to the Green Belt from inappropriate development.

Gypsy and Traveller Sites

- 45 'Planning Policy for Traveller Sites' 2015 contains guidance in respect of the treatment of planning applications for traveller and gypsy sites. Paragraph 24 states that local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:
- a) The existing level of local provision and need for sites
 - b) The availability (or lack) of alternative accommodation for the applicants
 - c) Other personal circumstances of the applicant
 - d) That the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/ plots should be used to assess applications that may come forward on unallocated sites
 - e) That they should determine applications for sites from any travellers and not just those with local connections.

Appraisal

Status of the applicant

- 46 The application is made by Mr M Nichols, who is currently residing on the site and is claiming Gypsy status.
- 47 Planning Policy for Traveller Sites (PPTS) has been revised since the earlier refusal of planning permission. The latest guidance was issued August 2015. Annex 1 defines "gypsies and travellers" as:
- 'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show people or circus people travelling together as such.'*
- 48 It states that consideration should be given to a) whether they previously led a nomadic habit of life, b) reasons for ceasing their nomadic habit of life and c) whether there is an intention of living a nomadic habit of life in the future and if so how soon and in what circumstances.
- 49 There is very limited information submitted in support of the application. However, a letter submitted to the Authority prior to submission of the application states the following, in particular:
- Mr Nichols travels extensively across the country seeking any form of outside or gardening work.
 - The whole family travel in the summer months during school holidays.
 - The family also attend fairs including Appleby.
 - The family are registered with the local GP.
 - The youngest child is undergoing some specialist medical treatment.
 - Two older children attend the local primary school, with a third starting shortly (presumably now at school).

Agenda Item 4.3

- The site provides a settled base for the family to enable their children to receive a school education.

50 Whilst the information above is limited, it would appear that the applicant has pursued a nomadic lifestyle and will continue to do so. In my view the applicant meets the definition of “gypsy’s and travellers” given in the PPTS.

Green Belt

- 51 The site is located in the Metropolitan Green Belt. Paragraph 145 of the NPPF states that local planning authorities should regard construction of new buildings as inappropriate in the Green Belt, subject to exceptions listed. Paragraph 146 specifies further forms of development that are not inappropriate in the Green Belt. The proposed development does not lie within any of the exceptions of paragraph 145 or the types of development described in paragraph 146. For this reason the development is inappropriate in the Green Belt by definition. This is reinforced by paragraph 16 of the PPTS 2015.
- 52 Paragraph 16 of the PPTS and the NPPF acknowledges that the development should therefore not be approved unless in very special circumstances. The PPTS states *‘subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm as to establish very special circumstances’*
- 53 The use of the land for the stationing of additional mobile home/caravans with associated works including the erection of 2.4m high close boarded fencing would, by its very nature, have a greater impact on the openness of the Green Belt. In my view the provision of a mobile home, day room and pitch for a touring caravan, together with the stationing of vehicles and the resultant domestic paraphernalia would result in loss of openness and would fail to meet the Green Belt purpose of safeguarding the countryside from encroachment.
- 54 The development would result in a loss of openness, which is the most important attribute of the Green Belt. As such, and in accordance with paragraphs 145 and 146 of the NPPF and paragraph 16 of the PPTS the proposal constitutes inappropriate development. Inappropriate development is by definition harmful to the Green Belt.
- 55 Policy SP6 of the Core Strategy relates to provision for Gypsies and Travellers. It explains that sites will be provided by means of allocations in the Allocations and Development Management DPD for Gypsies and Travellers. The policy sets a number of criteria relating to such sites which should be met. In summary, these relate to the location of the site, that the site will offer an acceptable living environment for future occupants in terms of noise and air quality, provision of safe and convenient access and acceptable living conditions for occupants of the site, the site should not be subject to flooding, there should be no significant adverse landscape impact and consideration of alternative sites.
- 56 The site is not an allocated site within the current development plan. The site is not located within an area liable to flooding, but is within an Air

Quality Management Area. The implications of policy SP6 will be considered further below.

Impact on character and appearance of the area

- 57 Policy EN1 of the ADMP requires development to respect and take opportunities to enhance the character and distinctiveness of the locality. The form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality and incorporate materials and landscaping of a high standard so that the distinctive character of villages is not damaged.
- 58 Policy SP1 of the Sevenoaks Core Strategy seeks for all new development to be of high quality and respond to the distinctive local character of the area.
- 59 Policy LO8 of the Sevenoaks Core Strategy requires that the countryside should be conserved and the distinctive features that contribute to its character protected and enhanced.
- 60 The PPTS indicates that traveller sites may be acceptable in rural settings. Although this statement is qualified by paragraph 25 of PPTS, in this case the site lies close to the built confines of Swanley.
- 61 Whilst the site is located within the open countryside, it is sited immediately adjacent to the motorway. Because of the proximity to the motorway, the site is not visible to the south-west, west or north-west as it is screening by the raised embankment of the adjacent motorways.
- 62 In the circumstances, whilst the mobile home/caravan and associated paraphernalia, including existing fencing is visible, the impact is limited to views at close quarters from Button Street itself.
- 63 The site is also visible when viewed from the adjacent public footpath, especially the sections adjacent to the south-western boundary and on approach from the south-west from the motorway underpass. The boundary of the site adjacent to the footpath is formed by a close boarded timber fence and planting, although this does not provide a dense visual screen. Thus both the upper elements of the mobile home and day room in situ are readily visible. I note that the proposals would introduce a means of enclosure 2.4m high adjacent to the footpath. This would be somewhat at odds with the wider rural character of the area. On the other hand, the site cannot be isolated from the physical presence of the motorway embankment which forms a fundamental part of the context of the site.
- 64 The caravans would give a developed appearance to the site. However, established planting along the north-western boundary and the boundary adjacent to Button Street provides a dense and effective screen to the site. In my opinion, however, views of the site and visual impact of the proposals are restricted and limited to very close quarters only.
- 65 In light of the above, whilst the introduction of the day room and mobile home onto what would otherwise be an open undeveloped site would result

Agenda Item 4.3

in some harm to the visual amenity of the area contrary to Policy EN1 of the ADMP and Core Strategy Policies SP1 and LO8, I do not consider the structures to be prominent in the wider landscape and thus consider the visual impact would be modest. Nevertheless, this does add to the harm identified to the Green Belt, even if to a relatively limited degree.

Need for gypsy/traveller accommodation within the District

- 66 The Gypsy and Traveller Accommodation Assessment (GTAA) was agreed by Cabinet on 20 April 2017 as a robust evidence base for the Local Plan. This followed a report to Planning Advisory Committee. The GTAA set out the Council's need for 51 new Gypsy and Traveller pitches up to 2035. However, the submission version of the (emerging) Local Plan (submitted 30th April 2019), has reduced the level of need to 40, due to the granting of various planning permissions since the GTAA. To meet the remaining needs site have been identified where additional pitches could be provided.
- 67 The application site was one of those original noted as a gypsy/traveller pitch in the GTAA, although it was recognised that this was an unauthorised use. Further assessments of site have been undertaken as part of the emerging Local Plan work. The application site is not one of those taken forward in the submission version of the Local Plan, although another site close-by in Button Street is included.
- 68 The reason the application site was not included is that there was already a "live" planning application for the site and formal allocation in the plan would potentially prejudice the consideration of the application. Furthermore, based on the information originally submitted in support of this application, it was far from clear whether the environmental constraints of the site (noise and air quality in particular) would render the site unsuitable for residential occupation. A further 18 months has elapsed since the submission of this application and during this time further information has become available regarding noise and air quality. These have had a bearing on the consideration on the application.
- 69 While the Draft Local Plan contains allocated sites to meet the needs of Gypsies and Travellers in the District, at this time that policy is not adopted and has not been subject to an examination in public. It therefore remains the case that the Council cannot demonstrate an adopted supply of sites for Gypsies and Travellers and weight must be given to this unmet need.

Impact on the living conditions of the applicant

- 70 Paragraph 127 (f) of the NPPF states that planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Paragraph 180 of the NPPF explains that planning decisions should take into account the likely effects of pollution on health and living conditions.
- 71 Policy EN2 of the ADMP states that the proposed development including any changes of use does should not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook and

- ensuring development would not be exposed to excessive noise, vibration odour and air pollution. Policy EN7 of the ADMP relates to Noise Pollution.
- 72 Policies EN2 and EN7 of the ADMP seek to mitigate and reduce impacts arising from noise and air quality that could have an adverse impact on the quality of life of residents.
- 73 In addition, criteria b. of policy SP6 (Provision for Gypsies and Travellers) states that the Council will take into account whether the site will offer an acceptable living environment for future occupants in terms of noise and air quality.
- 74 The application site is located close to the M20 and M25 slip roads. It is evident from a site visit that the site suffers from associated road noise. Furthermore, the site is within an Air Quality Management Area (AQMA). As a consequence, the applicant originally submitted detailed reports relating to both these issues.
- 75 With regard to the impact of noise, concern was originally raised by Environmental Health as there was lack of information to support the effectiveness of the 2.4m high acoustic fencing proposed along the boundary with the public footpath, particularly because of the raised nature of the adjacent motorway. Without evidence that this would be effective, use of the site would only be acceptable if the doors and windows were to be kept closed and the mobile home and caravan reliant on mechanical ventilation. There may also be unacceptable levels of noise within the amenity area.
- 76 The Environmental Health Officer has since gained access to the site and considered further information following discussions with the agents. As a consequence, Environmental Health have now confirmed that the acoustic fence proposed would overcome their original objections on noise grounds to the proposals. Specific details of the fencing could be subject to a planning condition.
- 77 Turning to the issue of air quality, this was also raised as a significant concern by Environmental Health. One of the main concerns was that the air quality report submitted by the applicant in support of the application did not take into account actual monitoring figures and was based on computer modelling. This modelling overestimated the Council's monitored data and was based on an estimated worst case scenario. This indicated that the application site would be subject to unacceptable pollution levels (between 53 to 68 micrograms/m² NO₂). As a consequence occupation of the site would only be acceptable if the buildings were to be completely sealed and mechanically ventilated. This was considered unrealistic, unreasonable and would not address the situation within the external areas.
- 78 Following the passage of time, further results of the Council monitoring station at Ward Close (approx. 35m north-east of the application site) became available. This covers the period from 2013 to 2017. This clearly indicates that not only have the levels of NO₂ continued to fall, but that they are also well below the threshold.

Agenda Item 4.3

- 79 The applicant has since produced a revised air quality assessment based on these actual readings. In summary, this concludes that the levels of nitrogen dioxide, lead (PM₁₀) and other particulate matter would be well below the unacceptable thresholds.
- 80 On the basis of this updated data, Environmental Health raise no objection to the proposals on health grounds.
- 81 In light of the above, I am satisfied that the proposals would comply with the relevant policies listed above.

Impact on the amenities of nearby properties

- 82 Policy EN2 of the ADMP, which relates to Amenity Protection, has been outlined above.
- 83 The closest residential properties are those located in Wadard Terrace to the north. The closest properties are sited approximately 40m away with the flank of no.10 45m from the site. There is intervening landscaping between this property and the site, especially the dense foliage along the Button Street boundary with the site. Use of the site for a single mobile home/touring caravan would be likely to be low-key.
- 84 By reason of its scale and relatively isolated location, the development would not cause harm to the amenities of any nearby residential properties. In the event permission were to be recommended, it would be appropriate to attach conditions to ensure permission is personal to the applicant and that no commercial activities operate from the site. This would further protect residential amenity.

Impact on Highways

- 85 The site is of an adequate size to accommodate vehicles associated with the use, therefore the proposals would not increase pressure for local on street parking. This is compliant with policy T2.
- 86 It appears that the site would continue to use the existing access from Button Street. This is set back from the road frontage with good visibility in both directions. Whilst the Highway Authority have not been consulted on this application, I note that they did respond on the previous application but raised no objections because of the limited number of vehicle movements likely to result from the proposals. I have no reason to consider the present proposals, which essentially appear the same as before, would have any greater impact.
- 87 In the circumstances I am satisfied that satisfactory parking can be provided on site and use of the site in connection with a single mobile home would not result in conditions prejudicial to highway safety.

Sustainability

- 88 The NPPF makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the NPPF is the presumption in favour of sustainable development, which:

“...should be seen as a golden thread running through both plan making and decision taking”.

- 89 Paragraph 7 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental. In determining whether the proposed development is sustainable, it is not sufficient to consider each of the three dimensions in isolation; rather there must be a balance between the three.
- 90 Policy SP6 of the Core Strategy seeks to ensure that traveller sites are sustainable economically, socially and environmentally. Policies should promote peaceful and integrated co-existence between the site and local community, promote access to appropriate health services, ensure that children can attend school regularly, provide a settled base that reduces the need for long distance travelling and possible environmental damage caused by unauthorised roadside encampments and reflect the extent to which traditional lifestyles can contribute to sustainability.
- 91 It is considered, that the site is not in close proximity to shops and other facilities within Swanley and Hextable. It would nevertheless provide many of the other sustainable benefits referred to in the PPTS. These include addressing the need for a settled base thereby facilitating access to health care and regular education and the reduction in the possible environmental roadside encampments. These benefits are considered outweigh the negative aspects relating to the location of the site in terms of sustainability and can be afforded moderate weight.

Balancing Exercise/Assessment of any very special circumstances

- 92 Para 145 of the NPPF states that when considering any planning application, LPAs should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by any other considerations.
- 93 The harm arising from this development has been identified in the assessment above as:
- The harm in principle from inappropriate development in the Green Belt, which must be given significant weight and harm to openness;
 - Limited harm to the visual amenities of the immediate area.
- 94 I do not consider the proposals result in material harm to highway conditions or the amenities of neighbouring occupiers.
- 95 The very special circumstances in this case can be summarised briefly as follows:
- a recognised unmet need for gypsy sites in the District,
 - lack of an up to date 5 year supply of deliverable sites,

Agenda Item 4.3

- recognition that traveller and gypsy sites are likely to be required in the Green Belt
 - personal circumstances of the applicant and gypsy status, including the best interests of the children.
- 96 As discusses above, while the emerging Local Plan identifies sites to meet the needs of Gypsies and Travellers in the District, the plan remains subject to formal examination and the allocation of the sites is not a foregone conclusion. At this stage the emerging plan cannot be afforded substantial weight. Thus the lack of an up to date 5 year supply of deliverable site must be afforded significant weight.
- 97 There are a number of recent applications and appeal decisions which have found that the above potential very special circumstances may well all also amount to very special circumstances in this case. I consider these material considerations to be applicable to the current application.
- 98 There is a recent appeal decision within the District which I consider particularly relevant to this application as it clearly set out the weight which may be attached to the above factors. The appeal related to land at Station Court in Halstead, where permission was granted for a permanent Gypsy site (October 2016 - Council reference 14/02899/CONVAR). I summarise this decision in more detail below.
- 99 Of particular relevance was the fact that the Inspector gave significant weight to the fact that the Council did not have an adopted gypsy and traveller Development Plan Document and thus did not have any allocated sites. The Inspector noted that the Council did not have a 5 year supply of sites and that there was a level of unmet need within the District. The Inspector also identified an important consideration in the allocation of sites was the likely location of other gypsy and traveller sites and that the entire District outside the urban areas was covered by green belt. The Inspector accepted that urban land within the District had potential value for housing or commercial uses that makes it unviable as a gypsy site. Consequently, at paragraph 17 the Inspector stated that “I have no doubt therefore that when the Council do come to allocating gypsy sites they will have to be located in the green belt. I consider this to be a significant material consideration.”
- 100 In conclusion, at paragraph 23, the Inspector gave significant weight to the unmet need for gypsy sites and lack of 5 year supply of sites in the District, delays of the Council in adopting a gypsy and traveller DPD and formally adopting sites and the applicant’s gypsy status. He gave considerable weight to the fact that any future gypsy sites will almost certainly have to be in the green belt.
- 101 It remains the case that alternative sites are difficult to find in the District due to high land values and Green Belt designations. As such there is an inevitability that some harm to the Green Belt will arise from requirements to provide gypsy and traveller pitches.
- 102 Removal of the family from this site would potentially result in an unauthorised encampment elsewhere, cause significant hardship, disruption

and nuisance to those whose land they may settle on and further harm to the environment. In addition, it would potentially disrupt the continued local education of the children and access to healthcare facilities.

- 103 In light of the above, I consider significant weight can be attached to the special circumstances set out above. The unmet needs of Gypsies and Travellers in this District, combined with the specific circumstances of the applicant and his family, amount to very special circumstances.
- 104 Whilst the proposals would result in the development of a Green Belt site, a permission would enable the Council to impose restrictions on any further development of the site (this is less likely on sites allocated within the emerging local plan which will be removed from the Green Belt).
- 105 In the particular circumstances it is therefore concluded that very special circumstances do exist in this case which would clearly outweigh the harm to the Green Belt and the modest harm to visual amenity and which justify a grant of permission in this instance.
- 106 I would recommend the use of conditions to ensure the site is used only as a pitch for a single mobile home with single touring caravan and that the permission is only valid insofar as the applicant meets the definition of gypsies and travellers contained in the PPTS 2015.

Human Rights and Equalities Act

- 107 Regard has also been given to the rights of the applicant and his family under Article 8 of the European Convention on Human Rights. However, in considering their right to home and family life, it is noted that any interference with these must be balanced against the wider public interest, in particular the protection of the rights and freedoms of others. In this case the grant of planning permission would not violate rights of the applicants under Article 8.
- 108 The Council also have a public sector equality duty (PSED) under the Equalities Act 2010. The duty is to have due regard to the need (in discharging its functions) to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s);
 - Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding;

Agenda Item 4.3

- The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 109 The PSED must be considered as a relevant factor when considering its decision but does not impose a duty to achieve the outcomes in s.149. The level of consideration required (i.e. due regard) will vary with the decision including such factors as:
- The importance of the decision and the severity of the impact on the Council's ability to meet its PSED;
 - The likelihood of discriminatory effect or that it could eliminate existing discrimination.
- 110 The Council should give greater consideration to decisions that have a disproportionately adverse impact on a protected characteristic and this impact may be unintentional. In appropriate cases, this may involve an understanding of the practical impact on individuals so affected by the decision. Regard should be had to the effect of mitigation taken to reduce any adverse impact. Further, the PSED is only one factor that needs to be considered when making a decision and may be balanced against other relevant factors. The Council is also entitled to take into account other relevant factors in respect of the decision, including financial resources and policy considerations. In appropriate cases, such countervailing factors may justify decisions which have an adverse impact on protected groups.
- 111 In this case the applicant does have educational and health needs arising from his children and when this is taken into account together with his gypsy status and other relevant considerations outlined above, it is my view that the very special circumstances would outweigh the harm to the Green Belt and the limited harm to the Area of Outstanding Natural Beauty.

Conclusion

- 112 The development is inappropriate in the Green Belt and also harmful to the openness of the Green Belt. However, there would be limited harm in terms of the impact on the wider visual amenities of the area. Furthermore the grant of a permission on this site could potentially serve to protect more visually sensitive sites elsewhere. No harm is identified with regard to the impact on the amenities of nearby residents or highway conditions.
- 113 In the circumstances, I consider there are very special circumstances which exist in this case which would clearly outweigh the harm identified. In light of all the material considerations I would recommend permission be granted for use of the site for the stationing of a single mobile home and caravan and day room, subject to conditions.

Background papers

Site and block plan

Contact Officer(s):

Mr J Sperryn

Contact: 01732 227000

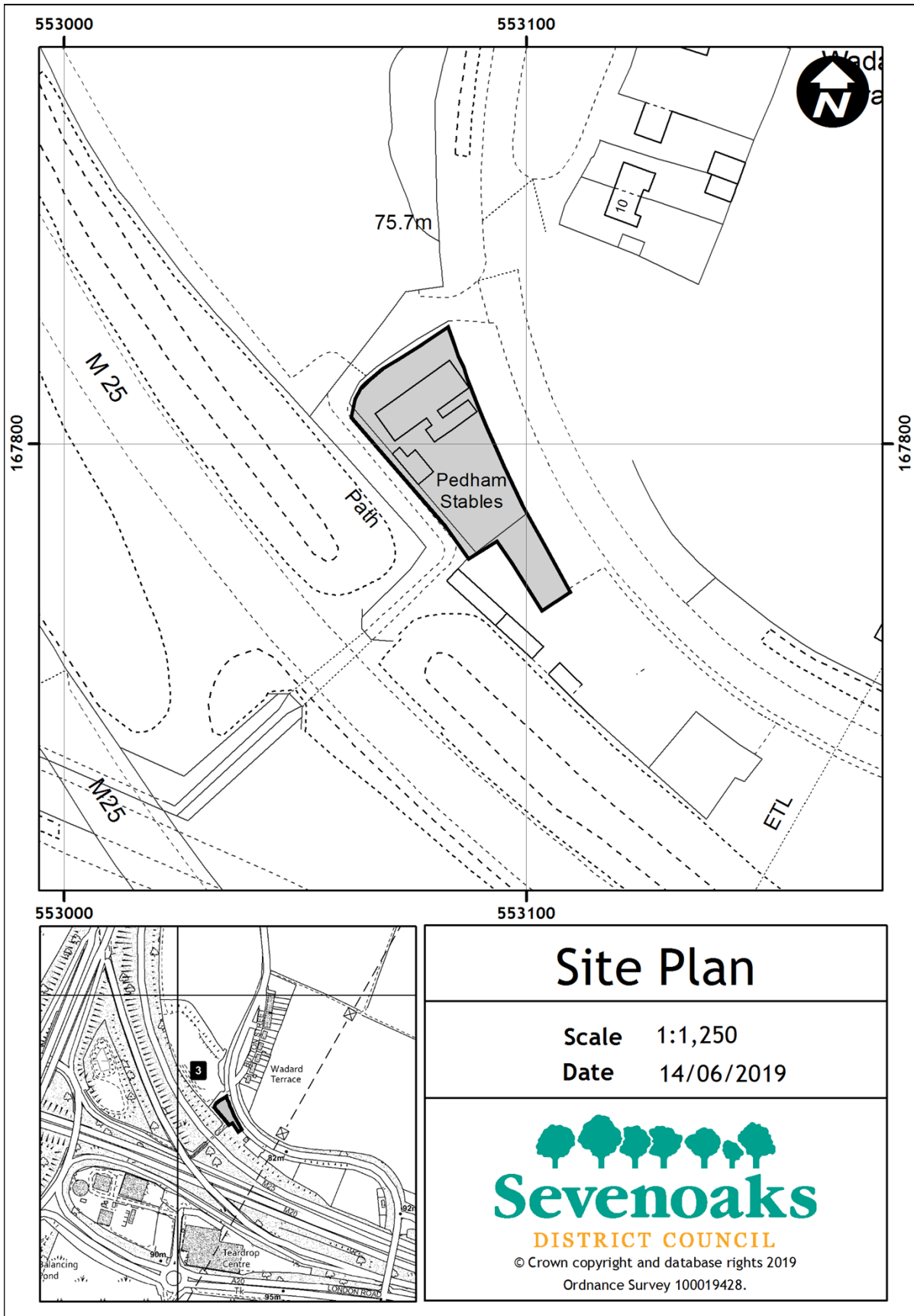
Richard Morris
Chief Planning Officer

Link to application details:

















<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OTRB8BBKJ2Z00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OTRB8BBKJ2Z00>





LEGEND	
	Proposed mobile home
	Proposed utility/day room
	Proposed touring caravan
	Proposed loose bound permeable hardstanding
	Residential gardens
	Grassed area
	Additional native hedge & tree planting
	Existing hardstanding
	Existing hedgerow
	Soakaway
	Proposed tree planting
	Existing trees
	Existing foul drainage
	Existing buildings/structures
	Existing close boarded timber fence
	Proposed 2.4m close boarded timber fence

This page is intentionally left blank

Planning Application Information on Public Access - for applications coming to

DC Committee on Thursday 4 July 2019

4.1 18/03929/MMA Watercroft Wood, Old London Road, Badgers Mount, Kent

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PK3JC4BKH9X00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PK3JC4BKH9X00>

4.2 19/00353/FUL Woodlands Farm, Otford Lane, Halstead TN14 7EF

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PMMA0LBKHG800>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PMMA0LBKHG800>

4.3 17/02424/FUL Area of Land Between Button Street and M20 Slip Road, Button Street, Swanley

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OTRB8BBKJ2Z00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OTRB8BBKJ2Z00>

This page is intentionally left blank