

18 December 2019 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks
Despatched: 09.12.19



Development Control Committee

Membership:

Chairman, Cllr. Williamson; Vice-Chairman, Cllr. Reay
Cllrs. Ball, Barnett, Brown, Cheeseman, Perry Cole, Coleman, P. Darrington, Firth,
Hogarth, Hudson, 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 14 November 2019, as a correct record.	(Pages 1 - 10)	
2. Declarations of Interest or Predetermination Including any interests not already registered		
3. Declarations of Lobbying		
4. Planning Applications - Chief Officer Planning & Regulatory Services Report		
4.1 19/01445/LDCEX - Land Rear Of Little Buckhurst Barn, Hever Lane, Hever Edenbridge KENT TN8 7ET Use of the building as a dwelling house	(Pages 11 - 26)	Rebecca Fellows 01732 227000
4.2 19/02339/FUL - Park House Farm, Bower Lane, Eynsford KENT DA4 0HN Demolish existing barn with residential consent and construct a replacement dwelling.	(Pages 27 - 42)	Guy Martin 01732 227000

4.3 19/02065/FUL - Former South Darenth Fire Station, New Road, South Darenth KENT DA4 9AT (Pages 43 - 58) Jim Sperryn
01732 227000

Redevelopment of the former Horton Kirby Fire Station to construct a two storey building, with additional accommodation in the roof space, to provide 4 x 2 bedroom and 2 x 1 bedroom apartments, with ancillary access and bin storage facilities as amplified by Technical Note received 20.9.19.

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 Friday, 13 December 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.

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DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 14 November 2019 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Reay (Vice Chairman)

Cllrs. Ball, Brown, Cheeseman, Perry Cole, Coleman, P. Darrington, Hogarth, Hudson, Hunter, Layland, McGarvey, Pett, Purves, Raikes and Roy

Apologies for absence were received from Cllrs. Barnett and Firth

Cllrs. Kitchener, Maskell and Thornton were also present.

35. Minutes

Resolved: That the Minutes of the Development Control Committee held on 17 October 2019 be signed by the Chairman as a correct record.

36. Declarations of Interest or Predetermination

Councillor Hudson declared that for Minute 39 - 19/02500/HOUSE 1 Squires Field, Hextable BR8 7QY she had previously considered the matter when it was discussed by Hextable Parish Council, but she remained open minded.

37. Declarations of Lobbying

Councillors Brown, Cheeseman, Perry Cole, Coleman, P. Darrington, Hogarth, Hudson, Layland, McGarvey, Pett, Purves, Raikes, Reay, Roy and Williamson declared that they had been lobbied in respect of Minute 38 - 4.2 19/02078/HOUSE 7 High Street, Shoreham, Kent TN14 7TB.

Councillors Hunter and Reay declared that they had been lobbied in respect of Minute 41 - 19/02020/FUL Outbuilding south of Godden Green House, Park Lane, Godden Green, Sevenoaks TN15 0JS.

RESERVED PLANNING APPLICATIONS

The Committee considered the following planning applications:

38. 19/02078/HOUSE - 7 High Street, Shoreham, Kent TN14 7TB

The proposal sought planning permission for proposed demolition to existing garage, proposed ground floor rear extension with rooflight, proposed ground and first floor side extension, proposed new roof, new dormer at the rear along with increase of size and shape of dormers, rooflight at front and new steps of the front

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of the dwelling. The application had been referred to Development Control Committee as the applicant was relate to a member of staff.

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

The Committee was addressed by the following speakers:

Against the Application: John Saynor
For the Application: Jason Borrows
Parish Representative: Parish Cllr Richard Boyle
Local Member: -

Members asked questions of clarification from the officers, including clarification of the relevance of the previous planning history and the choice of cladding materials.

Members moved into debate and discussed the application, in particular the choice of cladding materials and their suitability for the area. Some concern was expressed and the size and bulk. The Chairman advised Members that they could only consider the application before them, and that it was possible to condition materials.

It was moved by the Chairman and duly seconded that the recommendations within the report, be agreed subject to delegated authority being granted to the Chief Planning and Regulatory Services to draft an additional condition 4 on use of cladding materials following consultation with the local members with no material changes to what was already proposed.

It was put to the vote and

Resolved: That planning permission be granted subject

a) 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 upper floor bathroom window shown on the south side elevation facing number 5 High Street, hereby permitted, shall be obscure glazed to a minimum level 3 and non-opening below 1.7m above the finished floor level.

In order to preserve neighbouring privacy as supported by Policy EN2 of the Sevenoaks Allocations and Development Management Plan

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- 3) the development hereby permitted shall be carried out in accordance with the following approved plans and details: SP1242-19-PL02 REV A; Revised Design & Access Statement received 12/08/19

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

- b) delegated authority being granted to the Chief Planning and Regulatory Services to draft an additional condition 4 on use of cladding materials following consultation with the local members.

39. 19/02500/HOUSE - 1 Squires Field, Hextable, KENT BR8 7QY

The proposal sought planning permission for the erection of single storey side extension with barn hip and small gabled roof to accommodate a garage; replacement of existing part-pitched and flat roof over existing side extension with barn hip and small gabled roof to match the proposed. The application had been referred to Development Control Committee by Councillor Kitchener who stated that the application would have a detrimental effect on the street scene.

Members' attention was brought to the main agenda papers.

The Committee was addressed by the following speakers:

Against the Application:	Christine Proudlove
For the Application:	Guy Brown
Parish Representative:	-
Local Member:	Cllr Kitchener

Members asked questions of clarification from the speakers and officers including removing permitted development rights and preventing the use of the garage as habitable space.

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

The motion was put to the vote and it was lost.

Councillor Hudson moved and it was duly seconded that the application be refused on the grounds that it was detrimental to the street scene and contrary to EN1 by means of bulk, height, mass, scale and form.

The motion was put to the vote and it was

Resolved: The planning permission be refused on the grounds that the proposed development, by reason of its bulk, height, mass and form, would detract from the character of the area, contrary to policy EN1 of the Sevenoaks ADMP.

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40. 19/01699/FUL - Chartwell House, Mapleton Road, Westerham Kent TN16 1PS

The proposal sought planning permission for the installation of a sewage treatment plant and an Acoustic Close Board Fence. The application had been referred to Development Control Committee by Councillor Maskell on the grounds of harm to the Green Belt and noise disturbance to neighbouring dwellings, contrary to policy EN2.

Members' attention was brought to the main agenda papers.

The Committee was addressed by the following speakers:

Against the Application: -
For the Application: Zoe Colbeck
Parish Representative: Parish Cllr Helen Ogden
Local Member: Cllr Maskell

Members asked questions of clarification from the officers.

The Chairman moved that the recommendations within the report, be agreed.

Members discussed the application, in particular the siting of the plant and the efficacy of the acoustic fence.

Resolved: That planning permission be granted subject the following conditions

- 1) the development hereby permitted shall be carried out in accordance with the following approved plans and details: 2283/311/LBP, 2283/311/1, 2283/311/100, hla 316 01/A, 10747-03-SHT03/A.

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

- 2) the sewage treatment system shall only operate while the acoustic fencing is in place in full accordance with drawing 2283/311/100. If at any time the fencing is not in full accordance with that drawing, the use of the sewage treatment plant shall cease with immediate effect until such a time that the acoustic fencing is reinstated in full.

To protect the amenities of the nearby residential properties, to comply with policy EN2 of the ADMP.

- 3) within 3 months of the date of this permission, details shall be submitted to the local planning authority for approval of a scheme of landscaping to thicken and enhance the hedgerow existing to the south of the sewage treatment plant. The approved scheme shall be implemented in full in the first planting season following its approval.

To provide visual screening to reduce visibility from the public right of way and wider views across the AONB, to comply with policies EN1 and EN5 of the ADMP.

- 4) all planting or seeding approved shall be carried out in the first planting and seeding season following the approval of those details. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting season with others of similar size, species and number, unless otherwise agreed in writing by the local planning authority.

To provide visual screening to reduce visibility from the public right of way and wider views across the AONB, to comply with policies EN1 and EN5 of the ADMP.

- 5) the acoustic fencing hereby approved shall be of timber construction and so maintained.

To protect the character and appearance of the area and the landscape, and to preserve the setting of the heritage assets, to comply with EN1, EN4 and EN5 of the ADMP.

Informative

- 1) The granting of planning permission confers no other permission or consent on the applicant. The applicant is reminded that no works should be undertaken on a Public Right of Way without the express consent of the Highway Authority. This means that the Public Rights of Way must not be stopped up, diverted, obstructed (this included building materials, vehicles or waste generated during the works) or the surface disturbed. There must be no encroachment on the current width, at any time now or in the future and no furniture or fixtures may be erected on or across the Public Right of Way without consent.

41. 19/02020/FUL - Outbuilding South of Godden Green House, Park Lane, Godden Green Sevenoaks Kent TN15 OJS

The proposal sought planning permission for demolition of the existing barn and erection of a one 1-bed dwelling house. The application had been referred to Development Control Committee on the grounds of harm to the landscape of the Area of Outstanding Natural beauty and the Green Belt.

Members' attention was brought to the main agenda papers and late observation sheet. The Planning Officer advised Members of an additional condition 11:

'Prior to the installation of the glazing, full details of the type of glazing to be installed to prevent light spillage should be submitted to and approved in writing by the local planning authority. The development shall be carried out in

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accordance with the approved details and once implemented the approved details shall thereafter be retained as approved’.

Reason: In the interests of the dark skies of the Area of Outstanding Natural Beauty in accordance with policy EN5 of the Sevenoaks District Council Allocation and Development Management Plan.’

The Committee was addressed by the following speakers:

Against the Application: -
For the Application: Tom Cole
Parish Representative: -
Local Member: Cllr Thornton

Members asked questions of clarification from the speakers and officers, including concern for driveway lighting and drainage, and light pollution in the AONB.

Members debated the application, in particular the design and character/modern appearance and whether it was in keeping with the surrounding area.

The Chairman moved that the recommendations within the report including the additional condition 11, be agreed subject to delegated authority being granted to the Chief Planning & Regulatory Officer to draft additional conditioning for external lighting details, glazing details (to prevent excessive light spillage from windows of new dwelling), ecology enhancements details and surface water drainage details for driveway and soakaways.

Resolved: That planning permission be granted subject to

a) the following conditions

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

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

- 2) prior to reaching slab level details of the proposed external materials and green roof shall be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.

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

- 3) the development hereby permitted shall be carried out in accordance with the following approved plans and details: PL100, EX099, PL202, PL101, PL201, PL200.

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

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

To ensure any future development on the site maintains the character of the area and protects neighbouring amenity in accordance with Policy EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

- 5) prior to the occupation of the dwelling full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. Those details shall include: -planting plans (identifying existing planting and trees, plants and trees to be retained and new planting and trees), -written specifications (including cultivation and other operations associated with tree, plant and grass establishment), -schedules of new plants and trees (noting species, size of stock at time of planting and proposed number/densities where appropriate), - Details of any means of enclosure, and -a programme of implementation. If any part of the approved landscaping scheme is removed, dies, becomes severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season. The works shall be carried out in accordance with the approved details.

To enhance the visual appearance of the area as supported by EN1 and EN5 of the Sevenoaks Allocations and Development Management Plan.

- 6) before the use or occupation of the development hereby permitted, the car parking area shall include two parking spaces at a scale of no less than 2.5x5m, which shall be provided and shall be kept available for the parking of cars at all times.

In the interest of highway safety.

- 7) prior to the implementation of any visibility splays details of the landscaping (trees) to be retained, removed, and replaced along the proposed visibility splays shall be submitted and approved in writing by the local planning authority. These details shall include: - Tree protection measures, - Replacement trees including species, size, and a programme of implementation, - Root protection measures for

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retained trees. The works shall be carried out in accordance with the approved details.

To conserve the visual appearance of the area as supported by EN5 and EN1 of the Sevenoaks Allocations and Development Management Plan.

- 8) prior to the occupation of the new dwelling hereby permitted details for the provision of an electric vehicle charging point shall be 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 new dwelling hereby approved.
In order to mitigate and adapt to climate change in accordance with policies EN1 and T3 of the Sevenoaks Allocations and Development Management Plan.

- 9) no development shall be carried out above DCP level of the hereby approved dwelling and extension until a visibility splay of 2m x 43m has been provided on each side of the access, the depth measured from the back of the footway (or verge) and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility above 0.9m in height above ground level shall be erected within the area of such splays.

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

- 10) prior to the commencement of the development details of the existing and proposed land levels shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved land levels.

To prevent inappropriate development in the Green Belt as supported by the National Planning Policy Framework of the Sevenoaks Allocations and Development Management Plan.

- 11) prior to the installation of the glazing, full details of the type of glazing to be installed to prevent light spillage should be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and once implemented the approved details shall thereafter be retained as approved.

In the interests of the dark skies of the Area of Outstanding Natural Beauty in accordance with policy EN5 of the Sevenoaks District Council Allocation and Development Management Plan.

- b) delegated authority being granted to the Chief Planning & Regulatory Officer to draft additional conditioning for external lighting details, glazing details (to prevent excessive light spillage from windows of new dwelling), ecology enhancements details and surface water drainage details for driveway and soakaways.

42. 19/02304/HOUSE - Rushmore Lodge, Rushmore Hill, Knockholt KENT TN14 7NS

The proposal sought planning permission for the erection of a single storey rear extension. The application had been referred to Development Control Committee by Councillor Grint as the proposals constituted inappropriate development in the Green Belt.

Members' attention was brought to the main agenda papers

The Committee was addressed by the following speakers:

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

Members asked questions of clarification from the speaker and officers.

Members debated the application, in particular the removal of permitted development rights.

The Chairman moved that the recommendations within the report, be agreed.

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) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting or amending those Orders with or without modification), planning permission shall be required in respect of development falling within Schedule 2, Part 1, Classes A, B or E of that Order.

In recognition of the very special circumstances of the case and to mitigate harm to the openness of the Green Belt as supported by the National Planning Policy Framework and policy GB1 of the Allocations and Development Management Plan.

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- 3) the development hereby permitted shall be carried out in accordance with the following approved plans and details: 0052.3 Rev A; application form dated 6/8/19

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

THE MEETING WAS CONCLUDED AT 10.04 PM

CHAIRMAN

4.1 19/01445/LDCEX Date expired 19 August 2019

Proposal: Use of the building as a dwelling house

Location: Land Rear Of Little Buckhurst Barn, Hever Lane, Hever
Edenbridge KENT TN8 7ET

Ward(s): Cowden & Hever

Item for decision

The application has been referred to the Development Control Committee by Councillor Dickins for the committee to consider whether the evidence available justifies the grant of the Lawful Development Certificate.

RECOMMENDATION: That the Lawful Development Certificate be GRANTED for the following reason:

Evidence has been submitted which demonstrates, on the balance of probabilities, that the building located on land rear of Little Buckhurst barn has been used as a separate residential dwelling for more than 4 years and is therefore immune from enforcement action and lawful, in accordance with Section 191 of the Town and Country Planning Act 1990 (as amended).

Description of site

- 1 The application site comprises a large detached building on the western side of Hever Lane within both the Metropolitan Green Belt and High Weald Area of Outstanding Natural Beauty.
- 2 The building is located to rear of Little Buckhurst Barn, on elevated ground and is accessed via a long track leading from Hever Lane.
- 3 The site is set well back from the public highway and is not widely visible from the public realm.
- 4 According to the documentation submitted this building is the subject of this application and is known as Land rear of Little Buckhurst Barn.

Description of proposal

- 5 The Lawful Development Certificate seeks confirmation that the building known as Land rear of Little Buckhurst Barn has been used a dwellinghouse for a continuous period of at least 4 years.
- 6 This application seeks the confirmation of the building only. No evidence has been submitted to demonstrate that the land surrounding the building is associated garden or has been used a residential for a period of 10 years.

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Relevant planning history

- 7 Relating to the building in question (Land rear of Little Buckhurst Barn):
SW/5/55/6577 - Lean to extension to existing shed. GRANT
- 8 Relating to the main dwelling (Little Buckhurst Barn)
93/00806/HIST - Renewal of planning permission SE/89/0263 to convert redundant barn to dwelling. GRANT
- 9 01/01063/CONVAR - Proposed conversion of garage to ancillary accommodation (revised scheme). GRANT
- 10 13/02619/HOUSE - Erection of a single storey rear extension and link extension. Alteration to main dwelling. Part demolition of existing retaining wall and proposed hard landscaping. GRANT

Policies and legislation

- 11 Town and Country Planning Act 1990 (as amended)
- 12 National Planning Policy Guidance

Constraints

- 13 The following constraints apply:
 - High Weald Area of Outstanding Natural Beauty
 - Metropolitan Green Belt

Initial Consultation

Consultations

Hever Parish Council

- 14 Object to this application and have made the following comments;

‘We have been contacted by a number of local residents who also attended the planning meeting. There is a consensus from those locals that the declared facts of *continuous* residence from the date stated in the application are not correct as the applicants did not live there continuously or without interruption. Locals would be prepared to swear an oath to this. This would indicate that the unauthorised use is not immune from planning enforcement.

The Sutton and East Surrey water statement (exhibit N) is a nominal sum and time period of 6 days / £ 2.55 which is not useful evidence. The EDF energy bill (exhibit O) is for both properties (Barn and Stables) *combined* and predicts a usage that will cost £638.10 - which is under that perhaps expected to run 2 properties with continuous residence (2 adults and 1 child

in the stables) plus Barn occupant/s.

We note the absence of council tax, electoral roll or vehicle registration documents’.

Representations

15 The Council received letters relating to the following issues:

- 1 letter neither supporting or objecting,
- 27 letters supporting the applicants claim,
- 2 letters not supporting the applicants claim (this includes a representation from Hever Residents Association).

Reconsultation following receipt of additional statement

Consultations

16 Hever Parish Council -No further comments were received.

Representations

17 1 letter from Hever Residents Association not supporting the applicants claim.

Chief Planning Officer’s appraisal

Principle issues

18 Background to LDC’s:

This application is submitted under s191 of the Town and Country Planning Act 1990, seeking to establish the lawful use of the building as a residential dwelling. Section 191 (2) states that:

For the purposes of this Act uses and operations are lawful at any time if–

(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and

(b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.

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- 19 The time limits for taking enforcement action are set out in s171B of the Town and Country Planning Act 1990 and the NPPF Planning Practice Guidance summarises this as follows:

Development becomes immune from enforcement if no action is taken:

- Within four years of substantial completion for a breach of planning control consisting of operational development;
- Within four years for an unauthorised change of use to a single dwellinghouse;
- Within ten years for any other breach of planning control (essentially other changes of use). However, this would also relate to non-compliance with a condition.

- 20 With regard to the degree of information to be submitted in support of such applications, the National Planning Practice Guide explains that;

- 21 In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability."

- 22 The guidance adds that;

"A local planning authority may choose to issue a lawful development certificate for a different description from that applied for, as an alternative to refusing a certificate altogether. It is, however, advisable to seek the applicant's agreement to any amendment before issuing the certificate. A refusal is not necessarily conclusive that something is not lawful, it may mean that to date insufficient evidence has been presented."

- 23 To ensure that decisions are clear, precision in the terms of any certificate is vital. It is important to note that:

- a certificate for existing use must include a description of the use, operations or other matter for which it is granted regardless of whether the matters fall within a use class. But where it is within a "use class", a certificate must also specify the relevant "class". In all cases, the description needs to be more than simply a title or label, if future problems interpreting it are to be avoided. The certificate needs to therefore spell out the characteristics of the matter so as to define it unambiguously and with precision. This is particularly important for uses which do not fall within any "use class" (i.e. "*sui generis*" use); and

where a certificate is granted for one use on a “planning unit” which is in mixed or composite use, that situation may need to be carefully reflected in the certificate. Failure to do so may result in a loss of control over any subsequent intensification of the certificated use.

Background

- 24 The application seeks confirmation that the building to the rear (north-west) of Little Buckhurst Barn has been used as a self-contained dwellinghouse in its own right. The information submitted for this application correctly identifies the relevant test in this case is a 4 year period.
- 25 Land registry documents obtained by the Local Planning Authority show that Little Buckhurst (the neighbouring property), Little Buckhurst Barn (the main dwelling) and Land Rear of Little Buckhurst Barn (the building in question) were once part of the same title and within the same ownership (known collectively as Little Buckhurst).
- 26 Looking at the planning history for Little Buckhurst, a planning application was granted under reference SW/5/55/6577 for; ‘a lean to extension to existing shed’. The plan for that application identifies this ‘existing shed’ to be in the same location as the building subject to this application.
- 27 For clarity, there are a number of planning applications relating to the main dwelling, Little Buckhurst Barn. Little Buckhurst Barn was once redundant and planning permission was granted for its conversion as you see it today and should not be confused with any works carried out on the building in question, which is subject to this application.
- 28 Summary of evidence submitted by the applicant in support of the application

Evidence Source	Evidence
Statutory Declaration signed by applicant Mr R Barnett.	<p>States the following:</p> <ul style="list-style-type: none"> • He and his partner, Mrs Isabel Fox purchased Little Buckhurst Barn in 2012. • The site contained an adjacent garage building (now converted into an annex) and there was a large storage and office building in the field behind the house, alongside some existing stables. The larger building had power, water, drainage as well as basic kitchen and bathroom facilities.

- In 2014 work began on the conversion of the storage and office building and it was completed in December 2014.
- He and his partner have resided at Little Buckhurst Stables since January 2015.
- Southern Water updates their records to include Little Buckhurst Stables in August 2015.

The applicant has submitted 15 exhibits to accompany the statutory declaration.

Exhibit A: Site location plan identifying the building and adjacent stables.

Exhibit B: Floorplans of the internal layout of the building.

Exhibit C: Invoice from Project Aluminium showing an order date of 20th September 2014 and invoice date of 27th October 2014.

Exhibit D: Photograph of windows and doors invoiced for by Project Aluminium.

Exhibit E: Invoice from ERS Maintenance and Refurbishments dated 8th December 2014 for supplying and fitting kitchen.

Exhibit F: Invoice from Jelly Plumbing dated 20th December 2014 for underfloor heating, bathroom and plumbing works.

Exhibit G: Signed statement from Mr Angus Clifford Baynes confirm that he worked on building renovations at the building in question in 2014. He has also stated that the applicants have resided in the building continuously since January 2015.

Exhibit H: Statements from Mr Peter Hendry (tenant who lives in Little Buckhurst Barn), Jan Biddle (local farmer), Mel Sassa (family friend) and Colin Dixon (family friend) confirm that the applicants have resided in the building since January 2015.

Exhibit I: Statements from builders, Mr Elliot Stannard and Mr Patrick Purcell confirm they have undertaken maintenance work at the property and the applicants have resided in the building since January 2015.

Exhibit J: Letter from N Power addressed to 'Stables and Barn' dated 15th January 2014.

Exhibit K: Confirmation Letter and Insurance Schedule from NFU Mutual Insurance dated 12th December 2017.

Exhibit L: Final Tenants report confirming occupation dates of Lord Marcus Winter at Little Buckhurst Barn (main dwelling) from 7th July 2015 for 12 months.

Exhibit M: Application form submitted to SDC Street Naming and Numbering in September 2015 in order to place the building on the register naming it 'Little Buckhurst Stables'. Cheque and form returned in the absence of planning and building control references.

Exhibit N: Wastewater bills from Sutton and East Surrey Water dated 1st July 2015 and 23rd February 2016.

Exhibit O: Letter from Sky TV confirming arrangement for Sky to be installed in the building in question for March 2016.

Electricity Bills from EDF covering a period from 16th August 2017 - 11 March 2019 addressed with a supply

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	address of Little Buckhurst Barn but addressed to Little Buckhurst Barn and Stables (the building in question).
Covering Letter/Statement Dated 14 May 2019	<ul style="list-style-type: none"> • Sets out the background to the site and a summary of evidence submitted. • States the applicant converted the building in 2014 and has resided in it since January 2015. • Sets out the planning law considerations for determining this application.

29 Summary of evidence submitted by the applicant in the form of the Supplementary Planning Statement in support of the application:

Evidence Source	Evidence
Supplementary Planning Statement (SPS) Ref JA/19/90	<p>States the following;</p> <p>The evidence within the SPS does not definitively demonstrate that the applicants were residing at Little Buckhurst Stables, but it can be proven that they were not living at Little Buckhurst Barn throughout the relevant period as the property was either tenanted or being renovated.</p> <p>5 appendices have been submitted to support this claim;</p> <p>Appendix 1: Shows letter from Council Tax claiming 100% discount for unoccupied homes from 1.4.15 - 29.6.15 for Little Buckhurst Barn (main dwelling). Limited to 3 months discount.</p> <p>Appendix 2: Letter from Eden Lettings and Sales with a date of 7 July 2015. Applicant states tenanted by Lord</p>

	<p>Winter who was evicted in 2017 and left property in a state of disrepair and uninhabitable.</p> <p>Appendix 3: In August 2017 an application was made to Sevenoaks Council Tax department for an ‘Uninhabitable Property Application’.</p> <p>Appendix 4: Council Tax letter dated 17.8.17 confirming that a discount for unoccupied and unfurnished homes had been applied which covered the period 16.8.17 - 31.3.18.</p> <p>Appendix 5: September 2018 - Present. Little Buckhurst Barn tenanted by Peter Hendry on Assured Shorthold Tenancy.</p> <p>The SPS also states the following;</p> <ul style="list-style-type: none"> • Highlights the applicant’s daughter was born in 2016 and several visits were made to Little Buckhurst Stables by health visitors prior to her birth. • States the applicant owns a London property but has either being going through remedial works or tenanted. It was tenanted between January 2013 - September 2015. A water leak in 2015 resulted in remedial works until May 2016. It was then tenanted between August 2016 - May 2017 and then from November 2017 to the present day.
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30 Summary of evidence held by the Council

Evidence Source	Evidence

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Sevenoaks District Council Tax records	Information obtained on 23 July 2019 shows the building in question was only brought into banding for Council Tax purposes since May 2019.
Sevenoaks District Council Aerial Mapping	2012 - No track has been created but access from Hever Lane and gate is in place. 2015/2016- New roof to building, rear patio area, parking and turning area for cars and access track are all visible.

31 Analysis of the Evidence:

The applicant, Mr R Barnett, has submitted a Statutory Declaration. This declaration sets out the background of the site at the time of purchase in 2012, confirms works started on converting the building in question in 2014 and were completed the same year; and that Mr R Barnett and his partner, Mrs I Fox have resided in the property since January 2015. The declaration also sets out the exhibits and endorses these by including them within the declaration.

32 As a legal declaration, this statement can be given significant weight. This is because a false declaration in a Statutory Declaration (even without any oath) would be a criminal offence of perjury (under section 5 of the Perjury Act 1911).

33 While it is noted that Mrs I Fox is named on the title as owning the site, which contains the building subject to this application, the absence of a statutory declaration signed by Mrs I Fox does not reduce the weight given to the declaration provided by Mr R Barnett.

34 A visit to the site and the evidence provided by the applicant in exhibits A, B, C, D, E, F, G and I, clearly demonstrate that building to the rear of Little Buckhurst Barn has been converted into residential accommodation and that on the balance of probability this was substantially completed at the end of

2014. The building is a self-contained, separate building with its own access leading from Hever Lane.

- 35 The Councils 2012 aerial photography does not suggest that building works had commenced at that time, although an access had been created from Hever Lane with a gate in situ. Aerial photographs dating to 2015/2016 indicate a separate access and track, car parking and turning area (with cars parked), private amenity space and a new roof. Aerial photographs dating to 2018 are consistent with this and clearly indicate a residential use of the site. The 2015/16 and 2018 aerial photography supports the applicants claim, and clearly indicate a residential use of the site, and as such can be given substantial weight.
- 36 Seven written statements (exhibits G, H and I) from builders, a local farmer, a tenant of the applicants (who lives at Little Buckhurst Barn) and two family friends have all stated the applicants have resided in the building at the rear of Little Buckhurst Barn since January 2015. While these are not legal declarations, they are consistent with the statements within the statutory declaration and as such, can be attributed moderate weight.
- 37 Correspondence from energy and water suppliers, utility and a Sky installation letter have been provided (exhibit J, N and O). This correspondence is addressed to 'The Stables' (the building subject to this application), 'Little Buckhurst Barn', or 'Little Buckhurst Barn and Stables'. Given that the postal address differs, the supply address is not clear and the electricity and water usage figures are ambiguous, these exhibits hold limited weight.
- 38 Exhibit M shows a returned application form in September 2015 to Sevenoaks District Council Street Naming and Numbering. This shows intent to use the building as a residential property. Exhibit K is a contents insurance policy dated 12th December 2017 for three addresses including 'The Stables'. The document states this the building in question is the applicant's main home. Exhibit L is a final tenants report confirming occupation dates of a tenant at Little Buckhurst Barn (main dwelling), which demonstrate the applicants were not living in this property.
- 39 These exhibits are consistent with each other and with the statements made within the declaration, and as such can be attributed moderate weight.
- 40 Council Tax records show the building land rear of Little Buckhurst Barn was only brought into banding for Council Tax purposes from May 2019. While paying Council Tax is a good way of proving occupation, not paying Council Tax does not prove the building was not occupied; only that Council Tax was not paid. For this reason, I give the absence of Council Tax records, in this instance, limited weight.
- 41 Analysis of evidence submitted by the applicant in the form of the Supplementary Planning Statement (SPS):

The SPS states that Lord Winter occupied the property from July 2015 for 2 years. Appendix 2 only shows the tenancy start date, not the end date. Exhibit L, which was previously submitted, is a final tenants report for Lord

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Winter. The start date is consistent with that of Appendix 2, but states the tenancy was for 12 months only. Therefore, there is an inconsistency with the dates that Lord Winter occupied Little Buckhurst Barn and a question over the occupancy of Little Buckhurst Barn from July 2016-2017.

- 42 Appendix 1, 3 and 4 shows correspondence with Sevenoaks Council Tax claiming 100% discount for unoccupied homes from April 2015 - July 2015, an application in August 2017 for an 'Uninhabitable Property Application' and a Council Tax letter confirming a discount for unoccupied and unfurnished homes which covered August 2017 - April 2018. Appendix 5 is a tenancy agreement for Peter Hendry starting September 2018 to the present day.
- 43 The further evidence submitted does not definitively demonstrate that the applicants were residing in Little Buckhurst Stables, but it does provide evidence that two other properties (London property and Little Buckhurst Barn) within the applicants' ownership were tenanted for some of the relevant period; therefore making the argument that they were residing at Little Buckhurst Stables more probable.

Other issues

- 44 Whilst Hever Residents Association have stated that they have received responses from local residents disputing that the applicants have been in continuous residence for a period of four years, these have not been forwarded to the Council and details have not been provided. Furthermore, despite the comments from Hever Parish Council that residents are prepared to contest the applicant's assertions on oath, no further declarations have been provided.
- 45 In the circumstances, I consider only very limited weight can be attached to this evidence.
- 46 Hever Residents Association have stated they consulted 12 residents that are close to the application site. They confirmed 7 responses were received confirming that the applicants have not been in continuous residence for a period of four years or more at the Stables (the building in question) and 1 response (which was initially unclear) but later confirmed the applicants had lived in the Stables continuously for 4 years.
- 47 I have not been provided with names and addresses of these residents and therefore I cannot be certain that I have not already counted them. In the interest of fairness, I have not counted these responses individually and have counted Hever Residents Association's response as one.
- 48 With regard to the comments made by Hever Parish Council, that state locals residents are prepared to swear on oath that the applicants did not live there continuously or without interruption, no statutory declarations have been provided to this affect, so no weight can be attributed to this.

Conclusion

- 49 The relevant test in the determination of this application is whether, on the balance of probability, the evidence available supports the applicants claim that the building has been used as a dwelling for a period of 4 years or more. In my view, the evidence submitted by the applicant, particularly the Statutory Declaration, supports the contention that the building has been used as a dwelling for the relevant period of time.
- 50 The Local Planning Authority has no substantive evidence to contradict that produced by the applicants.
- 51 In light of the evidence available and Government Guidance, it is my conclusion, on the balance of probability, that the building to the rear (north-west) of Little Buckhurst Barn has been used as a dwellinghouse for more than 4 years. As such, the use is immune from enforcement action and has become the established lawful use.

It is therefore recommended that this application is granted.

Background papers

Site and block plan

Contact Officer(s): Rebecca Fellows

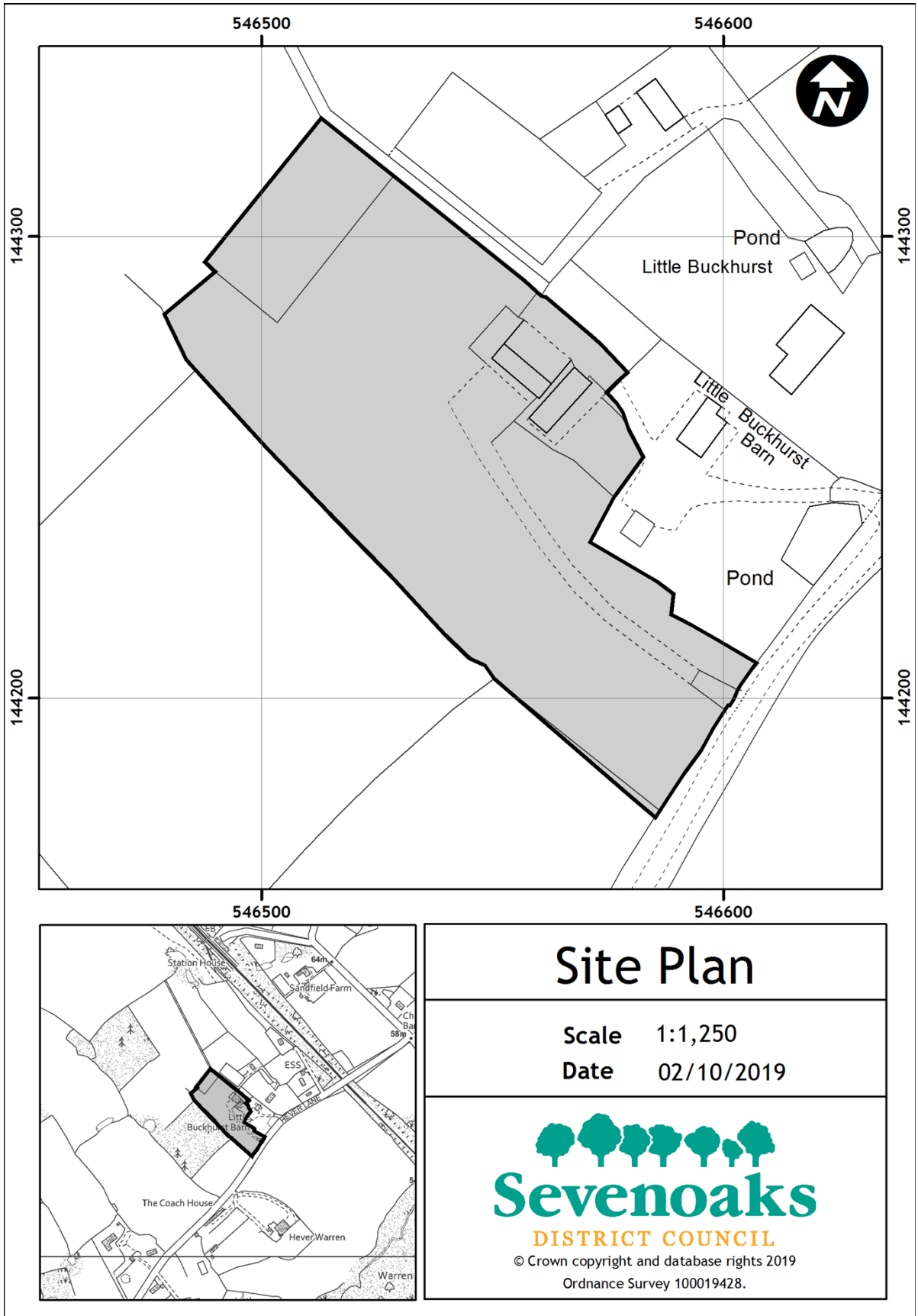
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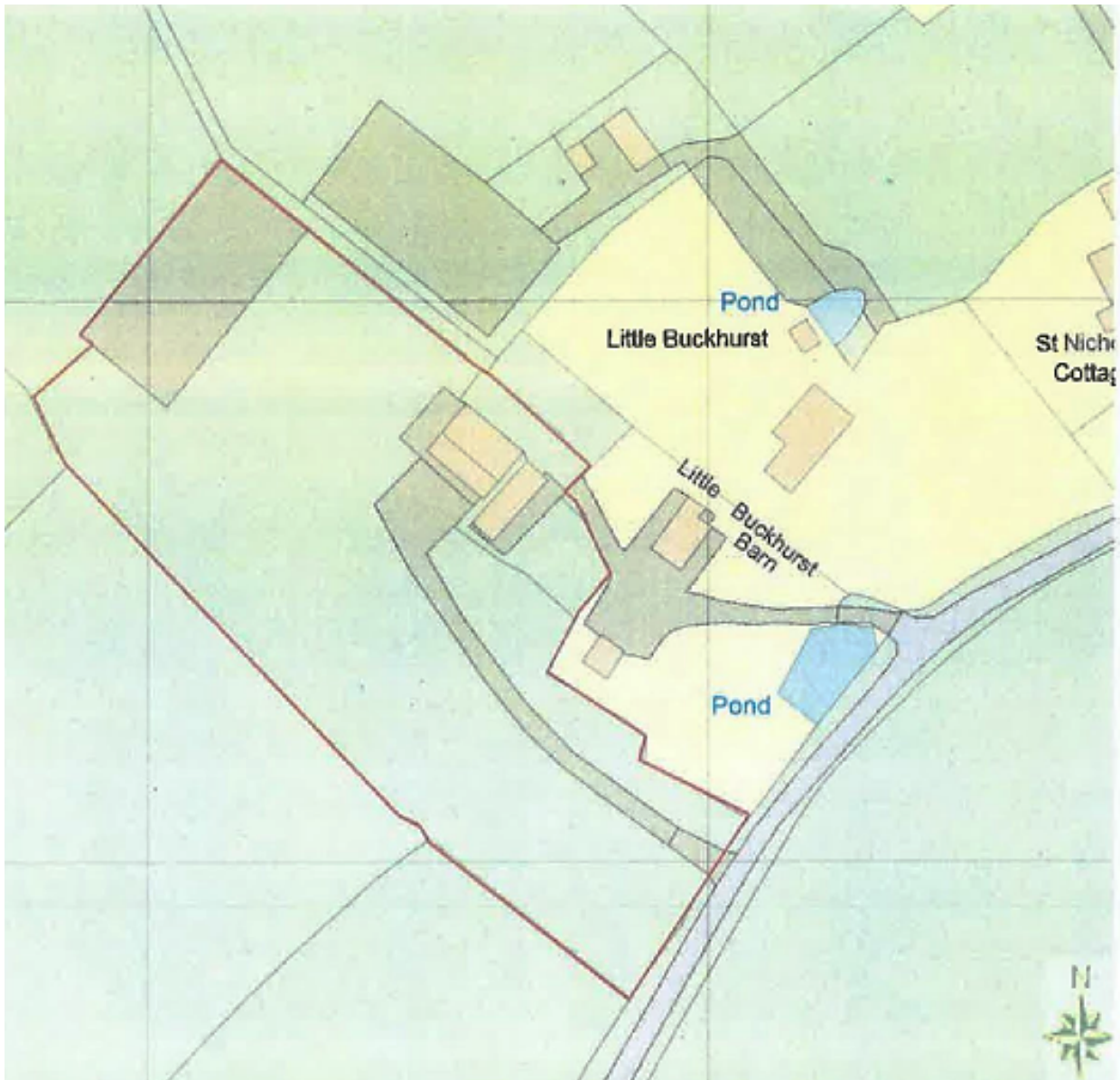
Richard Morris

Chief Officer Planning & Regulatory Services

Link to application details: <https://pa.sevenoaks.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Link to associated documents: <https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PRJYYLBKITA00>





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4.2 19/02339/FUL

Revised expiry date 15 November 2019

Proposal:

Demolish existing barn with residential consent and construct a replacement dwelling.

Location:

Park House Farm, Bower Lane, Eynsford KENT DA4 0HN

Ward(s):

Eynsford

Item for decision

This application has been called to Committee by Councillor Cheeseman to consider whether the proposals would represent inappropriate development harmful to the openness of the Green Belt and whether they would conserve and enhance the Area of Outstanding Natural Beauty.

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: 1617/A4/94, A1/500, A1/510, A3/SK410.

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

3) Prior to the commencement of development (and vegetation clearance), the full Great Crested Newt mitigation strategy, as detailed within the GCN Developmental Impact & Mitigation Strategy by Lewis Ecology dated 28th May 2019, shall be undertaken in accordance with the specifications set out in the strategy and shall be carried implemented by an experienced ecologist.

To protect biodiversity as supported by the NPPF and Policy SP11 of Sevenoaks District Councils Core Strategy.

4) Before any equipment, machinery or materials are brought on to the land for the purposes of the development, details of the means of protection of any trees located within the vicinity of the proposed works, in accordance with BS5837: 2012 Trees in Relation to Construction, are to be submitted to the District Planning Authority for approval in writing and the land so enclosed shall be kept clear of all contractors materials and machinery. The existing soil levels around the boles of the trees shall not be altered. The means of protection shall be maintained until all equipment, machinery and surplus materials have been removed from the land.

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

5) The materials to be used in the construction of the development shall be those indicated on the approved plan 1617/A1/510.

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

6) No development shall be carried out above the damp proof course of the hereby approved dwelling until full details of both hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. These details shall cover: Proposed finished levels or contours; Hard surfacing materials; Planting plans; Boundary Treatments; Written specification (including cultivation and other operations associated with plant and grass establishment); Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate; and a timetable for implementation. Development shall be carried out in accordance with the approved details. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality in accordance with Policy EN1 and EN5 of the Sevenoaks Allocations and Development Management Plan and the NPPF.

7) Notwithstanding the site area defined in red, no development shall take place until details of the curtilage to the dwelling hereby approved have been submitted to the Local Planning Authority for approval in writing. The curtilage shall be set out and retained in accordance with the approved details, before the dwelling is first brought into use and maintained as such at all times.

To prevent inappropriate development in the Green Belt as supported by GB9 of the Sevenoaks Allocations and Development Management Plan.

8) No external lighting shall be installed on or around the new dwelling hereby permitted unless details have first been submitted to and approved in writing by the local planning authority. The approved lighting shall be installed in accordance with the approved details and retained as such.

To ensure the rural character of the area and Kent Downs Area of Outstanding Natural Beauty is conserved in accordance with Policy EN1 and EN5 of the Sevenoaks Allocations and Development Management Plan and the NPPF.

9) The parking spaces so shown on drawing 1617/A1/500 shall be made available prior to the first occupation of the new dwelling and retained as such thereafter.

To ensure the development provides sufficient parking in accordance with Policy T2 of the Sevenoaks Allocations and Development Management Plan and the NPPF.

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

To prevent inappropriate development in the Green Belt as supported by GB9 of the Sevenoaks Allocations and Development Management Plan.

11) No development shall be carried out above the damp proof course of the hereby approved development until a scheme to promote ecological enhancement has been submitted and approved in writing by the local planning authority with a scheme of implementation. The ecological enhancements shall be carried out in accordance with the approved details prior to first occupation of the dwelling and shall be maintained thereafter.

To enhance biodiversity as supported by Policy SP11 of Sevenoaks District Councils Core Strategy.

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

Informatives

1) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Trees, scrub and buildings are likely to contain nesting birds between 1st March and 31st August inclusive. Trees, scrub and buildings are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

2) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly

established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

3) Bat Conservation Trust and Institution of Lighting Engineers

Summary of requirements

The two most important features of street and security lighting with respect to bats are:

1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.
2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

UV characteristics:

Low

Low pressure Sodium Lamps (SOX) emit a minimal UV component.

High pressure Sodium Lamps (SON) emit a small UV component.

White SON, though low in UV, emit more than regular SON.

High

Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps

Mercury lamps (MBF) emit a high UV component.

Tungsten Halogen, if unfiltered, emit a high UV component

Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

Variable

Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output.

Glass glazing and UV filtering lenses are recommended to reduce UV output.

Street lighting

Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels.

Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided.

If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

Security and domestic external lighting

The above recommendations concerning UV output and direction apply. In addition:

Lighting should illuminate only ground floor areas - light should not leak upwards to illuminate first floor and higher levels;

Lamps of greater than 2000 lumens (150 W) must not be used;

Movement or similar sensors must be used - they must be carefully installed and aimed, to reduce the amount of time a light is on each night;

Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;

Light must not be directed at or close to bat roost access points or flight paths from the roost - a shield or hood can be used to control or restrict the area to be lit;

Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;

Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

4) There is some potential for hedgehogs to be present on site. Therefore, any areas where mammals could be sheltering should be hand searched prior to disturbance. Excavations should not be left open for animals to fall into, or planks of wood should be placed to enable any animals which may fall into such a hole to escape. Any clearance of boundary vegetation must be undertaken between April and October to avoid harming hibernating hedgehogs.

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 site comprises a large open site which is occupied by two dwellings, a large barn and stable block. The site has varying levels, with open views to the fields to the north-east and south.
- 2 The barn is sited close to the western boundary with Bower Lane and has been used as a storage building for more than 10 years, associated with the residential use of the site but not within the curtilage of either dwelling (as confirmed by 17/02708/LDCEX).

Description of proposal

- 3 Demolish existing barn with residential consent and construct a replacement dwelling. The proposed dwelling would match the size and bulk of the existing barn relocating it back from the access to Park House Farm. The materials would comprise of a dark grey metal roof, black vertical boarded walls and aluminium windows on a red brick plinth.

Relevant planning history

- 4 10/02353/FUL - Demolition of existing dwelling and erection of replacement dwelling - GRANT - 30/11/2010
- 5 10/02817/FUL - Change of use of existing barn annexe and alterations to create a new 3 bedroom dwelling - GRANT - 18/02/2011
- 6 17/02708/LDCEX - Use of barn for B8 domestic storage - GRANT - 18/10/2017
- 7 17/03965/FUL - Change of use from domestic storage (B8) to residential (C3) - GRANT - 27/04/2018

Policies

8 National Planning Policy Framework (NPPF)

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

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

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

9 Core Strategy (CS)

- LO1 Distribution of Development
- LO8 The Countryside and Rural Economy
- SP1 Design of New Development and Conservation
- SP2 Sustainable Development
- SP11 Biodiversity

10 Allocations and Development Management (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- EN5 Landscape
- EN6 Outdoor Lighting
- GB9 Replacement of a Non Residential Building in the Green Belt
- T2 Vehicle Parking
- T3 Provision of Electrical Vehicle Charging Point

11 Other

- Sevenoaks Development in the Green Belt Supplementary Planning Document (SPD)
- Sevenoaks Countryside Character Area Assessment SPD

Constraints

12 The following constraints apply:

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- Metropolitan Green Belt
- Area of Outstanding Natural Beauty
- Biodiversity Opportunity Area
- Adjacent Local Wildlife Site

Consultations

13 Eynsford Parish Council

“Object. That Councillors object to this application, under policy GB4 replacement dwellings within the Green Belt, current barn no clear evidence of a second floor so cannot be used in calculating the additional 50% of original, therefore, the new floor space is significantly above the 50% limit for additional floor space. “

14 KCC Ecology

KCC Ecology confirmed that no additional information was required prior to determination of the planning application however the detailed mitigation / enhancement requirements must be implemented as a condition if planning permission is granted.

15 KCC Highways

“The proposal seeks a new opening and gate which should be set back from the highway by a minimum of 5 metres to ensure that vehicles can exit the highway sufficiently while the gate opens.

I do not raise an objection on behalf of the highway authority, and suggest the following condition:

Gates to open away from the highway and to be set back a minimum of 5 metres from the edge of the carriageway.

16 Kent Wildlife Trust

No response received

17 Natural England

“Natural England has no comments to make on this application.”

18 SDC Tree Officer

“I have no comments on the main proposal. I do suggest that details of the hedgerow is conditioned. I would expect to see mixed indigenous planting.”

19 Thames Water

No response received

Representations

20 No representations have been received

Chief Officer Planning and Regulatory Services' appraisal

21 The main planning considerations are:

- Impact upon the Green Belt
- Impact upon the AONB
- Neighbouring amenity
- Access, parking and highways
- Trees and landscaping
- Biodiversity

Background

22 Planning permission was granted in April 2018 for the conversion of the existing barn into a residential use with the proposal being in line with national and local planning policy.

23 The current proposal involves the demolition of the existing barn with the erection of a new barn moved 5.5m back from the southern boundary of the site and 8m further back from Bower Lane.

24 The proposed barn would be the same size as the existing barn with a metal curved roof with vertical black stained wooden walls on a brick plinth with aluminium windows and doors with a similar design to that previously granted.

25 The policy implications of this replacement will be considered below.

Impact on the Green Belt

26 The NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

27 A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this amongst others are:

28 Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- Not have a greater impact on the openness of the Green Belt than the existing development.

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- 29 Policy GB9 states that proposals to replace an existing non-residential building within the Green Belt which would meet the following criteria will be permitted:
- a) The existing building is lawful and permanent in nature;
 - b) The design and volume of the proposed replacement building would not be materially larger than the 'original' building and would not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion; and
 - c) The replacement building would be within the same use as the building to be demolished.
- 30 The proposal is for the demolition of an existing barn granted a B8 storage use in 2018 and its replacement by a dwelling relocated on the existing site that would match the size of the existing barn. The proposal would accordingly have no greater impact upon the openness of the Green Belt and would represent appropriate development within the Green Belt.

Area of Outstanding Natural Beauty (AONB), Design and impact on the character of the area

- 31 The Countryside and Rights of Way Act 2000 states that the Local Planning Authority should conserve and enhance Areas of Outstanding Natural Beauty. Designating an Area of Outstanding Natural Beauty protects its distinctive character and natural beauty and can include human settlement and development.
- 32 There are therefore two considerations directly related to a site's AONB status when determining a planning application. Firstly, does the application conserve the AONB and secondly, if it does conserve the AONB does it result in an enhancement. A failure to achieve both of these points will result in a conflict with the requirements of the Act.
- 33 Policy EN5 of the ADMP states that the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings will be given the highest status of protection in relation to landscape and scenic beauty. Proposals within the AONB will be permitted where the form, scale, materials and design will conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance.
- 34 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.
- 35 The proposal would result in the demolition of the existing barn which lies adjacent to the access to Park House and its replacement by a building which would be set 5.5 away. The building would also be set back 8m from Bower Lane compared to the existing barn which is located 3m from the highway.

- 36 The boundary along Bower Lane is screened by mature trees and a 2m close boarded fence. The current barn is clearly visible from Bower Lane as approached from the south and through relocating the proposed dwelling away from the access drive to Park House there is a significant increase in the space available for additional landscaping (new hedging is proposed), which over time would significantly reduce the visual impact of the building.
- 37 The proposed dwelling would incorporate a design influenced by the existing barn, but utilising more sympathetic materials, including black softwood vertical boarding, dark grey metal roof covering on a red brick plinth and aluminium windows.
- 38 Car parking will be provided to the north of the proposed dwelling with a gravel drive accessing through the existing gates to the site. The land to the east of the dwelling will be retained as a paddock and the residential curtilage would be limited in extent.
- 39 To the east of the site lies a row of stables which would be set back at a distance of over 35m from the proposed dwelling.
- 40 Other than an unmade farm track which extends approximately 275m to the east the only road to the east of the site is Maplecombe Lane located approximately 0.9km to the east. A footpath extends 0.8km to the east running northwest to southeast however at these distances the proposal would not impact upon the wider landscape character of the area.
- 41 The proposed dwelling would incorporate an appropriate design that would represent an enhancement on the existing unattractive metal clad barn and through its relocation on the site would be less visible than the existing building. Landscaping has been indicated on the submitted drawings which can be conditioned.
- 42 In conclusion the proposal would represent an appropriate design in a better location that allows for enhancement of landscaping, enabling the conservation and enhancement of the Area of Outstanding Natural Beauty meeting the requirements of national and local planning policy.

Neighbouring Amenity

- 43 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.
- 44 The only properties within close proximity to the proposed dwelling are Park House Farm located 16m to the south of the proposed dwelling and The Bungalow located 25m to the north east of the proposal.
- 45 The southern boundary of the site comprises of a 2m close boarded fence with a line of mature trees extending along the northern border of Park House Farm which would screen views of this property from the proposed dwelling and would ensure that there would be no loss of light.

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- 46 Due to the Bungalow being located at a distance of 25m from the nearest neighbouring property the separation distance would be adequate to ensure that this properties amenities are not adversely affected. The enhancement of the design would ensure that the proposal would not have an adverse impact upon the Bungalows visual amenity.
- 47 In consequence the proposal would not have an adverse impact upon local amenities and would meet the requirements of the NPPF and policy EN2 of the ADMP.

Parking and Highways Impact

- 48 Policy EN1 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking. Policy T2 of the ADMP states that a 4 bedroom dwelling in this location would require 2 parking spaces.
- 49 Policy T3 of the ADMP states that electrical vehicle charging points should be provided within new residential developments to promote sustainability and mitigate climate change. A condition can be imposed to ensure that the vehicle charging point is installed prior to occupation.
- 50 The existing access to the north of the site would be used and the existing gates to the site are to be retained. These gates are set back from the highway by 5m and open inwards meeting the requirements of Kent Highways.
- 51 Subsequent to the consultation response from KCC Highways the application was changed to retain the existing gates and entrance overcoming the requirements of KCC Highways in respect to the gates being set back and opening into the site. The existing gates meet this requirement.
- 52 In consequence the proposal would meet the requirements of the NPPF and policies EN1, T2 and T3 of the ADMP

Trees and Landscaping

- 53 The proposal would retain the trees along the western boundary and would incorporate new planting in the form of a native species hedgerow to be planted along the remaining boundaries. A pasture would be created to the east of the dwellinghouse and the access drive and parking. The Council's Tree Officers were consulted on the proposal and had no objections subject to an appropriate landscaping condition.

Biodiversity

- 54 Policy SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancements to ensure no net loss of biodiversity.

- 55 An ecological survey was submitted which KCC Ecology have reviewed and are acceptable to the proposal subject to appropriate conditions and informatives in respect to biodiversity and mitigation for Great Crested Newts.

Community Infrastructure Levy (CIL)

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

Conclusion

- 57 The proposal would represent appropriate development that would not impact upon the openness of the Green Belt, would conserve and enhance the AONB, would incorporate an appropriate design, and would not impact upon local amenities. Subject to conditions the proposal would not have an adverse impact upon biodiversity and would enable opportunities for biodiversity enhancement.

Background papers

Site and block plan

Contact Officer(s): Guy Martin

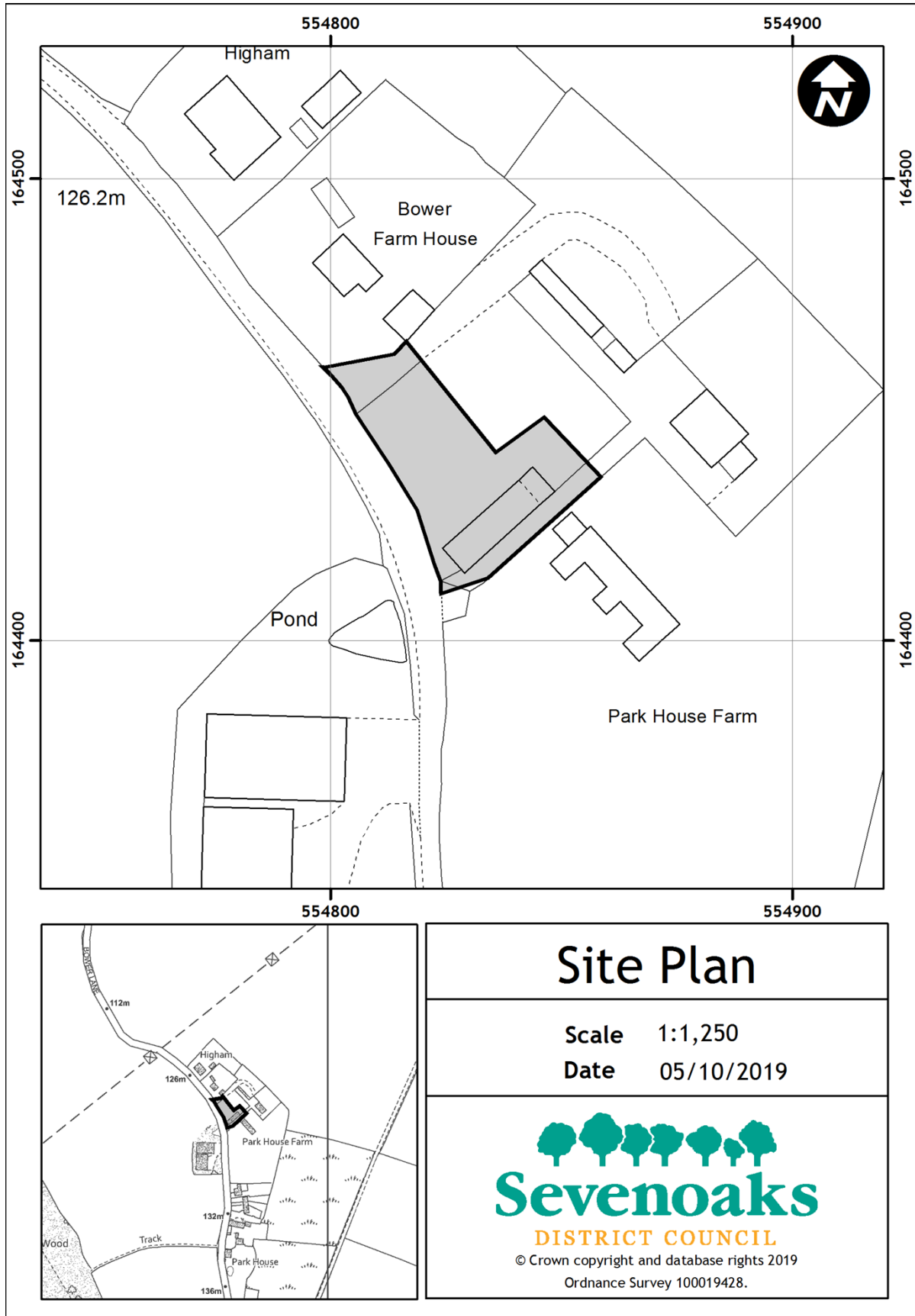
Extension: 01732 227000

Richard Morris

Chief Officer Planning and Regulatory Services

Link to applications details: <https://pa.sevenoaks.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Link to associated documents: <https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PVZ89XBKGVZ00>



BLOCK PLAN



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4.3 19/02065/FUL

Date expired 11 September 2019

Proposal: Redevelopment of the former Horton Kirby Fire Station to construct a two storey building, with additional accommodation in the roof space, to provide 4 x 2 bedroom and 2 x 1 bedroom apartments, with ancillary access and bin storage facilities as amplified by Technical Note received 20.9.19.

Location: Former South Darenth Fire Station, New Road, South Darenth KENT DA4 9AT

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

Item for decision

This application has been called to the Development Control Committee by Councillor McGarvey so that the impact of the proposals on parking can be considered.

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) For the avoidance of doubt the information to which this decision relates is as follows: Drawing nos.: 4490-PD-01 Rev. B, 4490-PD-02 Rev. F, 4490-PD-03 Rev. B, BHD Architects Design and Access Statement, Bellamy Roberts Technical Note dated September 2019.

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

3) No development shall take place until details of existing and proposed finished site levels, finished floor and ridge levels of the buildings to be erected, and finished external surface levels have been submitted to and approved in writing by the District Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

In order to safeguard the visual amenities of the area and the amenities of the occupiers Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

4) No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by the LPA. The Statement shall include details of: (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. The Construction Management Plan shall be implemented in accordance with the approved details.

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 adjacent to the site in accordance with Policy T1 of the Sevenoaks Allocations and Development Management Plan.

5) No development shall be carried out on the land until the applicant, or their agents or successor in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable, which has been submitted to and approved in writing by the Council.

To investigate and record archaeological features as supported by Policy EN4 of the Sevenoaks Allocations and Development Management Plan.

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

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

7) Prior to construction of any of the approved buildings on site full details of the hard and soft landscaping, means of enclosure and refuse enclosures shall be submitted to and approved in writing by the Council. Those details shall include:- Details of all hardsurface materials; - Planting plans, (identifying existing planting, plants to be retained and new planting); - Written specifications, (including cultivation and other operations associated with plant and grass establishment); - Schedules of new plants, (noting species, size of stock at time of planting and proposed number/densities where appropriate); - all means of boundary treatment and other means of enclosure within the site; - details of ecological enhancements to the site, and; - A programme of implementation. Unless otherwise agreed in writing by the Local Planning Authority prior to commencement of construction as part of the programme of implementation, all planting, seeding and turfing comprising the approved details of landscaping and ecological enhancement measures shall be carried out in the first planting and seeding season following first occupation of any of the approved buildings. The means of enclosure and refuse storage shall be implemented in accordance with the approved details prior to first occupation of any of the approved buildings. 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 safeguard the visual appearance of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

8) Prior to first occupation of the approved building the parking spaces indicated on the approved plan 4490-PD-02 Rev.F shall be provided and thereafter kept available for use at all times on a communal basis and shall not be allocated or reserved for individual properties.

To ensure that the development does not prejudice highway safety or cause inconvenience to other highway users in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

9) Prior to commencement of above ground works a scheme to show the provision of electric vehicle charging points, including their proposed locations, type and specifications shall be submitted to and approved by the Local Planning Authority. The charging points 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.

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) New build developments or converted properties may require street naming and property numbering. You are advised, prior to commencement, to contact the Council's Building Control team on 01732 227376 or visit www.sevenoaks.gov.uk for further details.

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 site comprises a roughly rectangular parcel of land approximately 29m in depth by 18m in width. The site accommodates an unassuming, single storey brick built, pitched roof building, with a further outbuilding adjacent to the southern boundary. To the front, is an open hardsurfaced area. The site was formerly used as Horton Kirby Fire Station. The site is largely

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bounded by a low fencing, with existing low retaining wall to the eastern and southern boundaries (to be retained).

- 2 The site is located on the corner of Horton Road and New Road, directly opposite the former Horton Kirby Paper Mill buildings. These have been converted (largely) into residential dwellings, with nos. 43 (and 43a) and 45 Esparto Way located directly opposite the application site. The closest face to this building, which has windows looking towards the site, would be sited approximately between 16-17m across the road. The Esparto Way buildings are identified in the South Darenth Conservation Area appraisal as contributing to the character of the area.

Description of proposal

- 3 The proposals seek the demolition of all buildings on site and erection of a roughly “L” shaped, two-storey building with accommodation within the roof. Accommodation would comprise 6 apartments (2no. 1 bed flats and 4no. 2 bed flats).
- 4 The main entrance would face north with the building set back approximately 1.5m from the footway edge, in line with no.2a. The eastern elevation would be set approximately 4m from the flank of no. 2a New Road. Main vehicular access would be taken from Horton Road. The western face of the building would be set back approximately 9m from Horton Road with the forecourt accommodating 6 off street parking spaces. There would be 3 apartments at ground floor level with the 3 apartments above each having internal access to additional second bedroom accommodation within the roof space.
- 5 It is proposed that the ground floor would be finished in yellow stock bricks with plain clay tile hanging above, under a plain clay tile crown roof. Modestly sized dormers are proposed to the north and west facing roof slopes.
- 6 A modest amenity area would be provided to the south of the building (adjacent to the garden with no.1 Mill Cottages), with bin and cycle stores provided. Some new planting/hedging is proposed to the northern and western boundary of the site.

Relevant planning history

- 7 93/00026/HIST - Demolition of existing store room and W.C. and the building of a single store extension to side elevation - proposed meeting room - Granted - 10/03/1993
- 8 17/01772/FUL - Change of use of Horton Kirby Fire Station into a children’s day nursery. Removal of the old temporary outbuilding and erection of a wood cabin - Granted - 25/10/17
- 9 18/03708/FUL - Redevelopment of the former Horton Kirby Fire Station to construct a three storey building to accommodate 5 x 1 bedroom apartment

and 4 x 2 bedroom apartments, together with ancillary access and bin storage facilities - Refused - 22/03/19 on the grounds of unacceptable scale and design and adverse impact on neighbouring amenity and highway conditions.

10 National Planning Policy Framework (NPPF)

11 Core Strategy (CS)

- L01 Distribution of Development
- L07 Development in Rural Settlements
- SP1 Design of New Development and Conservation
- SP2 Sustainable Development
- SP5 Housing Size and Type
- SP7 Density of Housing Development

12 Allocations and Development Management Plan (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- EN4 Heritage Assets
- T1 Mitigating Travel Impact
- T2 Vehicle Parking
- T3 Provision of Electric Vehicle Charging Points

13 Other:

- South Darenth Conservation Area Appraisal

Constraints

14 The following constraints apply:

- Within built confines of South Darenth.
- Area of Archaeological Potential.
- Flood Zone 2 (extreme frontage of site only).
- Adjacent to South Darenth Conservation Area (includes Mill Road and buildings opposite).

Consultations

15 Horton Kirby Parish Council: No objection/no comment.

16 Kent Highways: (In summary) - Car parking spaces should measure 2.5m wide by 5m in depth. 6 parking spaces are proposed for the flats with no visitor parking. The parking in the vicinity of the site is predominantly on street and there is pressure of parking in the locality. Visitor parking on site is insufficient.

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- 17 K.C.C. Archaeology: (Previous application) - The site of the application has potential for general prehistoric and later archaeology and also remains associated a building identifiable on the 2nd Ed OS map. In view of the archaeological potential, I recommend a condition requiring a programme of archaeological work in the event that consent is granted.

Representations

- 18 Representations have been received from 24 local residents raising the following objections:

- Insufficient parking provided on site.
- Out of character with existing properties.
- Overdevelopment of site.
- Development erodes character of the village.
- No indication of materials to be used.
- The impact on the Conservation Area should be considered.
- Should be two houses.
- Proposals should include affordable housing.
- Loss of light.
- Overlooking and loss of privacy to gardens.
- Smells from bins.

- 19 Letters have been received from 1 local resident raising following support:

- Would provide affordable properties for first time buyers.
- Ideally suited for commuters to London.
- Fits well with local area.
- Sufficient parking.

Amendments

- 20 At the request of the Highway Authority, the applicants have undertaken a parking survey, which has been submitted in the form of a technical note.

Re-consultation

- 21 The additional parking survey has been subject to full re-consultation with the following responses having been received:

- 22 Horton Kirby Parish Council:

As a result of the Technical Note members object on the grounds of insufficient parking. The Technical Note is flawed as the survey was conducted when Holmesdale Road was closed and does not reflect the common usage of the road and therefore useless. This opinion supersedes the no objection comment returned to Sevenoaks District Council on 7/8/19.

- 23 Kent Highways (In summary):
Have considered the Technical Note and parking survey which has been undertaken.

The findings of the survey outlines that there was ample parking available in the vicinity of the site. The parking survey utilised the Lambeth Methodology, which takes the overall length of the given road (excluding dropped kerbs) and divides it by 5 (metres) to establish the number of available parking spaces. The number of parked cars are subtracted from the total number of spaces. It is acknowledged that whilst there may be flaws in the methodology of the parking survey, site visits have outlined that there are limited additional spaces available.

The parking on site is in line with parking standards and as such visitor parking could be accommodated on nearby streets, even if constrained.

Therefore no objection is raised subject to conditions.

Representations

- 24 Further representations have been received from 19 local residents reiterating objections on the grounds of inadequate parking proposed on site and the lack of available on-street parking space.

Chief Officer Planning & Regulatory Services' appraisal

- 25 The main planning consideration are:
- Introduction
 - Principle of Development
 - Layout, design and impact on character of conservation area
 - highway considerations
 - Impact on residential amenity
 - Affordable Housing
 - Other matters

Introduction

- 26 Key Government guidance is provided in the form of the National Planning Policy Framework (NPPF), which forms part of the material considerations relevant to the present application. Paragraph 11 introduces a presumption in favour of sustainable development. The guidance continues that, development proposals that accord with the development plan should be approved and where the development plan is absent, silent or out of date, permission should be granted unless:

“- any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or-specific policies in this framework indicate development should be restricted.”

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- 27 Significant weight must be given to the Councils adopted Core Strategy Development Plan and the adopted Allocations and Development Management Plan (ADMP). The policies most pertinent to the current application are listed above.

Principle of the development

- 28 The application site is within the built confines of South Darent.
- 29 Policy L01 of the Council's Core Strategy seeks to focus development within the built confines of existing settlements. South Darent is designated a Rural Settlement and is thus covered by policy L07. As such, the policy states that redevelopment on a small scale only will be permitted. Paragraph 4.5.8 of the supporting text explains that the settlement has restricted scope for further development, which will be limited to infilling and re-development, where the scale and nature of development is consistent with the local village character.
- 30 Policy SP7 relates to the density of housing development, which should be consistent with achieving good design and does not compromise the distinctive character of the area in which it is located. Policy SP5 expects housing to contribute to a mix of different housing types, taking into account the existing pattern of housing in the area and will seek inclusion of small units.
- 31 The key strategic planning policy issue is considered to be whether the proposals would be compatible with the prevailing character of the area and if not whether there may be other policy justifications for the proposals. This also needs to be considered in the context that the site comprises previously developed land and that there is clear encouragement for the redevelopment of such land. Furthermore, with the majority of the District designated Green Belt, it is desirable to maximise the potential of existing urban sites.
- 32 The site is a brownfield one and in the circumstances, I consider there to be scope for some form of residential development, subject to the proposals representing an acceptable balance between the requirement to make efficient use of this site whilst preserving the character of the area, the amenities of neighbouring occupiers and highway conditions.

Layout, design and impact on character of area

- 33 Policy SP1 of the Sevenoaks District Core Strategy Development Plan Document (CS) states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. Policy SP2 of the CS seeks Sustainable Construction and Low-Carbon Energy Generation.
- 34 Policy EN1 of the ADMP sets out the general Design Principles, which should apply to all development. In summary, this policy states that proposals which would create high quality design and meet the following criteria will

be permitted where the form of the proposed development would respond to the scale, height, materials and site coverage of the area, respect the topography and character of the site and preserve the character of the area. The design of new development should ensure satisfactory means of access for vehicles and pedestrians and provide adequate parking.

- 35 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 36 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.
- 37 Whilst not within the South Darent Conservation Area, the western boundary of the site fronting Horton Road abuts it. The former Mill building is a significant feature of the Conservation Area and forms part of the street scene, particularly viewed from the east. Indeed the height and scale of former mill buildings on the western side of Horton Road represent a highly prominent and dominant features. The grand scale and imposing nature of these former commercial buildings results in fundamental contrast to the far more modest scale of buildings to the east and this, in my view, is a key component of the Conservation Area. Properties in the immediate vicinity of the application site and along New Road, which rises to the east, comprise modest, traditional, 2 storey cottages which are visually subservient to the 'Mill' buildings. The contrast between the buildings is highly apparent at the point of the application site, which happens to be set within the immediate context to the site of the Mill buildings. This relationship is readily visible from Horton Road, but also looking westwards along New Road. From this vantage point the Mill buildings form a distinct physical and visual barrier between the residential scale of the houses and the former industrial scale development beyond.
- 38 Whilst this development is clearly a larger building in comparison to the neighbouring houses in terms of footprint and overall scale, I do not consider this in itself to weigh against the proposals. The proposed building would be set back from the Horton Road frontage, retaining a clear visual break to the imposing Mill buildings to the west of the proposed development. The ridge level would be below that of nos.2A and 2B New Road, reflecting the drop in ground and ridge levels from east to west along New Road. The building would be set in from the boundaries.
- 39 The height of the development would reflect that of the neighbouring houses and the proposed block would be visually interpreted as a two-storey building. Whilst the ridge level may be slightly higher than that of Mill Cottages to the south, this would be mitigated by the fact that the building would be set back from this frontage.

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- 40 When viewed from the street, it is considered that the height and appearance of the proposed building reflects the character of the street scene in the immediate locality and to be subservient to the dominant form of the Mill buildings to the west.
- 41 The Conservation Area Appraisal describes the palette of materials characteristic in the area. This includes slate or clay tiles, sloping roofs and the use of yellow and red stock bricks, with some tile hanging. Whilst materials for the building would be subject to condition, the drawings indicate use of such materials.
- 42 To the west of the building, accessed from Horton Road, it is proposed to provide hardsurfaced parking for six vehicles. This area is already hardsurfaced and utilised for this purpose, albeit informally. The proposals introduce a modest amount of planting along the north-western and western boundaries, where there is none at present. A modest amenity area would be provided to the south of the building, adjacent to the boundary with no.1 Mill Cottages.
- 43 In light of the above, the proposed building would sit reasonably comfortably within the site and the height, appearance, scale and design would be compatible with the locality. In the circumstances, the proposals would represent an acceptable balance between seeking to maximise the potential of this brownfield site whilst preserving the character of the area and the amenities of the street scene and the character and appearance of the adjacent Conservation Area.

Highway implications

- 44 Policies T1 and T2 explain that new development would mitigate any adverse travel impacts and should meet the required parking standards, with the NPPF stating that development should only be refused or prevented on transport grounds if residual impacts are severe.
- 45 The parking standards require the provision of one space per unit for one and two bed flats in a village location. This is provided on site in the form of the forecourt parking. In addition, the six flats would require one visitor parking space to be accommodated on street.
- 46 In response to concerns raised by third parties and Kent Highways, a parking survey was undertaken to ascertain levels of on-street parking. The survey has shown that there is sufficient capacity in the locality to accommodate this additional space. This is reinforced by an independent site visit during the evening.
- 47 Whilst there is no question that there is a clear perception that there is insufficient capacity to accommodate any visitor parking resulting from the proposals on the adjacent streets, evidence shows that there is capacity to cater for the proposals. Whilst it may be desirable to seek further parking on the site itself, there is no highway policy justification for this.

- 48 In light of the above the proposal would be policy compliant and that there is no other material consideration to justify otherwise.

Impact on residential amenity

- 49 Policy EN2 of the ADMP states that proposals will be permitted where they would safeguard the amenities of existing and future occupants of nearby properties. Of particular relevance here is the impact in terms of visual intrusion, potential overlooking and loss of privacy and the impact of associated vehicular movements.
- 50 The neighbouring properties most significantly affected by the proposals would be 43, 43A and 45 Esparto Way - these are contained within the Mill building directly opposite the site. The east elevation of the Mill building contains a number of large habitable windows sited in the west (front facing) façade of the proposed building.
- 51 The proposed apartment block would contain first and second floor windows, which would face west toward Esparto Way and could potentially be a degree of overlooking. However, the development would be set back from the frontage and with the intervening road, it would be sited approximately 16-17m away. Furthermore, the area is characterised by high density development with residential blocks close to each other and there are similar separation distances between houses across New Road, for example.
- 52 In the circumstances, it is not considered that the proposal would result in an unacceptable degree of overlooking upon properties within Esparto Way.
- 53 Southern facing windows in the proposed building have been kept away from the southern boundary of the site. Whilst it is acknowledged that there would be a degree of overlooking of gardens to the south (rear of 1-4 Mill Cottages in particular), neighbouring houses already overlook each other's gardens. The only western windows would be high level, thus there would be no overlooking to the west.
- 54 With regard to the visual impact, as previously mentioned, 2A New Road would be set at a slightly higher ground level and would be set slightly away from the boundary. Therefore, whilst it has first floor windows overlooking the site, these would look onto the hipped roof of the proposed development, and therefore the proposed development would not appear unduly dominant or overbearing.
- 55 Similarly, because of the footprint and layout of the proposed building, it is considered to be sufficient separation distance between properties, when viewed from the rear of properties to the south, it would not appear as an unduly overbearing form of development.
- 56 It is noted that the northern flank wall to 1 Mill Cottages contains a high-level window at ground floor level, which provides the main source of light to the dining/sitting area, although there is a secondary light source from

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its rear extension. The southern flank of the proposed development would not obstruct light to this window.

- 57 The forecourt parking area would potentially result in a degree of noise and disturbance to the occupiers of no.1 Mill Cottages in particular. However, the forecourt has been available and used for parking for a considerable time and it is not considered that the proposal would significantly exacerbate the situation.
- 58 In light of the above, the proposals would not result in unacceptable overlooking or represent an overbearing or unneighbourly form of development. The proposals would have an acceptable impact on the amenities of neighbouring occupiers and to be policy compliant in this regard.

Affordable Housing

- 59 Policy SP3 of the Council's Core Strategy relates to the provision of affordable housing. In residential developments of less than 5 units that involve a net gain in the number of units, a financial contribution based on the equivalent of 10% affordable housing will be required towards improving affordable housing off-site.
- 60 However, advice in the National Planning Policy Framework (NPPF) amends the Government's approach. Paragraph 63 of the NPPF explicitly states that provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas such as an Area of Outstanding Natural Beauty where polices may set out a lower threshold of 5 units or fewer. Within the glossary of the NPPF, major development is defined as, 'for housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.
- 61 Since the development size is below the relevant thresholds, a strict adherence to the edicts of Policy SP3 is unlikely to be substantiated at appeal as such a contribution to affordable housing would not therefore be sought on a development of this size.

Other matters

- 62 The extreme frontage of the site adjacent to Horton Road is within a Flood Zone 2 and is liable to flooding (between 1:1000 and 1:100 year chance of flooding). However, the frontage is already hardsurfaced and the proposals would not change this, although they do introduce a small element of soft landscaping, which would potentially provide a minor improvement.
- 63 The site also falls within a Zone of Archaeological Potential. KCC Archaeology have previously considered the proposals and would raise no objection subject to an appropriate condition.

Community Infrastructure Levy (CIL)

64 The proposals would be liable to CIL and no exemption has been sought.

Conclusion

65 The site lies within the built confines and redevelopment of the site is considered acceptable in principle. The proposals are considered to represent an acceptable size and design and they would have an acceptable impact on the amenities of neighbouring occupiers and would meet the relevant parking standards.

66 In conclusion, the proposal represents as an acceptable balance between seeking to maximise the potential of this brownfield site whilst preserving the character of the area and the amenities of the street scene and the character and appearance of the adjacent Conservation Area.

67 It is therefore recommended that the application is approved.

Background papers

Site and block plan

Contact Officer(s): Jim Sperryn

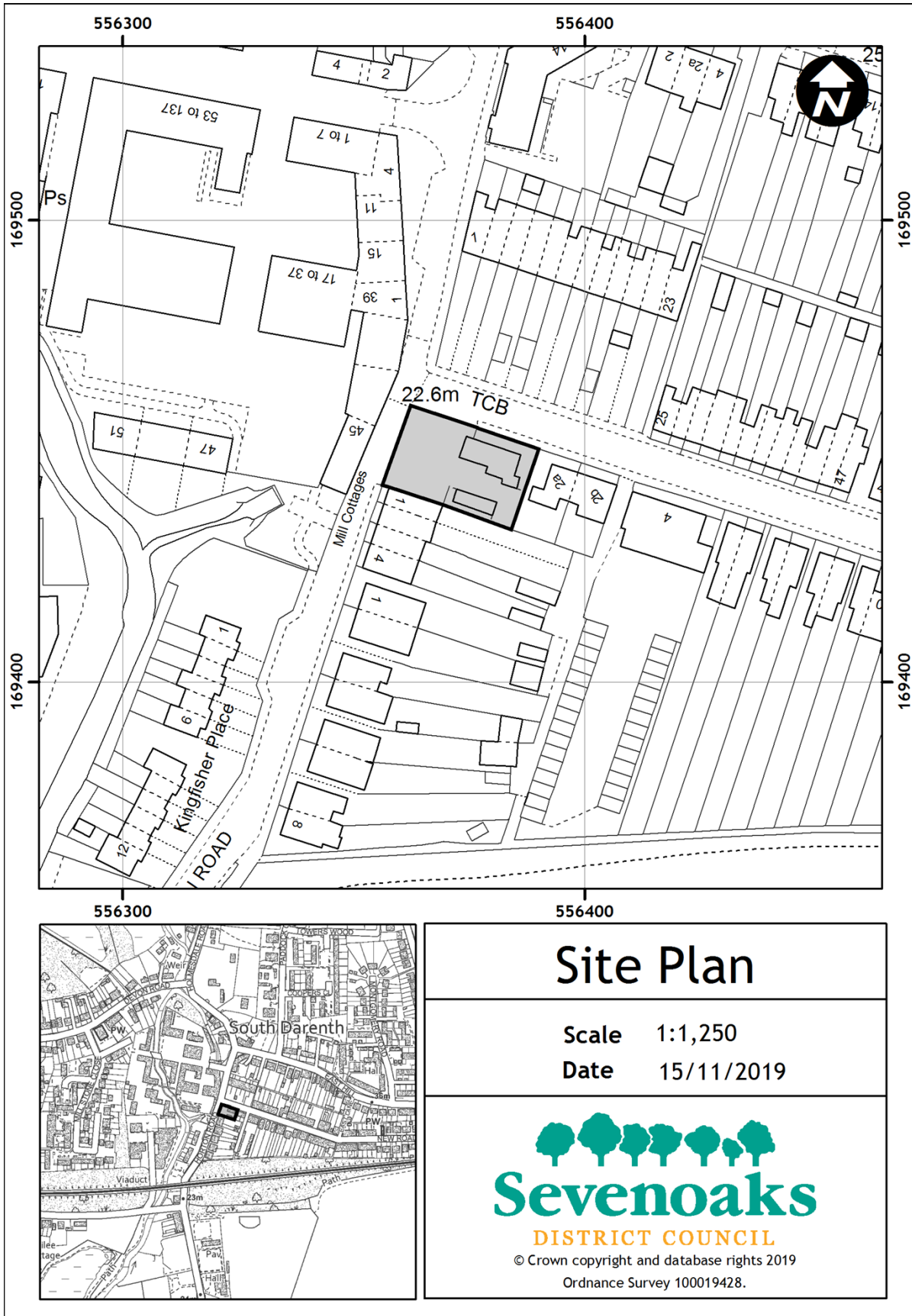
Extension: 01732 227000

Richard Morris

Chief Officer Planning & Regulatory Services

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Link to associated documents: <https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PUJDMCBKJPO00>



BLOCK PLAN



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Planning Application Information on Public Access - for applications coming to

DC Committee on Wednesday 18 December 2019

4.1 19/01445/LDCEX

Link to application details: <https://pa.sevenoaks.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

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4.2 19/02339/FUL

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4.3 19/02065/FUL

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