

16 January 2020 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks  
Despatched: 08.01.20



## 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. <b>Minutes</b> To approve the minutes of the meeting of the Committee held on 18 December 2019, as a correct record.	(Pages 1 - 10)	
2. <b>Declarations of Interest or Predetermination</b> Including any interests not already registered.		
3. <b>Declarations of Lobbying</b>		
4. <b>Planning Applications - Chief Planning Officer's Report</b>		
4.1 <del>Abbeyfield, St Marys, 15 The Glebe Field Shoreham Lane Riverhead Kent</del> <del>Change of use from residential assisted living to a house of multiple occupation (Sui Generis).</del>	WITHDRAWN	
4.2 <b>Porters Farm, Birchin Cross Road, Knatts Valley Kent TN15 6XH</b> Change of use and conversion of 3 no. agricultural barns to provide 4no. residential dwellings, including partial demolition of existing barn, with associated landscaping, access and parking.	(Pages 27 - 54)	Claire Shearing 01732 227000

- 4.3 **Land Opposite, 9 - 16 Church Lane, Kemsing Kent TN15 6LU** (Pages 55 - 72) Jim Sperryn  
01732 227000  
Erection of 3 no. dwellings and amendments to road and parking layout. As amplified by amended site plans and amended Arboricultural Report and ecological assessments.
- 4.4 **11-13 High Street, Swanley, Kent BR8 8AE** (Pages 73 - 96) Claire Shearing  
01732 227000  
Proposed demolition of existing building. Erection of new building to provide A1 Retail at part ground floor and C3 residential accommodation 11 units at ground to second floor with a 12th unit in attic floor space and 3 apartments to the third floor. Provision of rear undercroft.

#### 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](mailto:democratic.services@sevenoaks.gov.uk) or speak to a member of the Democratic Services Team on 01732 227000 by 5pm on Monday, 13 January 2020.

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](mailto:democratic.services@sevenoaks.gov.uk).

**DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held on 18 December 2019 commencing at 7.00 pm

Present: Cllr. Reay (Chairman)

Cllrs. Brown, Perry Cole, Coleman, P. Darrington, Hunter, Layland, McGarvey, Reay and Roy

Apologies for absence were received from Cllrs. Barnett, Cheeseman, Firth, Hogarth, Hudson, Pett, Purves, Raikes and Williamson

Cllr. Dickins was also present.

43. Minutes

Resolved: That the Minutes of the meeting held on 14 November 2019 be agreed and signed by the Chairman as a correct record.

44. Declarations of Interest or Predetermination

Councillor McGarvey declared that for Minute 44 - 19/02065/FUL - Former South Darenth Fire Station, New Road, South Darenth, Kent DA4 9AT that he had called the item to Committee and would speak as the local Member and would not take part in the debate or voting thereon.

45. Declarations of Lobbying

There were none.

RESERVED PLANNING APPLICATIONS

The Committee considered the following planning applications:

46. 19/01445/LDCEX - Land Rear Of Little Buckhurst Barn, Hever Lane, Hever Edenbridge KENT TN8 7ET

The proposal sought planning permission for proposed use of the building as a dwelling house. The application had been referred to Development Control Committee by Councillor Dickins to consider whether the evidence available justified the grant of the Lawful Development Certificate.

Members' attention was brought to the main agenda papers.

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The Committee was addressed by the following speakers:

Against the Application:	Lisa Cowell
For the Application:	Joe Alderman
Parish Representative:	-
Local Member:	Councillor Dickins

Members asked questions of clarification from the speakers and officers.

In response to questions Members were advised that it was down to the applicants to provide evidence to demonstrate their case that the property had been used as a dwelling house for a continuous period. It was confirmed that the property did not have to be lived in by the same occupants for the 4 years.

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

Members debated the application and acknowledged that evidence had been provided. It was discussed whether the evidence was consistent enough to prove occupancy for the 4 years especially as Council Tax had only been paid since April 2019.

The motion was put the vote and it was lost.

Councilor Hunter moved and it was duly seconded that the Lawful Development Certificate be refused on the grounds that evidence had not been submitted that demonstrated, on the balance of probabilities that the building located on land rear of Little Buckhurst Barn had been used as a separate residential dwelling for more than 4 years.

The motion was put to the vote and it was

Resolved: That the Lawful Development Certificate be refused on the grounds that evidence had not been submitted that demonstrated, on the balance of probabilities that the building located on land rear of Little Buckhurst Barn had been used as a separate residential dwelling for more than 4 years and was therefore not immune from enforcement action and not lawful, in accordance with Section 191 of the Town and Country Planning Act 1990 (as amended).

#### 47. 19/02339/FUL - Park House Farm, Bower Lane, Eynsford KENT DA4 0HN

The proposal sought planning permission for the demolition of existing barn with residential consent and construction of replacement dwelling. The application had been referred to Development Control 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.

Members' attention was brought to the main agenda papers and the late observation sheet which amended condition 3.

The Committee was addressed by the following speakers:

Against the Application: -  
For the Application: Cliff Patten  
Parish Representative: Philip Ward  
Local Member: -

Members asked questions of clarification from the speakers and officers. In response to a question Officers confirmed that it would be possible to include the condition suggested by Kent County Council.

It was moved by the Chairman that the recommendations within the report, and the suggested condition as recommended by KCC Highways for the gates to open away from the highway and to be set back a minimum 5 metres from the edge of the carriageway be agreed.

Members debated the application.

The motion was put to the vote and it was

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

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

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

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 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 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

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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.

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

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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.

- 13) No gate shall be erected across the vehicular access/driveway within 5m of the carriageway or be installed other than to open into the site and away from the public highway.

48. 19/02065/FUL - Former South Darenth Fire Station, New Road, South Darenth KENT DA4 9AT

The proposal sought planning permission for the redevelopment of the former Horton Kirby Fire Station to construct a two storey building, with the additional accommodation in the roof space, to provide 4 x 2 bedroom and 2 x 1 bedroom apartments, with the ancillary access and bin storage facilities as amplified by Technical Note received 20.9.19. The application had been referred to Development Control Committee by Councillor McGarvey so that the impact of the proposals on parking can be considered.

Members' attention was brought to the main agenda papers and late observation sheet, which did not amend the recommendation.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Jeff Haskins
Parish Representative:	-
Local Member:	Councillor Philip McGarvey

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

Members debated the application, noting that KCC did not object to the application and that highway surveys has been completed.

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.



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- 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.

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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

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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](http://www.sevenoaks.gov.uk) for further details.

(After addressing the Committee as a Local Member Councillor McGarvey did not take part in the debate or voting thereon and left the meeting).

THE MEETING WAS CONCLUDED AT 8.11 PM

CHAIRMAN



4.1 19/02127/FUL Revised expiry date 18 January 2020

Proposal: Change of use from residential assisted living to a house of multiple occupation (Sui Generis).

Location: Abbeyfield, St Marys, 15 The Glebe Field Shoreham Lane Riverhead KENT

Ward(s): Dunton Green & Riverhead

**Item for decision**

Councillor Bayley has referred this application to Development Control Committee to assess the impact of the development upon the existing residential amenities of neighbouring occupiers.

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

1) Further details of the new stairwell to provide access onto Amherst Hill, including its reveal, steps and handrail drawn at a scale of 1:20 shall be submitted to the local planning authority within 3 months of the date of this decision. The approved details shall be implemented in full within 3 months of their approval by the local planning authority and maintained thereafter.

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

2) Samples of the materials to be used in the construction of the stairs hereby permitted shall be submitted to the local planning authority within 3 months of the date of this decision. The approved details shall be implemented in full within 3 months of their approval by the local planning authority and maintained thereafter.

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) Further details of a replacement boundary treatment to the north eastern common boundary of the site shall be submitted to the local planning authority within 3 months of the date of this decision. The approved details shall be implemented in full within 3 months of their approval by the local planning authority and maintained thereafter.

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

4) Within six months of the date of this decision, the surfacing, drainage and marking out of the car spaces as shown on approved plans shall be completed in full and no development such preclude access to the car spaces hereby permitted.

In the interest of highway safety.

5) Details of enclosures, secure weatherproof cycle storage and screened facilities for the storage of recycling container and wheeled refuse bins or other refuse storage containers and where applicable, together with a point of collection, shall be submitted to the local planning authority within 3 months of the date of this decision. The approved details shall be implemented in full within 3 months of their approval by the local planning authority. The facilities shall be retained as approved thereafter.

In the interests of highway safety.

6) Within 3 months of the date of this decision, full details of soft landscape works shall be submitted to and approved in writing by the local planning authority. Those details shall include: -planting plans (identifying existing planting, plants to be retained and new planting); -a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); - any details of enclosures or hard surfaces; and -a programme of implementation including any necessary tree protection measures during construction. Only the approved details shall be carried out in the planting season following the date of approval of details hereby granted.

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.

7) No more than 13 persons shall be resident at the property at any one time.

To protect the amenities of the area as supported by Policies EN1, EN2 of the Sevenoaks Allocations and Development Management Plan.

8) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 1 unnumbered 1:1250 scaled location plan, 1 unnumbered 1:200 access and parking plan and 1 unnumbered 1:200 scaled ground and first floor plans.

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

9) 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 privacy of residents as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

To safeguard the privacy of residents as supported by Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

### **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 is situated within Riverhead Conservation Area and is accessed from Shoreham Lane via Glebefields.
- 2 The property is low lying from the lane and from the detached dwellings of Glebefield. The area is predominately residential/suburban in character. It is located at the end of a cul-de-sac, with its own parking arrangements. Glimpses of the building can be seen from Amherst Hill where the building is on higher ground than that highway.

### **Description of proposal**

- 3 The proposal primarily relates to the conversion of the property a large House in Multiple Occupation (HMO) (sui-generis use) together with an enlarged parking area for 13 cars and new pedestrian access onto Amherst Hill.

### **Relevant planning history**

- 4 86/01501 - Revised details of the erection of an Abbeyfield home for the elderly - GRANTED
- 5 95/00418 - Extension and internal alterations, conservatory and new storage in roof area and provision of new roof - GRANTED
- 6 08/03287 - Single storey rear extension; internal reconfiguration including relocation of side door and window - GRANTED
- 7 00/01724 - Installation of new window openings and softwood windows - GRANTED
- 8 12/00930 - The construction of a new dormer window with Juliet balcony to first floor bedsit - GRANTED

(Item No 4.1 )

## Agenda Item 4.1

### Policies

- 9 National Planning Policy Framework (NPPF)
- 10 Core Strategy (CS)
- SP1 Design of New Development and Conservation
  - SP5 Housing Type and size
  - LO1 Distribution of Development
  - LO2 Development in Sevenoaks
- 11 Allocations and Development Management Plan (ADMP)
- SC1 Presumption in favour of Sustainable Development
  - EN1 Design Principles
  - EN4 Heritage
  - T2 Vehicle Parking
- 12 Other:
- SDC Riverhead Conservation Area Appraisal
  - Appendix 2 ADMP - Guidance for residential parking
  - National Planning Policy Guidance (NPPG)
  - Community Infrastructure Levy Regulations

### Constraints

- 13 The following Constraints apply:
- Riverhead Conservation Area
  - Built confines of Sevenoaks

### Consultations

- 14 Riverhead Parish Council

Objects for the following reasons:

- Inadequate parking
- Increased disturbance to neighbours caused by traffic
- Anti-social behaviour
- Burden on services within Riverhead
- Loss of the C2 use



15 KCC Highways

No objection raised. Parking provision adequate and traffic generation is not likely to change as a result of the changes and considered to be insignificant in terms of its impact of local roads.

16 SDC Conservation Officer

“There is no objection the principle of a pedestrian entrance in this wall. The wall makes a positive contribution to the character of the conservation area and one of the qualities is the extent of the long unbroken length that creates a prominent presence in the townscape. The introduction of a pedestrian accesses to this wall of approx. 1m wide in this location (towards one end) still allows the characteristics of the wall to be appreciated. Whilst each case is determined on a case by case basis, it is important that this is not considered to be a precedent for further interventions into the wall which could be harmful to the special interest.”

17 SDC Tree Officer

“The proposed creation of car parking spaces numbered 7 through to 13 on drawing entitled "proposed access & parking", will necessitate the removal of a mature mixed shrub bed at that location. In addition an amount of young mature Sycamore trees located adjacent to the north eastern boundary will either require removal or will suffer root damage. I am unsure at this stage which side of the fence the trees are growing from as access to the trees is not possible due to the dense foliage. The mature shrubs are not protectable and I consider the Sycamores to not be of the quality that I would consider for a TPO. I am pleased to see that the remaining shrub bed located adjacent to the eastern boundary and the neighbouring mature Pine tree is to be retained. The planting within it is poor but more importantly its retention will ensure the protection of the rooting area of the Pine tree.”

18 SDC Housing Policy (summary)

“With limited developable land across the District (93% GB/60% AONB) and a consequent need to increase density to deliver much-needed lower-quartile housing, HMO accommodation would be a good option to make effective use of the site, i.e. to maintain high density development as opposed to, say, a low density executive/detached house development - as is often seen in the vicinity of Sevenoaks. It would also help to rebalance the local housing stock, which is a strategic aim and as set out in the District Council’s Housing Strategy (2017).”

19 Kent Fire and Rescue Service

“...access to the site for the Fire and Rescue Service as required by Section 53 of the County of Kent Act 1981, is adequate”

**Representations**

(Item No 4.1 )

## Agenda Item 4.1

20 29 letters of objection have been received relating to the following issues:

- Increase in traffic generation - 250%
- Glebefield has no footpaths
- Loss of a care home
- Loss of landscaping
- No allowance of disabled car parking
- Prevents safe access for refuse and emergency service vehicles
- Create illegal parking activity
- Anti-social behaviour
- Inappropriate breach of the ragstone wall
- Increase in noise and disturbance
- Contravention of existing covenant and planning condition
- Inadequate parking
- Unjustified walkway
- Loss of trees/landscaping
- Increased pollution
- Change in character and appearance of the area/Conservation Area
- Overcrowding misleading statements within planning statement
- New stairs would interfere with existing telegraph pole

21 1 rebuttal has been received from the applicant's agent.

### Chief Planning Officer's appraisal

22 The main planning consideration are:

- Principle of development
- Impact upon character and appearance of the area/Conservation Area
- Impact upon the residential amenity
- Highways

### Principle of the development

23 The National Planning Policy Framework (NPPF) is a material consideration and sets out a presumption in favour of sustainable development. It also seeks to ensure that positive planning solutions are found to ensure that economic development is brought forward. It sets out the three dimensions to sustainable development; these being *the economic role* (includes the need to build a strong, responsive and competitive economy; *the social role* (includes the need to support strong vibrant and healthy communities) and *the environmental role* (includes the need to protect and enhance the natural, built and historic environment).

24 The site is clearly previously developed land. However, it should be noted that the definition of Previously Developed land in Annex 2 of the NPPF

(Item No 4.1 )

states that 'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed infrastructure.

- 25 SC1 of ADMP states that when considering development proposals, we will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. We will work proactively with applicants jointly to find solutions meaning proposals can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with policies in the Development Plan will be approved without delay unless material planning considerations indicate otherwise.
- 26 At a local level, policies L01 and L02 of the Core Strategy require development to be focused within the built confines of existing settlements. The Sevenoaks urban area will be the principal focus for development in the District. Policy L02 of the Core Strategy places emphasis that suitable employment sites would be retained and for the provision for housing within Sevenoaks Urban Area.
- 27 It is recognised that the site is located within the built confines of Sevenoaks and it is clear that development plan policies seek to maximise the potential of such sites. This is especially important within Sevenoaks District where the majority of the District falls within the Green Belt.
- 28 Policy SP5 of the Core Strategy relates to the mix of housing types within the District as well as encouraging housing specifically designed for older people and the need for smaller units of accommodation. It should be noted that there is no local plan policy that restricts the loss of 'C2 use' accommodation.
- 29 Providing housing is one of the most important issues facing the District. The demand for housing in Sevenoaks exceeds supply, and a shortage of land, a growing population and high prices all contribute to housing pressures. SDC Housing Policy acknowledge that HMO accommodation can provide for a particular need and, subject to good management/control measures being in place, this would be a good and affordable housing option whilst also helping to diversify the range of local affordable housing available. SDC Housing Policy acknowledge that "the re-use of the building would assist in re-balance the local housing stock, which is a strategic aim and as set out in the District Council's Housing Strategy (2017)."
- 30 Internally the property has a good standard of fittings and reasonably sized communal kitchen and living area. The space and layout are acceptable for 13 occupants. The property is licenced as an HMO and appears to provide a good standard of accommodation.
- 31 It is regrettable that the nursing home could no longer operate that has resulted in the loss of eleven nursing/care beds, however this provision could met elsewhere within the District. That said, it is recognised that further smaller housing units are required within the District and the change

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of use of the building to a HMO that provides small units of accommodation should be encouraged and is supported by SDC Housing policy.

- 32 As the proposal provides small units of accommodation, due to its proximity to services/facilities, and the residential units would contribute to the District's housing need, which would have social and economic benefits, the principle of the change of use of the building is accepted. The proposal comprises a sustainable development subject to further considerations below on its acceptability or not.
- 33 The representations made by third parties in relation to the covenant has been considered, however this is a private and civil matter and is not a planning material consideration.
- 34 Consideration has been given to the original planning appeal decision for the building itself. Planning permission was originally granted on appeal for the "the erection of an Abbeyfield Home and 7 dwellings" on The Glebefield under planning reference SE/81/549 and determined by the Planning Inspectorate at Appeal under reference T/APP/5280/A/83/00274/PH3. Subsequent applications were made, including revised details for the erection of an Abbeyfield Home for the elderly under planning references 84/00313 and 86/01501. Condition 5 of planning permission reference 86/01501 states:
- "This permission hereby granted shall enure only for the benefit of The Abbeyfield (Sevenoaks and District) Society Ltd, or any other registered housing association."
- 35 The reason behind this condition was to regulate the use, ensuring the traffic generation/impacts upon the residents of Glebefield/Shoreham Lane arising from the development is minimised. It is relevant that the condition pre dates the current development plan.
- 36 Policy CF2 of the ADMP is not applicable here as this land is identified as a form residential accommodation and not a community facility and therefore cannot be relied upon despite the representations made by third parties.
- 37 In terms of the mix and balance of housing in the area, the change of use from nursing home to a large HMO does not fundamentally change the balance of housing of provision of C3 and nursing homes. It is noted that there is deficiency and need for both types of housing accommodation in the District so the loss of one type of accommodation would lead to a net gain of the other. Therefore, the overall balance of housing provision within the District would not be materially harmed by this proposal.

### **Impact upon the character and appearance of the area and the Conservation Area**

- 38 Policy EN1 of the ADMP state that the form of proposed development should be compatible in terms of scale, height, density and site coverage with other buildings in the locality.

- 39 The existing property is already in use as an HMO, therefore the proposed change of use would not have a material impact on the character or appearance of the area. There would be no external alterations to the building, therefore the character and appearance of the existing building, and its contribution to the Conservation Area, would be maintained.
- 40 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.
- 41 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.
- 42 The proposed development would be making a breach into the boundary ragstone wall onto Amherst Hill to facilitate the creation of a new pedestrian stairway and access. By doing so will allow occupants safe passage onto the footpath network whereby at present there is no pedestrian access from Glebefields. The ragstone wall that runs along the southwestern boundary of site is not listed. However, it does make a contribution to the character of this part of Amherst Hill. The proposal intends to make an approximate 1m breach into the wall to facilitate the creation of a new stair/pedestrian access onto Amherst Hill. Indicative detail has been submitted, however further details of the new access can be secured by the use of an appropriate planning condition. The Council's Conservation Officer has reviewed the proposal has raised no objection to the principal of a new opening within this wall and that it will still allow for the original characteristics of the wall to be appreciated.
- 43 The designation of a Conservation Area does not mean that changes cannot occur, but rather that any change should preserve or enhance the features which make up its special character. The proposed opening would still allow the preservation of the Conservation Area and to some degree would enhance it, as it would assist in creating more of an active frontage encouraging more footfall in this part of the area. As such taking into account the above, the principle of the creation of a new pedestrian access is acceptable. Furthermore it should also be noted, that by allowing a breach within the wall does not set a planning precedent for similar proposals to follow. Each application must be judged on its own merits.
- 44 Within the site an enlarged parking area is proposed to allow safe off-street parking provision. To facilitate this, the existing landscaped area that includes mature shrubs to the northeastern boundary would need to be partially removed. In addition, it would also make a partial incursion into the root protection areas of some young sycamore trees. The Councils Tree Officer has been to site and advises that the trees affected are of low amenity value and that the mature shrubs are not protected. In light of this, if the adjacent trees were to suffer some root damage it is not considered that there loss would have a detrimental impact upon the character and appearance of the Conservation Area as they are not widely

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visible within the public domain. It is noted that the loss of the shrubs would open up the oblique views of the adjacent property; however a condition can be used to secure new boundary treatment to the northeastern boundary. Representations by third parties have objected to the loss of landscaping within the would harm the character of the area, despite this further landscaping can be secured elsewhere within the site and further boundary treatments can be erected within the site without the need for planning permission, under the auspices of Schedule Two, Part Two of the General Permitted Development Order 2015 as amended.

- 45 In the circumstances, the proposals would represent an acceptable balance between seeking the potential re-use of a building within an urban area whilst also preserving the character and appearance of the Conservation Area and the street scene.

### Impact upon the residential amenity

- 46 Policy EN2 of the ADMP seeks to safeguard the amenities of existing and future occupants of nearby properties, including from excessive noise, activity or vehicle movements.
- 47 The proposal does not include any external alterations, therefore there would be no loss of light, outlook or privacy to neighbouring properties.
- 48 Since the property has changed the nature of its occupants, the local residents have become increasingly concerned regarding the level of intensity of the use and representations have been made with regard to the number of vehicle movements.
- 49 This proposal creates accommodation for 13 occupants (under the current temporary HMO licence). The use of the building would, to some degree, intensify the use of the building compared to the previous use and are likely to generate more pedestrian and vehicle movements, at various times of the day, than the previous occupants of a nursing home.
- 50 The Trip Rate Information Computer System (TRICS) is a database of trip rates for developments used in the United Kingdom for transport planning purposes specifically to quantify the trip generation of new developments. The TRICS data shows that this proposed use would generate approximately an additional total of 8 vehicle trips over and above the previous care home use per day. Representations have been made regarding the noticeable increased in the amount of activity and the coming and goings to and from the property. Consideration has been given to the objections raised, however no substantive evidence has been advanced. With this in mind, together with the new pedestrian access onto Amherst Hill and provision of cycle storage on-site, these can be sought by condition and given the fact the site is located within a sustainable location, the use of the building is not considered to be significantly harmful to the existing amenity of the area.

- 51 For the above reasons, the development would not significantly harm the living conditions of nearby neighbouring occupiers with regard to noise and disturbance.

### Highways

- 52 Policy T2 of the ADMP state that vehicle parking provision in developments should be in accordance with the current KCC vehicle parking standards, with the NPPF stating that development should only be refused or prevented on transport grounds if residual impacts are severe.
- 53 In order to avoid pressure on the limited number of safe and on street spaces in the locality, it is reasonable that sufficient parking spaces should be provided on-site to meet the needs of the occupiers of the proposed HMO. As a sui generis use, there is no adopted parking standards for a HMO. However, it is useful to compare the likely level of required parking for one bedsit to that for a one bedroom flat.
- 54 As the occupants of the HMO would not be members of the same household the parking arrangements should allow for car to come and go without blocking each other in. It is clear at present within the site, that parking provision is inadequate and is not formally marked out. In any event if it were to be formally marked, approx. 7-8 parking spaces could be provided. The parking spaces and turning areas should be laid out in a way that would ensure that all spaces would be accessible at all times, and that cars would be able to enter and leave the site in forward gear, but at present this can be difficult.
- 55 No details have been provided of how the occupancy of the HMO would be managed, or otherwise demonstrated that the likely demand for parking spaces would be less than 1 space per occupant. The proposal would be an equivalent to the residential parking standard for a 1/2 bed flat in an urban area. It is clear, at present, that the existing paved area for parking does not effectively work and that the demand to safely and conveniently accommodate the required 13 spaces - (1 for each bedsit, 1 for the 2 bed flat and 2 visitor spaces) cannot be met. It is also evident that parking occurs upon the green amenity areas within site. This proposal seeks to resolve this issue by the extending the existing parking area to ensure 13 vehicles can be accommodated. KCC Highways states that the amount of the off-street parking provision proposed is acceptable and it is noted even though third party representations has expressed that parking is an issue, there has been no substantive evidence has been advanced to show that the proposed development would cause harm to highway safety.
- 56 It is also relevant that the site is located within a sustainable location with good access to public transport, and the adopted parking standards for a town centre or edge-of-centre location are a maximum standard.
- 57 For the reasons above, the proposed development would not significantly increase pressure for on-street parking in the area and therefore would not

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have a harmful effect on highway safety. The proposal would comply with Policies EN1 and T2 of the ADMP.

### Other issues

- 58 The use of the property as an HMO would not necessarily result in significant noise and disturbance, and excessively noisy behaviour by neighbours is not normally a matter of planning control. Reference has been made to anti-social behaviour at the property and in the area. However, this is a matter for the management of the building and the behaviour of its future occupants. There is no inherent reason why a well-managed 13 person HMO would result in the detriment of crime levels, the social fabric of the area, or the amenity of existing residents.
- 59 Other legislation exists outside planning control, including separate Environmental Health legislation, to assist in enforcing against excessive noise disturbance.
- 60 A condition limiting the number occupants is necessary as a more intensive use could have different impacts. A condition requiring details of bin storage is needed to ensure any area proposed would be accessible to occupants or to those collecting the bins.
- 61 There is no need for a time limit condition as the use is already being carried out.
- 62 Reference has been made with regard to the existing covenant that restricts the use of the site, however this is a private and civil matter and is not a planning material consideration.
- 63 Representations have been made within reference to the lack of access to the site for emergency vehicles and refuse collections. In regard to this, refuse collections are already being made to the site and that Kent Fire and Rescue have not objected to this proposal.

### Community Infrastructure Levy (CIL)

- 64 The development would not be CIL liable. The Sevenoaks CIL Charging Schedule charges for C3 residential uses, but not for sui generis HMO uses such as this.

### Planning Balance

- 65 The presumption in favour of sustainable development as set out in paragraph 11 of the NPPF is a material consideration. Where development plan policies are out of date in respect to housing supply this means giving weight to granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

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- 66 In environmental terms it is acknowledged that the site is in an accessible location close to a wide range of services and facilities, which can be reached on foot, by bike or by using public transport. In addition that there also is a need to make effective and efficient use of previously developed land especially in urban areas, which would protect valuable open space.
- 67 In social terms, the proposed conversion of the property would result in a net addition of units of accommodation. This makes a contribution to the District's housing need and the Government's aim to significantly boost housing. These above factors outweigh the identified limited harm caused to the existing residential amenity by the intensification of use of the property.
- 68 As such the proposal complies with the relevant development plan policies and there are no other material considerations to suggest otherwise
- 69 It is therefore recommended that this application is granted subject to conditions.

**Background papers**

Site and block plan

Contact Officer(s): Sean Mitchell

Contact: 01732 227000

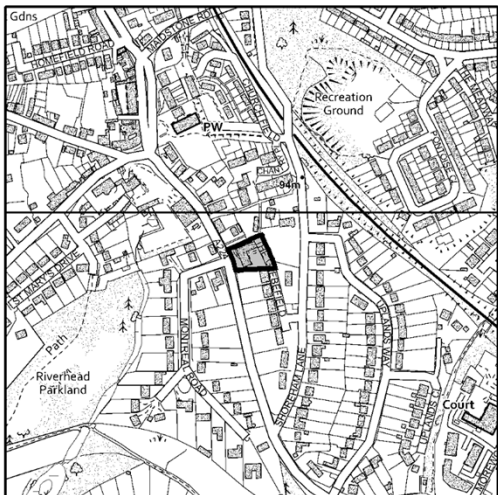
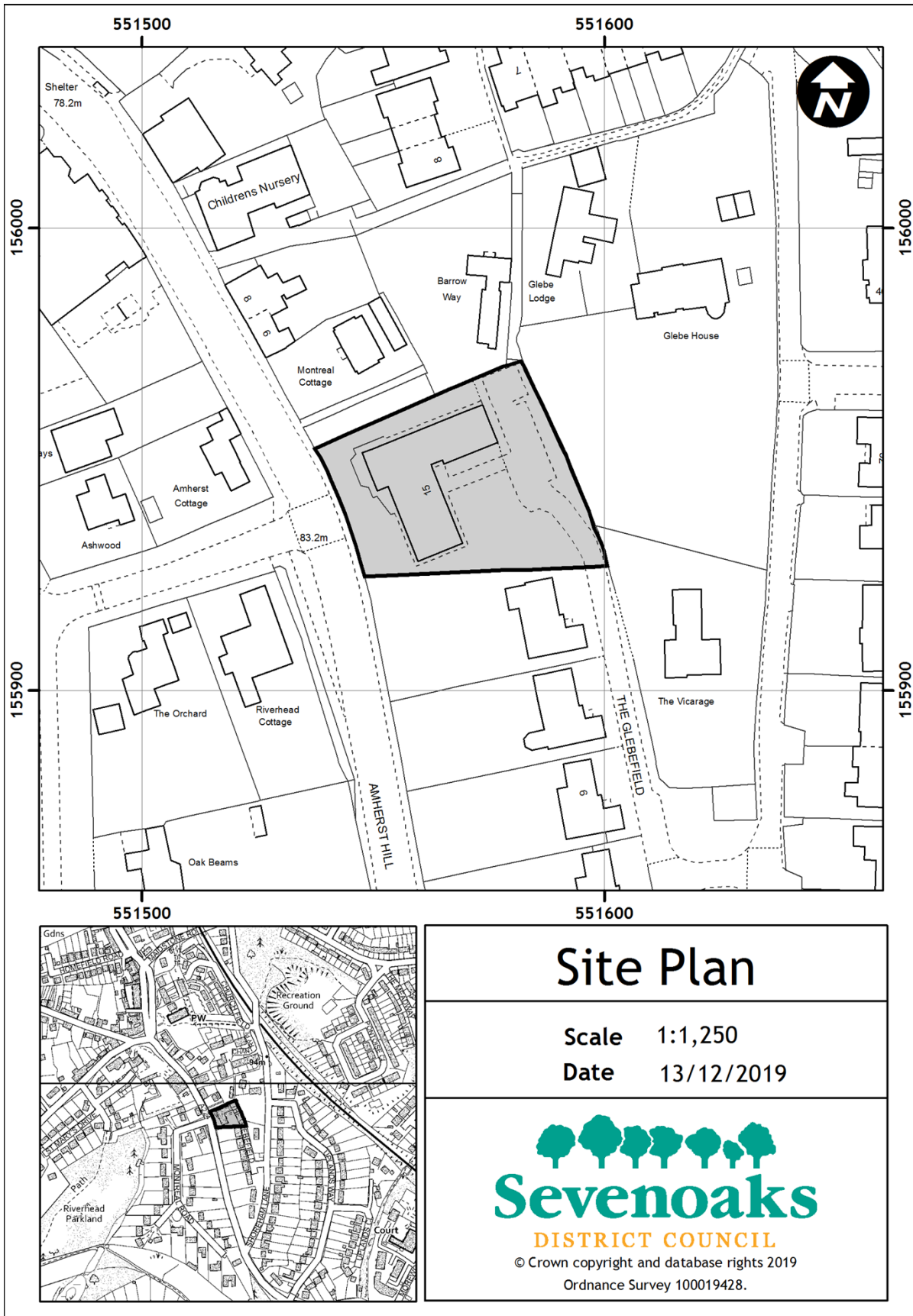
**Richard Morris**  
**Chief Planning Officer**

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=PUWC8NBKLDZ00>



# Site Plan

Scale 1:1,250

Date 13/12/2019



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Ordnance Survey 100019428.

BLOCK PLAN



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4.2 19/02863/FUL

Date expired 3 December 2019

Proposal: Change of use and conversion of 3 no. agricultural barns to provide 4no. residential dwellings, including partial demolition of existing barn, with associated landscaping, access and parking

Location: Porters Farm, Birchin Cross Road, Knatts Valley KENT TN15 6XH

Ward(s): Otford & Shoreham

**Item for decision**

The application has been referred to the Development Control Committee by Councillor Edwards-Winsor for reasons of: the impact on the Green Belt and whether the proposals comprise 're-use' of the existing buildings; harm to the AONB, and; the unsustainable location of the development and subsequent reliance on private cars.

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

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

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 478/02 rev.E, 478/03 rev.A, 478/04 rev.B, 478/05 rev.d, 478/06 rev.A, 478/07 rev.E, 478/08, 478/09, 478/10 rev.C.

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

3) Prior to the first occupation of any part of the development, full details of hard and soft landscaping across the site shall be submitted to and approved in writing by the Local Planning Authority. Those details shall include details of materials for all ground surfaces including measures to prevent the discharge of surface water onto the highway and use of a hard bound surface for the first 5 metres of the access from the edge of the highway. All soft landscaping shall be implemented not later than the first planting season following the first occupation of any part of the development. All hard surfaces shall be laid in accordance with the approved details prior to the first occupation of any part of the development.

To preserve the character and appearance of the area and the special landscape character of the AONB, to comply with policies EN1 and EN5 of the ADMP.

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4) 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 preserve the character and appearance of the area and the special landscape character of the AONB, to comply with policies EN1 and EN5 of the ADMP.

5) Prior to the commencement of development, details of the materials and finishes to the external facades of the buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details.

To preserve the character and appearance of the area and the special landscape character of the AONB, to comply with policies EN1 and EN5 of the ADMP.

6) Prior to the first occupation of any residential unit, the car parking area shall be fitted with electrical charging points for the safe charging of four electrical vehicles. These facilities shall be maintained at all times.

To ensure the development provides opportunities for the safe charging of electric vehicles, to comply with policy T3 of the ADMP.

7) Prior to the first occupation of any part of the site, visibility splays of 25 x 2m in both directions shall be provided at the point of access onto Birch Cross Road. Those visibility splays shall be maintained free of any obstructions above a height of 1.05m at all times.

To ensure safe access for vehicles, to comply with policy EN1 of the ADMP.

8) Prior to the first occupation of any part of the development, the parking spaces and associated turning areas shown on drawing 478/02 rev.E shall be provided in full and shall be so maintained and available for use as such at all times.

To ensure the development delivers appropriate parking provision and turning areas, to comply with policy EN1 of the ADMP.

9) Prior to the commencement of development (and vegetation clearance), the full reptiles precautionary mitigation measures, as detailed in paragraph 4.4.29 of the Preliminary Ecological Appraisal, and the full GCN method statement, as detailed in paragraph 2 of the Great Crested Newt Non-Licensed Method Statement shall be undertaken in accordance with the specifications set out in the strategies and be retained thereafter.

To ensure that appropriate mitigation is in place for protected species, to comply with Core Strategy policy SP11.

10) Prior to any demolition of the on plots 03 and 04, a precautionary bat mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. To ensure no harm occurs to bats during the demolition/conversion of the building, the precautionary strategy shall include : - An artificial woodcrete tree mounted bat box (Schwegler 2FN or similar) should be sited on a mature tree within the Site boundaries prior to the start of works and it

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must be detailed within the site and landscape plans; - Two artificial bat bricks (i.e. Schwegler 2FR bat tubes or similar) will be installed into the south-western aspect of the newly refurbished plot 03-04 to increase the roosting opportunities for bats; - A tool box talk will be undertaken to contractors involved in the demolition/conversion; - A licenced bat ecologist will search for evidence of bat activity around the building (i.e. fresh bat droppings);- Enclosed spaces (wooden beams, cavity walls...) will be removed by hand under the supervision of a licenced bat ecologist; - Once any features for bats have been searched for or dismantled to the level required, and no bats found, the works may continue without further restriction. In the unlikely event of a bat being found then works should cease immediately and a licence from Natural England sought. The development shall be carried out only in accordance with the approved details.

To ensure that appropriate mitigation is in place for protected species, to comply with Core Strategy policy SP11.

11) No external lighting shall be installed to any part of the site until a "lighting design strategy for biodiversity" for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting strategy shall: a) Take into account measures as described in paragraph 4.1.9 of the Bat Emergence/Reentry Survey Report; b) Identify those areas/features on site that are particularly sensitive for badgers, dormice and bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory; c) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory (including details of light spill which shall not exceed 1LUX on the vegetated boundaries). All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

To ensure that appropriate mitigation is in place for protected species, to comply with Core Strategy policy SP11, and to protect the special landscape character of the AONB to comply with policy EN5 of the ADMP.

12) Should it be necessary to cut back some of the onsite hedges (but not uproot), then such activity should be done during hibernation (taken to be November to March included), when dormice are hibernating at ground level. Should uprooting of any of the hedges be needed, there would be a need to check the vegetation for dormice nests by a qualified ecologist prior to cutting back, as per standing advice from Natural England.

To ensure that appropriate mitigation is in place for protected species, to comply with Core Strategy policy SP11.

13) Prior to commencement of development on the site (including demolition), details of protection measures for trees and hedgerows to be retained across the site shall be submitted to and approved in writing by the Local Planning Authority. Those protection measures approved shall be installed in full on the site prior to commencement of any development, and shall remain in situ for the duration of the construction process.

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To preserve the character and appearance of the area and the special landscape character of the AONB, to comply with policies EN1 and EN5 of the ADMP, and to protect existing habitats, to comply with policy SP11 of the Core Strategy.

14) Prior to the first occupation of any part of the site, details of an ecological enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. The measures contained in the approved plan shall be installed in full within 6 months of the first occupation of the development.

To ensure the development delivers ecological enhancements, to comply with policy SP11 of the Core Strategy.

15) 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, C, D, E, F, G and H of that Order.

To ensure that development within the permitted Classes in question is not carried out in such a way as to prejudice the appearance of the proposed development, the landscape character of the AONB, setting of the listed building or the amenities of future occupants of the development in accordance with Policy EN1, EN2 and EN5 of the Sevenoaks Allocations and Development Management Plan.

### **Informatives**

1) 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>

2) The applicant must 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) 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 and hedgerows are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and hedgerows 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.

4) 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.

#### **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 proposals relate to a triangular parcel of land situated between Birchin Cross Road to the south and Magpie Bottom to the north. The application site excludes the eastern tip of the triangle which contains the Grade II listed farmhouse of Porters Farm. The application relates to three farm buildings located on land to the west of the farm house and which benefit from a separate access from Birchin Cross Road.

#### **Description of proposal**

- 2 Planning permission is sought for the conversion of 3 agricultural buildings to provide 4 residential units. The proposals include the provision of parking spaces within the site and associated changes to the buildings.

- 3 The proposals also entail an alteration to the footprint of buildings on plots 03 and 04 (described below) to pull the building away from the edge of the highway of Magpie Bottom.

- 4 The submitted drawings refer to the three existing buildings as follows:

Plot 01- This is the far western detached barn comprising vertical metal cladding to its elevations and a corrugated metal pitched roof. The barn is entirely open on its north facing elevation.

Plot 02- A smaller detached barn set centrally within the site with vertical timber cladding and tiled roof.

Plots 03 and 04- These are two staggered but linked buildings which adjoin Magpie Bottom to the north. They are the closest to the listed building and comprise predominantly concrete block elevations with a corrugated metal roof.

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### Relevant planning history

- 5 On 1 April 2019, planning permission was refused under delegated powers for the change of use and conversion of existing barns to provide 5 residential dwellings, with associated landscaping and parking (19/00179/FUL). The application was refused for the following reasons:
1. The proposals would be inappropriate development in the Green Belt and harmful to the Green Belt by definition, contrary to policy GB7 of the Sevenoaks ADMP and the NPPF.
  2. The proposed development, by reason of the design and appearance of the resulting buildings and the proposed site layout, would fail to respond positively to the character and appearance of the area, or conserve and enhance the landscape character of the AONB, and would cause harm to the setting of the Grade II listed building of Porters Farm. This is contrary to policies EN1, EN4 and EN5 of the Sevenoaks ADMP, policy SP1 of the Sevenoaks Core Strategy, and the NPPF.
  3. The application fails to demonstrate that the proposed access arrangements are suitable, particularly with regard to movements of refuse and emergency vehicles, and the retention of the adjacent agricultural buildings to the west, contrary to policy EN1 of Sevenoaks ADMP.

### Policies

- 6 National Planning Policy Framework (NPPF)
- 7 Core Strategy (CS)
- L01 Distribution of Development
  - L08 The Countryside and the Rural Economy
  - SP1 Design of New Development and Conservation
  - SP11 Biodiversity
- 8 Allocations and Development Management (ADMP)
- SC1 Presumption in Favour of Sustainable Development
  - EN1 Design Principles
  - EN2 Amenity Protection
  - EN4 Heritage Assets
  - EN5 Landscape
  - EN6 Outdoor Lighting
  - GB7 Reuse of a Building in the Green Belt
  - T1 Mitigating Travel Impact
  - T2 Vehicle Parking
  - T3 Provision of Electrical Vehicle Charging Points

9 Other:

- Sevenoaks Development in the Green Belt Supplementary Planning Document (SPD)
- Countryside Character Assessment Supplementary Planning Document (SPD)
- Kent Downs AONB Management Plan

**Constraints**

10 The following Constraints apply:

- Area of Outstanding Natural Beauty
- Metropolitan Green Belt
- Biodiversity Opportunity Area
- Adjacent listed building of Porters Farm (Grade II)

**Consultations**

11 Shoreham Parish Council

Objection - "Shoreham Parish Council objects to this development for the following reasons:

- 12 The proposed development would constitute inappropriate development in the Green Belt, as it requires major reconstruction of the three existing farm buildings to make them suitable for residential use.
- 13 The proposal is contrary to the National Planning Policy Framework 2018, policies L01 and L08 of the Core Strategy (2011); policies EN5 and GB7 of the Allocations and Development Management Plan (2015), the Development in the Green Belt Supplementary Planning Document (2015) and policies ST1 and GB1 of the submitted Sevenoaks District Local Plan
- 14 There are no very special circumstances in this case which would justify development of the reconstructed dwellings for residential use in this Green Belt location.
- 15 The application site is in open countryside, forming part of the Metropolitan Green Belt, approximately 3 km east of the village of Shoreham. The hamlet of Romney Street lies around 1 km to the north. The larger settlements of Otford and Kemsing are approximately 2 km to the south. Access roads to the application site are narrow, winding country lanes, often single track with passing places, and bounded by high mature hedges giving little forward visibility. The site fronts onto Birchin Cross Road (south east side) and Magpie Bottom (north west side), both of which roads have these characteristics.
- 16 The site is on a small elevated plateau within the North Downs, more than 200 metres above sea level, which affords extensive views, particularly to the north and east

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- 17 The Grade 2 listed Porters Farm House (originally c.17, but with a c.19 front span) is situated immediately to the north-east of the application site. Other farm buildings are located immediately to the south west, and will be retained in agricultural use.
- 18 The planning application proposes change of use and conversion of three agricultural buildings on the site to residential use, forming 4 no. new dwellings.
- 19 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 Belt are their openness and permanence (NPPF 2019 paragraph 133)
- 20 Within Green Belt, it is both national and local planning policy to strictly control inappropriate development in order to preserve these essential characteristics of openness and permanence.
- 21 National guidance in NPPF 2019 paragraph 143 is that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”.
- 22 The construction of new dwellings is identified as inappropriate in the Green Belt, although construction of buildings for agriculture and forestry is identified as being an exception in paragraph 145. Paragraph 146 also allows an exception for the re-use of buildings, provided that the buildings are of permanent and substantial construction.
- 23 National policy is elaborated further in local planning policy, in particular policy GB7 of Sevenoaks District Council’s (SDC) “Allocations and Development Management Plan” and the accompanying “Development in the Green Belt SPD”, both adopted in 2015. Policy GB7 states that proposals for re-use of a building in the green Belt which would meet the following criteria will be permitted:  
  
Policy GB7 - Re-use of a Building within the Green Belt  
  
Proposals for the re-use of a building in the Green Belt which would meet the following criteria will be permitted:  
  
a) the proposed new use, along with any associated use of land surrounding the building, will not have a materially greater impact than the present use on the openness of the Green Belt or harm the existing character of the area; and  
  
b) the applicant can demonstrate through a detailed structural survey and method statement that the buildings are of permanent and substantial construction and are capable of conversion without major or complete re-construction that would detract from their original character.
- 24 Where a proposal seeks the re-use of an agricultural building constructed within the last 10 years, it will be necessary for the applicant to

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demonstrate that there is no longer an agricultural need for the building, or that the building is no longer fit for its agricultural purpose.

- 25 Where it is accepted that there is no future agricultural need for the building, the Council will resist future proposals for new agricultural buildings, unless it is apparent that they are of a different type and nature than that previously identified as being surplus to requirements.

- 26 Supporting text for policy GB7 states in paragraph 7.44 that:

Where the proposed conversion relates to an agricultural building, the applicant should demonstrate that the building is no longer required for agricultural purposes. Where it is demonstrated and accepted that there is no longer an agricultural need for the building, the Council will not permit the future construction of new agricultural buildings of the same type and nature unless it is satisfied that circumstances have significantly changed that would warrant allowing the proposal

- 27 Local planning policy is further elaborated in the “Development in the Green Belt SPD” where paragraphs 4.4 and 4.9 state:

Conversion of a building that requires substantial rebuilding in order to make it suitable for re-use will not be permitted. As a starting point when determining whether a proposal constitutes substantial new rebuilding, the Council will wish to see at least 75% of the original structure maintained to protect its character. However, the Council recognise that in some instances proposals may be able to protect the character of the existing building with a lesser proportion of the original structure being retained

Where the conversion of existing buildings would lead directly to a need for a replacement building and this could have a significant detrimental effect on the Green Belt, the Council will not generally permit the future construction of new agricultural buildings of the same type and nature and will consider the need to attach a condition to the permission removing permitted development rights for the erection of new buildings. The purpose of this control is to ensure that new agricultural buildings in the Green Belt are not permitted solely for the intention of subsequent conversion.

- 28 Sevenoaks District Council published a new draft Local Plan in December 2018, which they submitted for independent examination in April 2019. The new plan looks ahead to 2033. This reaffirms the application site and its surroundings as Green Belt. At the same time, the District Council consulted on a new “Development in the Green Belt” Supplementary Planning Document. Both documents await formal examination and so, as yet, carry little weight in planning decisions.

- 29 On the basis of existing national and local planning policy, the key issues are:

Whether the buildings proposed for residential use are no longer required for agricultural purposes; the impact of the proposals on the openness of the Green Belt; whether the proposed works to enable residential use of the

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buildings represent “re-use” or whether they involve major reconstruction; on the basis of the above matters, whether the proposals are, or are not, inappropriate development in the Green Belt.

- 30 Whether the buildings proposed for residential use are no longer required for agricultural purposes:

The application proposals comprise re-use and conversion of three buildings:

Building A: a pre-cast concrete frame building with profiled side and roof cladding and open side , approx. 18 X 10 metres Used for hay storage: to be converted to 1no.dwelling ( Plot 1) .

Building B: a timber framed building formed of blockwork and timber cladding, approx. 11 X 6 metres, Used for general storage: to be converted to 1.no dwelling (Plot 2).

Building C: a larger pre-cast concrete framed building of approx. 14 x 13 metres with profiled cladding above blockwork. Used for garaging farm vehicles and equipment storage: to be converted to 2.no dwellings (Plots 3-4)

- 31 All three are utilitarian agricultural buildings of the type frequently seen in the Kent countryside. Whilst they have no intrinsic architectural merit, they have been part of the rural scene at Porters Farm for many years. They appear to have been in active agricultural use right up to the present time, as evidenced by the applicants’ structural engineers’ photographs from 2018. Although the owners do not appear to have undertaken carried out much basic maintenance on the buildings in recent years, there appears to be no obvious reason why they could not continue in agricultural use with very modest investment in routine maintenance.
- 32 The applicants claim that the buildings “are no longer required for agricultural use”, but they are being used today to store straw, hay and agricultural machinery and, with routine maintenance, could still be used in that way for many years to come
- 33 (b) the impact of the proposals on the openness of the Green Belt
- 34 The application proposals will not extend the building footprint of the three buildings and will result in the demolition and removal of some small ancillary agricultural structures on the site. On this basis, the applicants claim that the proposals will increase the openness of this part of the Green Belt.
- 35 However, set against that, the proposals will take an area of 0.447 hectares (or 1.10 acres) out of agricultural use and into residential curtilages. This would introduce a range of domestic paraphernalia which will fundamentally change the openness of the Green Belt. These changes will include driveways and hardstanding areas for 10 vehicles and could also include sheds, lighting, washing lines, waste bins, children’s play equipment and

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other items which are permitted development and which are notoriously difficult to control, even if planning conditions are imposed. The impact will also be apparent at night when the light spillage from four new residential properties with extensive glazing on Buildings A and C (necessary to bring natural light into the buildings) will be very apparent to travellers along adjacent rural roads.

- 36 If the existing buildings are all redundant in terms of agricultural use by the current owner or agricultural tenant, and there is a risk of their becoming a visual eyesore, the alternatives would be maintain them properly and make them available to another working farm, or to demolish them and completely restore the site to rural uses. The latter option would fully restore the openness of this Green Belt site.
- 37 (c) whether the proposed works to enable residential use of the buildings represent “re-use” or whether they involve substantial reconstruction
- 38 The Structural Engineer’s report provided with the application describes the current condition of Buildings A, B and C, and the range of works that will be necessary to convert them for residential use.
- 39 The Parish Council have not commissioned their own independent structural survey, so have to rely on that prepared by the applicant’s engineers.
- 40 Building A

The applicants’ structural engineers report recommends a number of structural works and various other works are proposed to enable the building to be converted to residential use:

- The existing concrete frame is retained , but strengthened with lateral stability measures and corrosion protection
- Concrete repair, strengthening or replacement to the existing edge beams and purlins
- New perimeter walls with masonry cavity walls, and internal walls
- New clay tile roofing and new concrete roof purlins and concrete edge beam
- Insertion of roof lights and extensive external glazing to bring light into the building
- New foundations under walls and to support ground floor slab
- Insertion of timber upper floor

Whilst the Building Regulations are not a planning matter, they do bear on the issue of how much building and reconstruction work will be required in terms of matters such as provision of cavity walls and appropriate insulation to meet national energy efficiency standards

- 41 Building B

Again, the applicants’ structural engineers recommend a number of structural works, and various other works are proposed to enable the building to be converted to residential use:

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Addition of ply sheeting to walls, as required; Foundation underpinning to perimeter walls; Strengthening roof covering and insertion of roof truss; Possible new ground floor slab; Insertion of new windows and doors on all elevations.

### 42 Building C

Again, the applicants' structural engineers recommend a number of structural works, and various other works are proposed to enable the building to be converted to residential use:

The existing concrete frame is retained , but strengthened with lateral stability measures; New perimeter walls with masonry cavity walls; New clay tile roofing and new concrete roof purlins, concrete edge beam, and metal cleats; Insertion of ply decking to strengthen the roof structure; Insertion of roof lights and extensive external glazing to bring light into the building; New foundations under walls and ground floor slab; Insertion of timber upper floor; Possible replacement of ground floor concrete slab.

- 43 By any reasonable assessment, all these changes to the buildings to enable residential use can hardly be termed "re-use of existing buildings". They represent major reconstruction of these buildings, necessitated by their current very basic structure and simple, utilitarian, walls and roofing materials.
- 44 In the case of Buildings A and C , these were designed to enclose large spaces for agricultural storage .This large size also makes residential use difficult without large scale reconstruction works to bring in natural light. It is accepted that the degree of work necessary with Building B is of a lesser degree, but these have to be considered within the overall package for which planning permission is sought
- 45 (d) on the basis of the above matters, whether the proposals are, or are not, inappropriate development in the Green Belt
- 46 New walls and roofs mean substantial reconstruction of the farm buildings, even if the existing structural "skeleton" is largely retained. In planning policy terms, this means that they constitute inappropriate development in the Green Belt and should be refused planning permission. This is compounded by the scale of the proposal, transforming an isolated and historic farm house, and associated farm buildings, into to a significant residential cluster in the countryside.
- 47 Any other decision can only invite further proposals for major reconstruction of similar utilitarian farm buildings for residential use, to the further detriment of the openness of the Green Belt in Sevenoaks District.
- 48 There are no very special circumstances in this case which would justify development of the reconstructed dwellings for residential use in this Green Belt location, which also forms part of the Kent Downs AONB (see below).
- 49 The proposed residential buildings by virtue of their prominent location, size and bulk, and poor quality design would introduce an incongruous and

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jarring element into the countryside, which would have a harmfully intrusive impact on the Kent Downs AONB landscape and would have a harmful impact on the rural character of the area

- 50 The proposals would therefore be contrary to the National Planning Policy Framework; policies SP1 and LO8 of the Core Strategy; policies EN1 and EN5 of the Allocations and Development Management Plan (2015); and emerging policy LA1 of the submitted Sevenoaks District Local Plan (2018)
- 51 The application site is identified in the Sevenoaks District Landscape Character Assessment (January 2017) prepared by LUC for Sevenoaks District Council as forming part of the “East Hill Wooded Downs”. The character of the area is defined in that document (page 45) as follows:
- 52 A level chalk plateau carved by steeply undulating and folding valleys. The field pattern is small to medium scale with irregular shaped fields, enclosed by woodland and hedgerows of mixed native species. Woodland is mixed coniferous and deciduous, with large blocks of mature coppiced Sweet Chestnut on the plateau giving an overall well-wooded character. Much of the woodland is ancient in origin. The valley slopes are used for agriculture and recreation. Land use includes unimproved pasture, “horsiculture”, arable fields and a golf course.
- 53 Settlement includes isolated farmsteads, a large caravan site and residential properties, scattered along narrow lanes. These lanes undulate across the valleys and are enclosed by dense woodland that forms vegetative tunnels over the road. Agricultural properties are generally in vernacular style and date from the 19th century. Elsewhere linear residential settlements are of mixed style 20th century housing, sited on large plots. The landscape is extensively used for recreation with many footpaths and bridleways including the North Downs Way and Woodlands Manor Golf Club.
- 54 From points on the plateau boundary, there are long views over Dartford and of the Eynsford Downs. Elsewhere, views are restricted by topography and vegetation. There is a strong sense of enclosure created by the topography and large areas of mixed woodland.
- 55 The Landscape Character Assessment (page 47) goes on to set local objectives for conservation and enhancement of landscape character which include amongst other things:
- Conserving historic farmsteads in the landscape; Enhancing local vernacular built form and maintain roads and trackways to historic buildings; respecting the special qualities of the Kent Downs AONB.
- 56 The application site lies within the Kent Downs AONB, a nationally important landscape. National planning policy in NPPF 2019 paragraph 172 “gives great weight to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in these areas”

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- 57 Local planning policy echoes the NPPF with policy EN5 of the Allocations and Development Management Plan stating that the highest standards of protection will be given to the Kent Downs AONB and that proposals there will only 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 guidance (in this case the Kent Downs AONB Management Plan 2019-2024.) The thrust of policy EN5 is carried forward into the submitted policy LA1 of the new Local Plan.
- 58 Securing good quality design in all new development is an objective of both national and local planning policy, as indicated in paragraphs 124 -132 of the 2018 NPPF and policies SP1, LO8 and EN1 of the SDC Allocations and Development Management Plan.
- 59 SP1 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” and LO8 that “the visual quality of the landscape requires development to respect the countryside by having no detrimental impact upon landscape character.
- 60 Policy EN1 state, inter alia, that “proposals should create high quality design” and meet a number of criteria including “the form of the proposed development would respond to the scale, height, materials and site coverage of the area”.
- 61 We do not consider that the application proposals will meet these policy requirements in terms of conserving and enhancing the AONB landscape and providing high quality design which fits into its surroundings.
- 62 The application site is in a prominent location with two road frontages. Although filtered to some extent by hedging, they are visible to people driving, cycling, walking, or on horseback along these roads
- 63 It is hard to see how the design of the proposed dwellings responds to the distinctive local character, or to the AONB landscape. This is because - particularly in the case of buildings A and C - they are reconstructions of large utilitarian buildings and because the design of the dwellings has been driven by two factors wholly unrelated to either achieving good design, or responding to the cues provided by local character. These two factors are:
- (a) The over-riding desire to produce a proposal which is compliant with Green Belt policy over inappropriate development ( which we think fails anyway) , which means that the design of the dwellings is highly constrained by the existing buildings
  - (b) Buildings A and C produce dwellings of a very large size and bulk and difficulties of achieving suitable fenestration and natural lighting. Addressing the latter issue has produced incongruous designs, which detract from the character of this sensitive nationally important landscape.

- 64 The result is poor quality designs which do not respond to their surroundings, which do not conserve and enhance the AONB landscape, and which would have a harmful impact on the rural character of the area.
- 65 The harmful impact of the proposals is compounded by the introduction of a large new residential cluster in an isolated rural location served by very narrow, winding country lanes with little capacity to handle the significant increase in traffic generated by a proposal of this scale. Any residential development in this location will be highly car dependent.
- 66 The proposed development would cause harm to the setting of the Grade 2 listed building of Porters Farm, contrary to the National Planning Policy Framework and policy EN4 of the Allocations and Development Management Plan (2015) and policies HEN1 and HEN2 of the submitted Sevenoaks District Local Plan (2018)
- 67 Porters Farm is a grade 2 listed building and its setting is partly formed by the adjacent agricultural buildings, which have long had a secondary and ancillary relationship to the farmhouse. The introduction of four new dwellings greatly dilutes this longstanding relationship by the domestication of the farm buildings (changes in building materials, fenestration and the areas around buildings) and formation of residential curtilages. This adversely affects the setting of the listed building.
- 68 The conservation and enhancement of heritage assets, such as listed buildings, together with their settings, is afforded high priority in the NPPF 2019 paragraphs 184,189,190 and 192 and in local planning policies EN4 and HEN1 and HEN2
- 69 The present application does not satisfactorily address the issues which led to the refusal of an earlier application for reconstruction and conversion of these agricultural buildings to residential use (SE/19/00179)
- 70 A previous planning application for the reconstruction and conversion of these buildings to residential use (SE/19/00179) was refused by the District Council on 1 April 2019. The grounds of refusal were:

Contrary to Green Belt policy, with no very special exceptional circumstances to support the application; Impact on the Kent Downs AONB landscape and the setting of the adjacent listed building; Access arrangements.

Although the applicants have revised their proposals by reducing the number of new dwellings from 5 to 4, changes to some aspects of the proposed reconstruction and conversion works ( such as roofing materials), and access arrangements , particularly for larger vehicles, the same fundamental planning policy , and landscape and heritage impact, issues remain.

For all these reasons, we urge Sevenoaks District Council to refuse planning permission for these proposals and maintain the integrity of the Green Belt and the AONB in this part of our parish.”

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### 71 SDC Conservation Officer

“There is no objection to the scheme. Porters Farm is a historic farmstead with only the listed farm house at the north east of the site remaining. There is a large modern barn which sits in close proximity to the rear of the farmhouse and the scheme will reduce the barn by a bay benefitting the setting of the listed building. Overall the detailing of the current scheme is less domestic than the previous. Please condition the materials used in the external construction and a landscaping plan which covers hard and soft landscaping.”

### 72 SDC Tree Officer

“I refer to my previous comments dated 4<sup>th</sup> March 2019. This application appears to be identical to the previous one. There, my comments remain the same. These were: I can inform you that there are no protected trees situated at this site. Although several mature trees are present, none would be considered worthy of protection with a preservation order. According to the plan provided, drawing 478/02, it appears that the developer proposes to retain the majority of the vegetation present. In view of these comments, I have no objection to the proposed development.”

### 73 KCC Highways and Transportation (summary)

- (c) Concerns for the unsustainable location of this proposal where any travel to essential facilities e.g. work, schools, shops, medical practices etc. would be almost totally reliant on the use of the private care contrary to the recommendations provided in Paragraph 103 of the NPPF.
- (d) The surrounding roads are constrained in nature however, the modest scale of this development is unlikely to result in a significant detrimental impact due to traffic flows when one takes into account the possible traffic generation from the existing building, albeit different in nature.
- (e) Parking is provided on site in accordance with the requirements of KCC Residential parking Standards and there is sufficient space within the proposed development for vehicles to turn and enter/ egress in forward gear.
- (f) The proposal utilises the existing access off Birchin Cross Road which is of adequate width although visibility in both directions is restricted. Whilst any intensification of use of this access would be difficult to demonstrate, I do consider that it would be appropriate, both for existing road users and for new residents, that a condition should be applied to any consent granted requiring 25m x 2.0m visibility splays in both directions with no obstructions above a height of 1.05m to be provided and maintained prior to any works on the site commencing.
- (g) Other conditions in the interests of highway safety recommended are: 1. provision of measures to prevent the discharge of surface water onto the highway; 2. provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site

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commencing; 3. Provision and permanent retention of the vehicle turning facilities shown on the submitted plans prior to the use of the site commencing; 4. Use of a bound surface for the first 5 metres of the access from the edge of the highway; 5. Any gates to open away from the highway and to be set back a minimum of 5m from the edge of the carriageway.

(h) Informatives recommended.

74 KCC Ecology- (summary)

- (i) Sufficient ecological information has been provided for the determination of the planning application, but the detailed mitigation/ enhancement requirements must be submitted/ implemented as a condition.
- (j) Small habitats on the site such as the hedgerows and grassland of longer swards offer some suitability for reptiles and Great Crested Newts to be present. We do not agree with the conclusion that the proposed development will not result in the loss of optimum habitat and connectivity between the surrounding habitats.
- (k) In order to minimise any residual risk of harm or impact to reptiles and GCNs (if present), precautionary mitigation measures will have to be undertaken by condition.
- (l) Buildings on site were found to be of low suitability and bat droppings found in one building, and these are going to be lost/ converted by the proposals. Bat emergence/ re-entry surveys have been undertaken on-site but no bats were recorded and bat activity was low. Despite this, a precautionary bat mitigation strategy must be undertaken prior to any demolition/ construction works on building B2 (Plot 02). In the unlikely event of a bat being found then works should cease immediately and a licence from Natural England sought. Condition recommended.
- (m) Satisfied that none of the trees present on site offered potential for roosting bats.
- (n) Condition recommended to ensure appropriate lighting designed in accordance with the Bat Conservation Trust's Guidance Note 8: Bats and artificial lighting in the UK.
- (o) The ecological assessment considered the hedgerows to have potential to support the hazel dormouse due to the presence of species rich hedgerow along the red line boundaries which are connected to ancient woodlands. A condition is recommended with regard to the management of those hedgerows.
- (p) Informative recommended in relation to breeding birds and the provisions of the Wildlife and Countryside Act 1981.

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- (q) To protect other mammals (eg hedgehogs and badgers), excavations should not be left open for animals to fall into, or plants of wood should be placed to enable any animals which may fall in to escape.
- (r) Hedgerows and trees to be retained shall be protected during construction and recommend incorporating the protection of the retained habitats in to the Construction Management Plan and to secure this as a condition.
- (s) Ecological enhancements should be secured by condition.

### Representations

- 75 One letter of support has been received. The issues it raises can be summarised as follows:
- Traffic in the area has decreased since the closing of the golf course
  - Congestion is on Row Dow due to the St Michaels School
  - Need for smaller units for families
  - The application supports Sevenoaks' housing need
  - No additional volume of development
  - Respectful to AONB and Green Belt
  - The development is not visually intrusive or larger than the existing buildings
- 76 Six letters of objections have been received to date, including one from Campaign to Protect Rural England (CPRE). The issues raised can be summarised as follows:
- There is a rich history to this area
  - Orchids and chalk loving plants grow in the valley
  - Permanent change to the farmstead character and landscape
  - The buildings are being replaced not converted
  - The barns are being made redundant to obtain planning permission
  - Farm buildings are typical of the landscape and contribute to character
  - Residential use brings domestic clutter, near garden sheds and care and car parks, out of character with the landscape
  - Golf courses have already harmed the landscape
  - Question the inclusion of a farm building into a modern housing complex
  - Increased traffic and congestion
  - Existing problems at nearby junctions and due to lack of passing points
  - The proposals would detract from the listed farmhouse
  - The concerns of the previous application have not been overcome
  - Harm to AONB and SSSI, and conflict with management plans
  - Harm to wildlife and ecosystems
  - The proposals will contribute to urban sprawl
  - No need for housing in this area or this site
  - Light pollution, detracting from dark skies

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- The existing barns are in use
- Effect of 'pepper potting' housing across the countryside

### Chief Planning Officer's appraisal

77 The main planning considerations are:

- Green Belt impact- whether the development would be appropriate in the Green Belt and its impact on openness
- Impact on the AONB, character and appearance of the area, and impact on the setting of the adjacent designated heritage asset
- Residential amenity
- Parking and highways
- Ecology and trees

### Impact on the Green Belt

78 As set out in paragraph 145 of the NPPF, new buildings in the Green Belt are inappropriate development and lists exceptions. Paragraph 146 lists other forms of development which are also not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. These include: *d) the re-use of buildings provided that the buildings are of permanent and substantial construction.*

79 Paragraph 143 states that where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances.

80 Paragraph 144 of the NPPF advises we should give substantial weight to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. Therefore, the harm in principal to the Green Belt remains even if there is no further harm to openness because of the development.

81 Local policy GB7 of the ADMP relates to the re-use of a building in the Green Belt. GB7 states that the re-use of a building in the Green Belt would be permitted where it meets the following criteria:

- a) The proposed use, along with any associated use of land surrounding the building, will not have a materially greater impact than the present use on the openness of the Green Belt or harm the existing character of the area;
- b) The applicant can demonstrate through a detailed structural survey and method statement that the buildings are of permanent and substantial construction and are capable of conversion without major or complete re-construction that would detract from their original character.

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- 82 The policy goes on to describe that applications for conversion of agricultural buildings constructed in the last ten years should be accompanied by information to demonstrate that it is no longer fit for its agricultural purpose.
- 83 It is first necessary to establish whether the proposals could sit within exception d) of paragraph 146 of the NPPF and whether the proposals entail 're-use' of the buildings rather than rebuild. Policy GB7 and the 'Development in the Green Belt' SPD are relevant to this consideration.
- 84 Each of the three buildings can be considered in turn in light of the proposed drawings and the submitted 'Structural Engineering Appraisal Report'. This report has been prepared by a suitably qualified structure engineer and has been updated since the last application to reflect the amended proposals and provide some further information on the existing buildings. This report, in connection with the proposed drawings suggest the changes required to each building include the following works:

### Building A (Plot 01):

- A 'reasonable' amount of concrete repair works required to the main concrete frame, plus new edge beam
- Removal of all existing cladding and walls
- Laying of new concrete floor required as floor is just earth
- Need for lateral supports to support new elevations
- New roof covering replacing profiled sheeting with plain clay tiles, requiring new purlins and new concrete edge beams
- Use of new central spine wall to provide structural support for first floor (drawing 478/04/B)
- Potential underpinning (drawing 478/04/B)

### Building B (Plot 02)

- Roof and timber structure have been replaced in the last 3 years.
- Replacement of existing metal roof with slate roof, with associated strengthening of the roof structure
- Concrete slab may be retained, not confirmed
- The walls are made of blockwork and timber walls, some repairs may be required
- Replacement timber cladding to elevations with window and door openings inserted as proposed. Stud walls beneath have not been assessed.
- Suspected to be no ply sheeting to provide lateral stiffness.

### Building C (Plots 03 and 04)

- Corrugated metal roofs removed and replaced with zinc roofs and roof lights
- Corrugated metal and concrete bricks on all elevations removed and replaced with new walls
- Northern elevations repositioned by removing 'lean tos'

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- Adaptations required to provide lateral stability
  - Anticipated that the frame has spare loading capacity to support the roof load
  - New purlins and beams to be added
  - Repair to existing pre-cast concrete frame
  - New foundations required to perimeter and underpinning required to internal foundations
- 85 The structural report concludes that overall, more than 80% of the existing structure is envisaged to be retained and reused. It concludes that no major or complete re-construction is needed and that the buildings are capable of accommodating the proposed works.
- 86 It is clear from the structural report, and a comparison of the existing and proposed drawings, that much of the existing fabric of those buildings would be lost by the works and the proposals entail retention and maintenance of predominantly just the concrete frames on buildings A (Plot 01) and C (Plots 03 and 04).
- 87 The guidance in the 'Development in the Green Belt' SPD (2015) states that as a starting point the Council wish to see at least 75% of the original structure maintained to protect its character as a starting point. It is unclear whether this relates to the structure frame or overall fabric of the existing buildings. However in this instance it is clear that buildings A (Plot 01) and C (Plots 03 and 04) would require significant works to their elevations and roof in order to accommodate a residential use.
- 88 It is relevant to consider a recent appeal decision at Vine Cottage, Penshurst (ref 17/00825/FUL) where the Council considered that the works to convert the agricultural building amounted to substantial reconstruction. In that case the proposals would retain the portal frame and the ground slab and required strengthening works, support to the plinth and potential underpinning. The Inspector in that case concluded that the scale of the works would not be major but could be considered as 'alterations' given that the roof and wall works involved recladding rather than rebuilding. The Inspector found no conflict with policy GB7 or the advice in the SPD.
- 89 It is considered that this appeal scheme is comparable to this current application. While Building A lacks an existing slab, it is not considered that creation of a new slab would result in a different conclusion.
- 90 It is relevant that the NPPF (February 2019) refers only to the 'reuse of existing buildings'. In this instance, it is considered that the proposals would result in the re-use of the existing buildings, compliant with the NPPF and the works required would not result in major or complete reconstruction of the buildings, compliant with Sevenoaks policy GB7.
- 91 With regard to GB7a), as the proposal would retain areas of open land around the site, in particular to the southern side of plots 01 and 02 facing Birchin Cross Road, the openness of the site would still be perceived from the south. There would be some increased harm to openness arising from the use of the parking areas and residential paraphernalia associated with

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the residential uses. However, as the outdoor spaces associated with the units is limited to small areas close to the buildings, they would not unduly intrude into the openness of the site.

### **Impact on the AONB, character and appearance of the area, and impact on the setting of the adjacent designated heritage asset**

- 92 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.
- 93 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.
- 94 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.
- 95 The site lies within a distinctly rural area characterised only by clusters of buildings and isolated development including farmsteads. The site is part of a cluster of agricultural buildings typical of this setting and overall makes a positive contribution to this part of the AONB.
- 96 The existing buildings each comprise a simple form and character with little animation provided by any openings and no features of notable architectural merit. As such they appear typical of buildings with agricultural origins and their utility, and sit comfortably within this setting. They have an informal positioning on the site and lack any regularity, appearing as a cluster of structures related to the main farmhouse of Porters Farm.
- 97 The design of the development has been amended since the earlier applications.
- 98 On Plot 01 (the most western building), the proposal now incorporates reduced sized roof lights and timber frame windows and doors rather than metal as previously proposed. The proposed elevations are now entirely timber clad rather than introducing decorative brickwork features.
- 99 The building on Plot 02 is now proposed to have a clay tiled roof with elevations of timber cladding incorporating timber framed openings and a brick plinth.
- 100 On Plots 03 and 04, the scale of openings on the north elevation (facing the lane of Magpie Bottom) have been substantially reduced and this elevation would incorporate modestly scaled openings. The roof treatment is now

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proposed to be slate rather than zinc and the elevations would be re-clad in timber boarding and brickwork and incorporate timber framed windows.

- 101 As a result of these changes the buildings now appear more simplistic in their design and would incorporate a pallet of materials which is typical of a rural setting. Overall the buildings would continue to sit quietly and incorporate a rural, unobtrusive character which adequately respects their farmstead heritage. Subject to conditions relating to material samples and a scheme of hard and soft landscaping, the proposals would comply with policy EN5 and would preserve and enhance the special landscape character.
- 102 For the above reasons the proposals would also comply with policy EN1 of the ADMP and SP1 of the Core Strategy in terms of their impact on the character and appearance of the area.

### **Impact on Heritage Assets**

- 103 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.
- 104 The NPPF also states that great weight should be given to the conservation of heritage assets (para.193).
- 105 Sevenoaks 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.
- 106 ‘Porters Farmhouse’ is grade II listed and its setting is formed, in part, by the adjacent agricultural buildings for which its name would suggest it historically had a relationship. The elevation on Plot 04 which faces the listed building has been amended to be simple in its design, incorporating only one window alongside a glazed main entrance. A new soft boundary treatment would be positioned between building and the courtyard of the listed building.
- 107 The Council’s Conservation Officer has visited the site and noted that the current application is less domestic in its detailing than the previous. She has raised no objection to the proposals.
- 108 It is considered that the proposals now respect, and preserve, the setting of the listed building and the traditional hierarchy of buildings across the site. The proposals are considered to comply with EN4 of the ADMP.
- 109 In light of the sensitivity of the site to change, its positive contribution to the landscape character and proximity to the listed building, it is recommended that permitted development rights for each of the new dwellings are removed to prevent further alterations being undertaken without further planning permission.

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### Residential amenity

- 110 The main existing dwelling likely to be affected by the proposed development is Porters Farmhouse. The proposed works to plot 04 (closest to Porters Farmhouse) would not increase the impact of the development on this building in terms of sunlight and daylight or sense of enclosure. However the proposals would see the introduction of the main entrance to plot 05 in this side elevation, facing the Farmhouse. The proposals would rely on the maintenance of a hedgerow to prevent overlooking to the main Farmhouse. Provision of such a hedgerow could be conditioned, to help protect the privacy of future occupants.
- 111 Other nearby residential dwellings are such a distance from the proposed conversions that their living conditions would be preserved. This is compliant with policy EN2.
- 112 EN2 also seeks to ensure that occupants of new development benefit from good standards of amenity. In this case the proposed developments would provide a good standard of living conditions, each with private outdoor amenity space. There is likely to be some inter-visibility between the dwellings proposed, however this would mostly be at oblique angles and there would be an element of 'buyer beware' for potential future occupants.

### Parking and highways

- 113 The site is located in a rural location with poor pedestrian links to local facilities. As a result there is likely to be a heavy reliance on vehicles serving the site. However, this alone is not objectionable and this is a situation shared by many rural dwellings. KCC as the Highways Authority have noted that while the local roads are constrained, the development is unlikely to give rise to a significant increase in traffic flows on the local highway.
- 114 The proposals would provide 10 parking spaces on the site to serve the 4 dwellings. This is considered to be adequate and would include visitor spaces for the new houses, compliant with policy T2 of the ADMP. Provision of electrical charging points could also be secured by condition to comply with policy T3.
- 115 The proposals would utilise an existing access from Birchin Cross Road. The Highways Authority have raised no objection to the use of this access subject to the imposition of a condition to maintain visibility splays to ensure that vehicles can safely exit the site. The Highways Authority have recommended a number of other conditions to ensure that the parking spaces and site access are maintained to the required standard.
- 116 One of the reasons for refusal on the earlier application related to access arrangements to the site, specifically for refuse and emergency vehicles, as raised by the Highways Authority. This application has been accompanied by tracking diagrams to demonstrate that a fire engine would enter and

manoeuvre around the site. Refuse storage facilities have also been proposed closer to the site entrance.

- 117 The Highways Authority have raised no objection to these issues under this application and it is considered that the revised proposals, and associated additional information, adequately address the earlier reason for refusal.
- 118 It is noted that the proposals would enclose part of the site on Magpie Bottom adjacent to Plots 03 and 04. This is understood to be under the ownership of the applicant and any rights of access over this land are a separate matter which would need to be addressed with the Highways Authority.

### **Ecology and trees**

- 119 There are no protected trees on the site. However, those trees and hedgerows surrounding the site contribute positively to the character and appearance of the area and conditions could be used to ensure their protection during the construction process. A comprehensive landscaping scheme, and its retention for 5 years, site could also be secured by condition.
- 120 The application has been accompanied by a preliminary ecological appraisal and also a Great Crested Newt method statement. These documents have been subject to consideration by KCC Ecology. It has been found that the documents are adequate for the determination of the planning application. Further actions required to ensure the development preserves and enhances local biodiversity could be secured by condition. This would ensure compliance with policy SP11.

### **Other issues**

- 121 The Parish Council have raised concern that the existing buildings may still be required for agricultural purposes. It is agreed that, at the time of the site visit, some of the buildings were still in use for this purpose. However, policy GB7 only requires an assessment of the agricultural need if the buildings have been constructed within the last 10 years. Therefore this test is not applicable to the buildings in question.
- 122 Concern has been raised for light spillage from the site. While this could not reasonably be controlled from the buildings themselves, a condition is recommended to secure a lighting scheme for the site, to ensure any lighting is appropriately designed to reduce its impact on the AONB and local biodiversity.
- 123 The Parish Council have also considered that the re-use of the buildings for agricultural purposes, or their demolition, would restore the openness of the Green Belt. Despite this, we are required to determine the proposals submitted and their compliance against development plan policy. The NPPF, at paragraph 146 does allow for the re-use of buildings in the Green Belt.

## Agenda Item 4.2

### Community Infrastructure Levy (CIL)

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

### Conclusion

125 The proposals have adequately overcome the earlier reasons for refusal and can now be concluded to be appropriate development in the Green Belt, which preserves openness. The proposals would conserve and enhance the special landscape character of the AONB and sit comfortably within the character and appearance of the area, subject to compliance with the recommended conditions. Residential amenity would be preserved, as would highway safety and local ecology.

126 The proposals are compliant with the policies of the development plan and it is recommended that the application is approved.

### Background papers

Site and block plan

Contact Officer(s): Claire Shearing

Contact: 01732 227000

Richard Morris

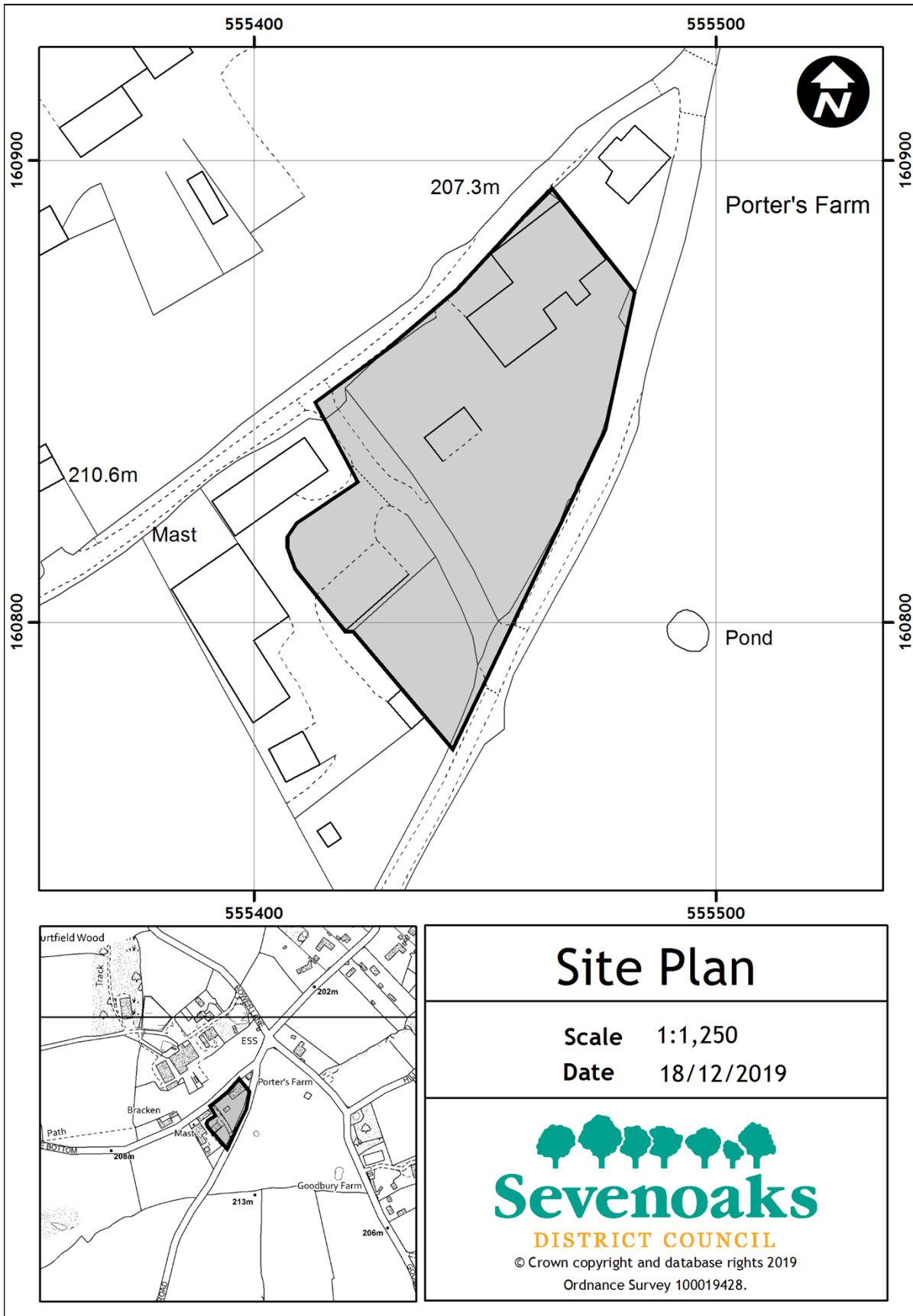
Chief Planning Officer

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=PZ2C9ABKMY200>



# Agenda Item 4.2

## BLOCK PLAN



proposed site plan 1:500



site location plan 1:2500





4.3 19/01982/FUL Revised expiry date 20 January 2020

Proposal: Erection of 3 no. dwellings and amendments to road and parking layout. As amplified by amended site plans and amended Arboricultural Report and ecological assessments.

Location: Land Opposite, 9 - 16 Church Lane, Kemsing KENT TN15 6LU

Ward(s): Kemsing

**Item for decision**

The application has been referred to Committee as the applicant is Sevenoaks District Council.

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

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

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

2) For the avoidance of doubt the information to which this decision relates is as follows: A983-03-PL-001B, 101E, 002C, 102G, 110B, 130B, 111A, 020, 021, 120B, 121A and 140A. AHP Planning Statement, Preliminary Ecological Appraisal and Bat Survey (November 2018), additional Great Crested Newt assessment (May 2019) and Arboricultural Impact Assessment dated 22/08/2019.

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

3) 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: the parking of vehicles of site operatives and visitors, loading and unloading of plant and materials, storage of plant and materials used in constructing the development, measures to regulate disturbance and disruption to the local community caused by construction activities, the routes for construction traffic arriving at the site, including the management of potential traffic conflicts, the timing of deliveries, temporary traffic management/signage, demolition and construction working hours. The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

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

## Agenda Item 4.3

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

4) No development shall take place until an Arboricultural Method Statement (detailing all aspects of construction and staging of works) and a Tree Location and Tree Protection Plan, including details of ground protection measures, in accordance with British Standard 5837:2012 (or later revision) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until the tree protection measures have been implemented in accordance with the Tree Protection Plan. Within the tree protection area identified with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the local planning authority. The approved protection measures shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

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

5) 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.

6) Prior to works commencing on site information must be submitted to the District Planning Authority confirming that the site has entered into the district level licencing scheme.

In order to comply with government advice in the form of the National Planning Policy Framework and policy SP11 of the Sevenoaks District Council Core Strategy Development Plan Document.

7) Immediately prior to the removal of any trees an updated bat scoping survey shall be carried out and if bats are recorded during the survey no trees must be removed until a bat mitigation strategy has been submitted to the District Planning Authority for approval in writing. The mitigation shall be carried out in accordance with the approved details.

In order to comply with government advice in the form of the National Planning Policy Framework and policy SP11 of the Sevenoaks District Council Core Strategy Development Plan Document.

8) 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.

9) 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, 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 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 Policies EN1 of the Sevenoaks Allocations and Development Management Plan.

10) 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, D, or E of that Order.

In the interests of the amenities of neighbouring occupiers and the visual amenities of the street scene as supported by policy SP1 of the Sevenoaks District Council's Core Strategy and policy EN2 of the Allocations and Development Management Plan.

11) The forecourt parking and turning spaces shown on the approved Site Layout Plan no.: A2983-03-PL-102 Rev.G shall be provided prior to first occupation of the dwellings and shall be kept available for use in connection with their use at all times and no permanent development shall be carried out on the land so shown or in such a position as to preclude vehicular access to the parking spaces.

To ensure permanent retention of vehicle parking for the properties as supported by policy T2 of the Allocations and Development Management Plan.

12) Prior to occupation of the dwellings 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 relevant phase of the development.

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

13) Within six months of works commencing an ecological enhancement plan together with a timetable for implementation shall be submitted to the District Planning Authority for approval in writing. The plan must be implemented as approved.

In order to comply with government advice in the form of the National Planning Policy Framework and policy SP11 of the Sevenoaks District Council Core Strategy Development Plan Document.

#### **Informatives**

1) 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.

#### **National Planning Policy Framework**

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

### Description of site

- 1 The application site comprises a presently open, grassed area of amenity land located to the south of properties on Church Lane, abutting Heaverham Road to the south. Church Lane comprises a development of 16 bungalows, occupied by the elderly. Parking for residents is provided by a car park to the north of the development, with a turning head to the east of the application site.
- 2 Land to the north, east and south of the Church Lane is designated Green Belt and land to the west and south of the site is within a Conservation Area. However, the site itself has no such designation and is within the built confines of Kemsing. It is “washed over” by the Kent Downs Area of Outstanding Natural Beauty.
- 3 The site is raised approximately 1.5m above the level of Heaverham Road.

### Description of proposal

- 4 The proposals seek to erection of 3no. 2 bedroom, wheelchair accessible bungalows. Each would have a floor area of approximately 80m<sup>2</sup>, with a ridge height of 5m.
- 5 The bungalows would be set directly to the south of nos.13-16 Church Lane. Unit 1 would be set approximately 8.5m to the south of no.16, with Units 2 and 3 set staggered further to the south. They are designed as a more contemporary approach to the existing bungalows. Windows would be confined to the southern western and eastern elevations of each dwelling, with the northern elevations blank.

### Relevant planning history

- 6 None

### Policies

- 7 National Planning Policy Framework
- 8 Core Strategy
  - L01 Distribution of Development
  - L07 Development in Rural Settlements
  - SP1 Design of New Development and Conservation
  - SP2 Sustainable Development
  - SP3 Provision of Affordable Housing
  - SP5 Housing Size and Type
  - SP7 Density of Housing Development

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- SP11 Biodiversity

### 9 Allocations and Development Management Plan (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- EN4 Heritage Assets
- EN5 Landscape
- EN7 Noise Pollution
- T1 Mitigating Travel Impact
- T2 Vehicle Parking
- T3 Provision of Electrical Vehicle charge points

### 10 Other:

- Kemsing Conservation Area Appraisal.

### Constraints

#### 11 The following Constraints apply:

- Within built confines of Kemsing.
- Area of Outstanding Natural Beauty
- Area of Archaeological Potential

### Consultations

#### 12 Kemsing Parish Council:

Objection: “The proposal will result in the loss of a local amenity space which the Parish Council believes is of value to the local community. In accordance with SP10 of the Core Strategy, open spaces should be retained for the local community, however, the applicant has not demonstrated that the loss of this amenity space is (i) surplus to the requirements or (ii) that the loss would be mitigated by providing a replacement which is contrary to Policy G12 of the ADMP.

The location of the proposed six new parking spaces, as shown on the plan, is currently being used as a turning point. The proposed parking spaces will make this impossible. Furthermore, the applicant has not demonstrated how the new parking spaces will be claimed for the exclusive use of the occupants of the three new proposed bungalows.

The construction of the proposed three dwellings will be harmful to the visual amenity of the existing bungalows, directly impacting on the outlook of the living rooms of no's 13 to 16 onto a brick wall. There is also a concern for loss of privacy due to the close proximity of the proposed bungalows to existing properties (no's 13 to 16).

The design of the proposed dwellings will be an incongruous development harmful to existing properties and would detract from the character of the area.

It is the Parish Council's opinion that this proposal lacks taking into consideration the site in its entirety and the harmful impact this proposal will have on the neighbouring dwellings."

13 Arboricultural Officer (summary)

No objection raised to the proposals, but note the trees had been incorrectly identified on the plans.

The tree survey has since been amended to follow the recommendations of the Council's Tree Officer.

Details of tree protection are required by condition.

14 K.C.C Ecology (summary)

Their initial response requested further information relating to the potential for trees to support roosting bats. It was also noted that the site is within 100m of a pond within which Great Crested Newts (GCN) have been recorded. Further information was requested in order to assess whether the proposals would preserve the favourable conservation status of GCN, including details of what mitigation will be implemented if the traditional Licencing option is granted and a copy of the Impact Assessment and Conservation Payment Certificate to demonstrate that the application has been accepted on the DLL licencing scheme.

Following the submission of additional information as requested above, no objection is raised with regard to the impact on bats, subject to a condition. With regard to the impact on GCN, details of an application to the District Level Licencing scheme and KCC Ecology have been submitted. On this basis KCC Ecology are satisfied that the impact on GCN would be acceptable. A condition is requested regarding confirmation that the applicant has been accepted onto the scheme.

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Ecological enhancements are also sought by condition.

### 15 Kent Highways

Does not meet the criteria for them to be consulted.

### 16 KCC Archaeology

No response received.

## Representations

### 17 Letters have been received from 15 local residents raising the following objections:

- Inadequate parking
- Loss of site which has provided amenity space for residents many years.
- Loss of visual amenity
- Will prevent access to adjacent property
- Loss of trees
- Loss of peace and tranquillity provided by the site

### 18 Non planning matters relating to construction adversely affecting the health of neighbouring residents.

### 19 Three letters letter has been received raising support for specialist housing on this site

## Chief Planning Officer's appraisal

### 20 The main planning consideration are:

- Principle of Development
- Layout, scale, design and highway considerations
- Impact on landscape/AONB/setting of adjacent Green Belt
- Impact on residential amenity



- Ecological/Tree implications
- Impact on adjacent Conservation Area and area of Archaeological Potential
- Community Infrastructure Levy (CIL)

**Principle of development**

- 21 The site is within the built confines of Kemsing. Policies L01, L07, SP5 and SP7 are particularly relevant to the consideration of the principle of development on this site.
- 22 Policy L01 of the Council's Core Strategy seeks to focus development within the built confines of existing settlements. Kemsing is designated a Rural Settlement and is thus covered by policy L07. Within such areas development of an appropriate scale and nature will be permitted where it can take place in an acceptable manner consistent with local character.
- 23 The proposals would result in the loss of what is presently an open area, informally used as amenity space by residents of Church Lane. I accept that the site presently has amenity value. However, the site is in private ownership and there is no right of public access.
- 24 Unlike the recreation ground and church yard, which abuts the northern portion of Church Lane, the application site is not formally identified as designated "open space" and does not benefit from protection under policy SP10 (Green Infrastructure, Open Space and Recreation provision) or policy GI2 (Loss of Open Space), and there is no requirement to replace the loss of this space elsewhere.
- 25 Whilst the loss of the open space may be unfortunate, the Common Field Recreation Ground, which shares access from Church Lane, is readily available for public use, even if marginally further away from some residents of Church Lane.
- 26 Policy SP5 requires a mix of housing types and size, taking into account the existing pattern of housing in the area. 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. The policy states that in this particular area, new development will be expected to achieve a density of 30 dwellings per hectare.
- 27 I estimate the density of Church Lane at present to be approximately 26 dwellings per hectare (16 dwellings on an area including car park and existing amenity/open land). Using the same area, but introducing 3 new dwellings would bring the density to approximately 31 dwellings per hectare.
- 28 I consider the proposals would be acceptable in terms of the mix and density of housing proposed.

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- 29 In the circumstances, subject to the proposals representing an acceptable balance between the requirement to make efficient use of this site whilst providing an acceptable layout and design which would preserve the character of the area, I consider the proposals would be acceptable in principle.

### **Layout, scale, design and highway considerations**

- 30 Policies SP1, SP2, EN1, T1 are relevant to the consideration of the layout, scale, design and highway implications.
- 31 In summary, 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.
- 32 Policy EN1 of the ADMP sets out the general Design Principles, which should apply to all development. In summary, the 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 be permeable and provide connectivity with neighbouring areas and should ensure satisfactory means of access for vehicles and pedestrians and provide adequate parking.
- 33 Policies T1 and T2 explain that new development would mitigate any adverse travel impacts and should meet the required parking standards.
- 34 Whilst the development of Church Lane is set on raised ground, relative to development to the west and the level of Heaverham Road, which abuts the southern boundary, the site itself is fairly well screened from wider public view by trees adjacent to the western/south-western boundary and dense hedging along the rear (southern) boundary. Church Lane is a distinct development of modestly scaled, semi-detached or terrace bungalows, set within compact gardens.
- 35 The proposed bungalows would be of modest height and scale, would sit comfortably within their plots and would each have satisfactory amenity space. Trees surrounding the site would be retained, as would the hedge along the rear boundary and this would help soften the visual impact of the proposals. It is proposed to enhance the landscaping to be retained. Adequate parking and turning would be provided through adaptation of the existing turning head. Thus, I consider the site readily capable of accommodating 3 bungalows in the layout proposed.
- 36 Whilst of a different design to the more traditional form of the existing bungalows, the contemporary approach proposed would provide an interesting variation on the traditional theme and I consider their form would be compatible with the existing built development.

- 37 The proposals would include 6 parking spaces, 3 of which would provide disabled access. A new turning head would also be provided. The parking would slightly exceed the required standards, but can be satisfactorily accommodated on site. The addition of 3 dwellings is considered to have only a minimal impact on traffic flows and the wider highway network. I therefore consider the proposals to be acceptable in highway terms.
- 38 In light of the above, I consider the proposed houses would sit comfortably within this site, with sufficient space between and around the dwellings to ensure that the development does not appear cramped.
- 39 Therefore, I am satisfied that the site is capable of satisfactorily accommodating the proposed development and associated parking whilst maintaining the prevailing density of development and the character of the area and consider the proposals to be policy compliant in this regard.

#### **Impact on landscape/Area of Outstanding Natural Beauty**

- 40 The site lies within the Kent Downs Area of Outstanding Natural Beauty. 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.
- 41 Section 85 of that Act requires decision-makers in public bodies, in performing any function affecting land in an Area of Outstanding Natural Beauty, to have regard to the purpose of conserving and enhancing the natural beauty of that area.
- 42 Policy EN5 of the ADMP relates to Landscape. The policy states that the highest level of protection shall be given to the protection of the landscape and scenic beauty in AONBs. Development proposals will be permitted where they conserve the landscape and secure enhancements. Policy SP1 of the CS is relevant and has been referred to above.
- 43 The purpose of the AONB is not to prohibit development, but to preserve, enhance and reinforce its distinctiveness. Because of the rising nature of the scarp slopes to the north of the recreation ground, there are some longer distance views of the site. However, this is limited and from a distance the site is clearly set within the context of the adjacent housing. In this regard, Church Lane presents a distinct boundary between the built form at the eastern edge of Kemsing and the open land beyond. In my view, the 3 dwellings proposed would sit within the existing built envelope and would serve to reinforce the built edge of Kemsing whilst protecting the open nature of the landscape beyond.
- 44 I therefore consider the proposals would conserve and enhance the character of the AONB.

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### Impact on residential amenity

- 45 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.
- 46 The application comprises a relatively flat parcel of land, but it does drop in level slightly from the footpath in front of nos.13-16 towards the Heavenham Road boundary.
- 47 However, it is significant to note that the internal floor level of the existing bungalows is raised above the level of the footpath. Unit 1 would be sited approximately 8.5m directly to the south of no. 16. However, the floor level of no.16 is raised approximately 0.8m above the level of the footpath. Thus the ground level to unit 1 would be set approximately 0.8m below the floor level to no.16.
- 48 The proposed bungalows would have an “L” shaped footprint. The northern “limb” projecting towards no.16 would be of reduced width (6.2m), with the full width of the bungalow set much further back in the plot. Thus the outlook of no.16 would be of the 6m wide, single storey, hipped end to Unit 1, which would contain no windows. Furthermore, this outlook would be at raised level. Because of the precise siting, height and design of Unit 1, I do not consider it would appear unduly overbearing or result in significant loss of amenity to the occupiers of no.16.
- 49 Units 1, 2 and 3 would be staggered relative to each other and the face-to-face distance to nos.13-15 would be between 12-15m. Again bearing in mind the relatively modest height and scale of the proposed bungalows as well as the separation between them, I do not consider they would appear overbearing or have an unneighbourly impact. No windows are proposed in the northern elevations, thus there would be no overlooking or loss of privacy. I would not anticipate use of the gardens to result in undue noise or disturbance.
- 50 There would also be some activity associated with the new parking spaces and I am mindful of the narrow nature of Church Lane and proximity to neighbouring dwellings. However, I consider use of these spaces by the 3 units proposed would be unlikely to result in significant levels of activity or undue levels noise and disturbance.
- 51 In light of the above, I consider the proposals would have an acceptable relationship with the neighbouring properties and would not have an overbearing or unneighbourly impact or result in overlooking. I therefore consider the proposals to comply with policy EN2 of the ADMP.

### Ecological/Tree implications

- 52 In summary, there is legislation which requires the Local Planning Authority to have regard to conserving biodiversity and to consider the potential ecological impacts of a proposed development and provide enhancement

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where possible. Policy SP11 states that the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity.

53 The application is supported by an Arboricultural Impact Assessment and a Preliminary Ecological Appraisal (with Habitat Survey) and Bat Survey as well as further information as set out above.

54 The submitted information has detailed that a European Protected Species Mitigation (EPSM) licence would be required to carry out the proposed development due to the impacts upon great crested newts. In situations where an EPSM license is required the LPA need to consider the 3 tests and the likelihood of a licence being granted. The three tests are:

1. Regulation 53(2)(e) states: a licence can be granted for the purposes of “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”.

2. Regulation 53(9)(a) states: the appropriate authority shall not grant a licence unless they are satisfied “that there is no satisfactory alternative”.

3. Regulation 53(9)(b) states: the appropriate authority shall not grant a licence unless they are satisfied “that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.”

55 KCC Ecology are satisfied that the mitigation would address the third criteria.

56 With regard to the first two tests set out above, paragraph 8 of the NPPF explains there are three overarching objectives to achieve sustainable development, an economic objective, a social objective and an environmental objective. The social objective is described as “to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations...”

57 Paragraph 59 of the NPPF states that:

“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”

58 Policy SP5 of the Council’s Core Strategy also seeks an increased proportion of housing designed to lifetime homes standards that can be readily adapted to meet the needs of older people and people with disabilities. The need for lifetime homes and wheelchair accessible accommodation is also evidenced in the Sevenoaks Strategic Housing Market Assessment (September 2015), which identifies a need for 66 such units per year.

## Agenda Item 4.3

- 59 Because of the significant degree of the Green Belt within the District, land available for housing is constrained. The application site lies within the built confines and occupies a relatively sustainable location. I consider there to be a strong presumption in favour of the proposals.
- 60 In addition the proposed dwellings are specifically designed as small, fully wheelchair accessible bungalows. Due to high land prices, specialist bungalow development within the District is severely limited. Such development is usually only brought forward by public institutions. In this instance, it is the District Council who own the site and are promoting these proposals.
- 61 This type of accommodation would not only fulfil a niche market, but one for which there is a clear demand. Furthermore, the site would represent a natural extension of the existing, well-established bungalow development which forms the rest of Church Lane.
- 62 Bearing in mind the thrust of Government guidance set out above, I consider the provision of much needed specialist accommodation on this particular site would represent a significant social benefit on a site for which there is no satisfactory alternative. I therefore consider the first two tests above to be met.
- 63 I am therefore satisfied that subject to suitable conditions, the proposals would preserve the ecological and Arboricultural interests of the area and provide suitable replacement (and new) planting to enhance that to be retained. In time, I consider the landscaping will soften the impact of the proposals and help assimilate them into the wider landscape.

### **Impact on adjacent Conservation Area and area of Archaeological Potential**

- 64 The boundary to the Kemsing Conservation Area is adjacent to the site to the south and west. The Vicarage to the west on the opposite side of Church Lane is Grade II listed.
- 65 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses. Section 72 of the Act 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.
- 66 The Conservation Area Appraisal notes that the buildings in Mary Burrows Gardens (which is also accessed from Church Lane) are not really worthy of inclusion in the Conservation Area and could perhaps be excluded. No mention is made of the existing housing in Church Lane.
- 67 The proposed dwellings would be sited comfortably on the plot. The proposals would retain the screening along the southern edge with Heaverham Road and that along the western boundary, which considerably screens the site from the west. Enhancement planting is also proposed. In

(Item No 4.3)

the circumstances, I consider the proposals would not appear intrusive in the street scene and they would be physically and visually separated from The Vicarage.

- 68 In the circumstances, I am satisfied that the proposals would preserve the character and appearance of the adjacent Conservation Area and the setting of the adjacent listed buildings.
- 69 Kent County Council's Archaeological Officer has been consulted on the proposals but has not requested that any specific conditions are imposed relating to the impact on potential archaeology.

#### **Community Infrastructure Levy (CIL)**

- 70 The proposals would be CIL liable. No exemption is sought.

#### **Conclusion**

- 71 The site lies within the village confines. The site is not designated as "open space" and thus there are no policy objections to its development.
- 72 I consider the proposals represent a relatively modest form of development, which would preserve the character and appearance of the area whilst providing for much needed specialist bungalow accommodation.
- 73 I consider the impact on the amenities of neighbouring residents and highway conditions would be acceptable. The impact on trees and on the ecology of the site can be adequately mitigated by conditions. I therefore consider the proposals to represent an acceptable form of development and be policy compliant.

#### **RECOMMENDATION: Grant**

#### **Background papers**

Site and Block Plan

Contact Officer: Jim Sperryn

Contact: 01732 227000

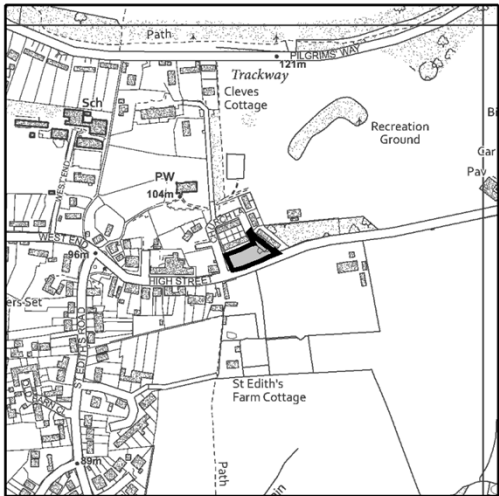
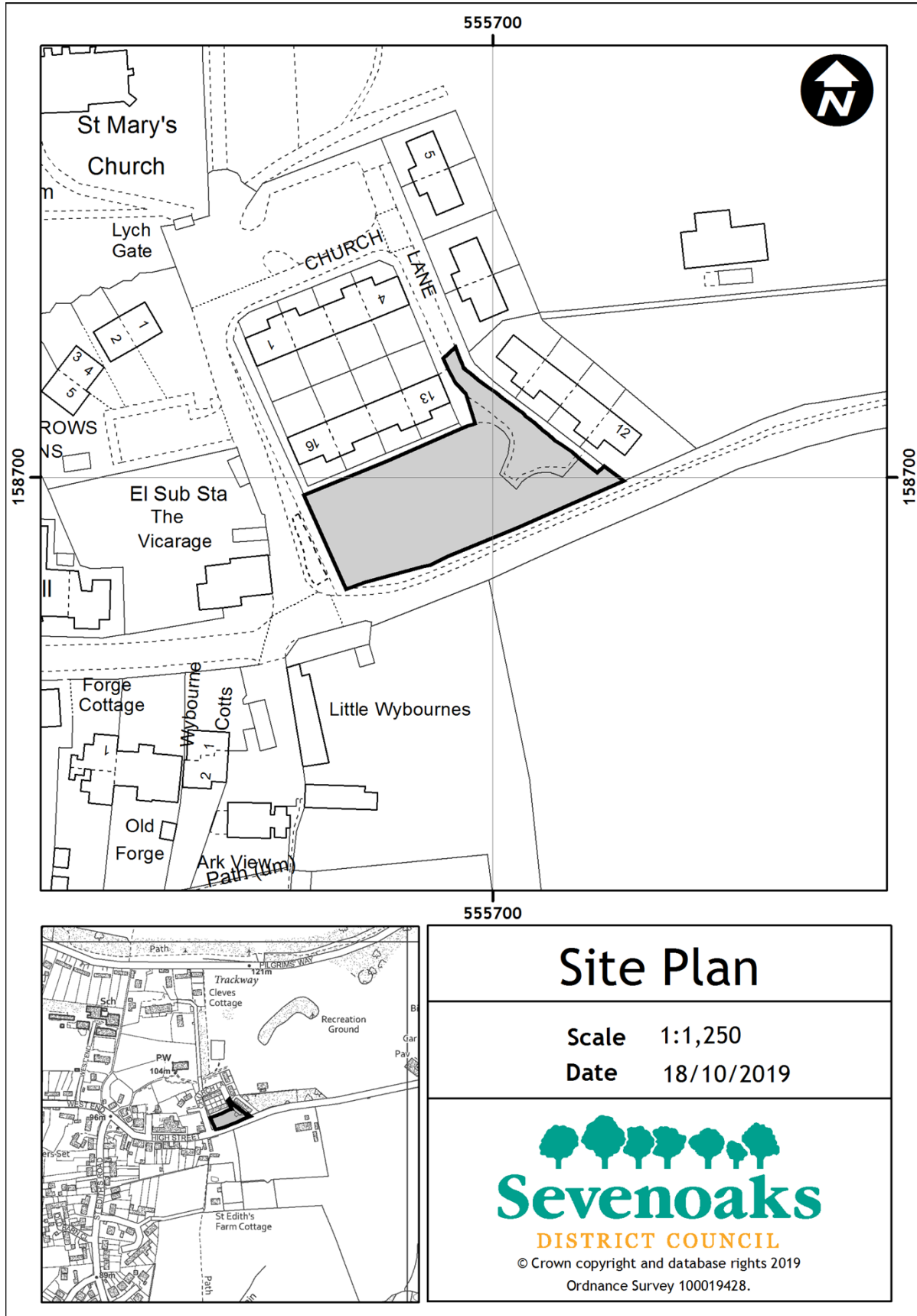
**Richard Morris**  
**Chief Planning Officer**

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=PU44YIBK0L000>



# Site Plan

Scale 1:1,250

Date 18/10/2019



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Ordnance Survey 100019428.



BLOCK PLAN



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4.4 19/01496/FUL

Date expired 17 October 2019

Proposal: Proposed demolition of existing building. Erection of new building to provide A1 Retail at part ground floor and C3 residential accommodation 11 units at ground to second floor with a 12th unit in attic floor space and 3 apartments to the third floor. Provision of rear undercroft.

Location: 11-13 High Street, Swanley, KENT BR8 8AE

Ward(s): Swanley Christchurch & Swanley Village

**Item for decision**

This application has been referred to the Development Control Committee by Councillor Barnes on the grounds of insufficient parking.

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

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

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: SLP.01, S.01, S.02, PL.01/A, PL.02/C, PL.03/B, PL.04/D, PL.05/A, PL.11/C, PL.12/C.

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

3) The development shall be carried out only in accordance with details approved on 20.11.2019 under reference 18/02774/DETAIL and also those details approved on 26.07.2019 under reference 19/01484/DETAIL relating to land contamination and remediation of land contamination.

In the interests of pollution prevention and to protect public health in accordance policy SC1 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

4) No occupation of any of the residential units shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall

include results of sampling and monitoring carried out in accordance with the approved verification plan and certificates for removed material and imported soils to demonstrate that the site remediation criteria have been met.

In the interests of pollution prevention and to protect public health in accordance with the National Planning Policy Framework.

5) In the event that unexpected contamination is found at any time when carrying out the approved development it must be reported in writing to the local planning authority immediately. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared and approved in writing by the local planning authority. Development must accord with the approved details. Following completion of the remediation works, a verification report must be prepared by suitably qualified and accredited persons and submitted to the local planning authority for written approval.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks in accordance with policy SC1 of the Core Strategy and the National Planning Policy Framework.

6) Unless in accordance with the details approved on 07.01.2019 under reference 18/02840/DETAIL, no development shall be carried out on the land until a detailed sustainable surface water drainage scheme for the site shall be submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. Discharge rates shall be restricted to 50% of the peak brownfield discharge rate unless otherwise agreed in consultation with the Lead Local Flood Authority and Thames Water. No development shall take place other than in accordance with the approved details.

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding in accordance with policy SP2 of the Core Strategy and the National Planning Policy Framework.

7) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Details shall include: i) a timetable for its implementation; and ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure

the operation of the sustainable drainage system throughout its lifetime. No development shall take place other than in accordance with the approved details.

To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions in accordance with policy SP2 of the Core Strategy and the National Planning Policy Framework.

8) Unless in accordance with the details approved on 20.11.2018 under reference 18/02842/DETAIL, no development shall take place until a noise assessment and characterisation for the potential noise impact on the residential units, together with details of necessary mitigation measures have been submitted to and approved in writing by the local planning authority. The noise assessment shall be carried out in accordance with the requirements of BS4142:2014. The mitigation measures shall include details of acoustic ventilation and glazing required to protect the approved bedrooms, living rooms and balconies from noise and vibration in accordance with the requirements of BS8233:2014 and the strategy set out in the Environmental Noise Assessment by Idom Merebrook (reference ENA-19502-16-101 REV A, dated June 2017). The approved protection measures shall be completed in accordance with the approved details prior to the first occupation of the relevant residential unit and maintained thereafter.

In order to provide an acceptable standard of residential accommodation in accordance with policy EN2 of the Sevenoaks Allocations and Development Management Plan.

9) Unless in accordance with details approved on 20.11.2018 under reference 18/02843/DETAIL, no impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority. No development shall take place other than in accordance with the approved details.

The proposed works will be in close proximity to underground water utility infrastructure and piling has the potential to impact on local underground water utility infrastructure.

10) Unless in accordance with the details approved on 25.06.2009 under reference 19/01279/DETAIL, no development shall be carried out on the land until a demolition and construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority and thereafter implemented and maintained throughout the construction period in accordance with the approved CEMP. The CEMP shall include: a. Details of the proposed working hours b. Details of locations of vehicle parking for site operatives and visitors c. Details of an area for the storage of plant and materials d. A site waste management plan e. Details of means of suppressing dust during the construction process to include the regime for dust deposition measurement at the

site boundaries; f. Details of the measures to mitigate the noise and vibration from construction g. Details of a surface water drainage scheme for the temporary drainage of the Site.

In the interests of highways safety and the amenities of the surrounding area during the construction phase, in accordance with policies EN1 and T1 of the Sevenoaks Allocations and Development Management Plan.

11) Unless in accordance with the details approved on 07.01.2019 under reference 18/03484/DETAIL, no development shall be carried out on the land until a scheme to provide utilities connections to the dwellings hereby permitted to facilitate access to infrastructure that meets modern communication and technology needs, including broadband and where feasible Superfast Fibre Optic Broadband, high speed internet cabling and digital TV cabling shall be submitted to and approved in writing by the local planning authority. The agreed scheme shall be provided prior to first occupation of any of the residential units hereby approved.

To secure the installation of infrastructure that meets modern communication and technology needs and to avoid the need for retrofitting in accordance with policy EN1 of the Sevenoaks Allocations and Development Management Plan.

12) Unless in accordance with the details approved 20.11.2018 under reference 18/02844/DETAIL, no development shall be carried out on the land until a scheme of measures to minimise the risk of crime according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) shall be submitted to and approved in writing by the local planning authority. The measures so approved shall be implemented prior to the first occupation of any of the residential units hereby approved and shall be retained thereafter.

To ensure the creation of a safe and secure environment in accordance with policy EN1 of the Sevenoaks Allocations and Development Management Plan.

13) Unless in accordance with the details approved under reference 18/03533/DETAIL and the treatment of the rear 3rd storey described in the Design and Access Statement Addendum dated May 2019, no development shall be carried out on the land until details, including samples as appropriate, of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the approved materials.

To ensure a satisfactory appearance to the development and to comply with policy SP1 of the Core Strategy and policy EN1 of the Sevenoaks Allocations and Development Management Plan.

14) Unless in accordance with the details approved on 07.01.2019 under reference 18/03534/DETAIL, no development shall be carried out on the land until

details of the green wall on the side elevation of the hereby approved building has been submitted to and approved in writing by the local planning authority. The details shall include: method of installation, management and maintenance. The green wall shall be installed prior to the first occupation of the building and thereafter maintained and managed in accordance with the approved details. Any part of the green wall which is removed, die, becomes severely damaged or diseased within ten years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the local planning authority within the next planting season.

To enhance the visual appearance and green infrastructure of the area as supported by policies EN1 and G11 of the Sevenoaks Allocation and Development Management Plan.

15) Unless in accordance with details approved on 07.01.2019 under reference 18/03536/DETAIL, no development shall be carried out on the land until full details of appropriate measures to enhance the biodiversity and nature conservation value of the site have been submitted to and approved in writing by the local planning authority. No development shall take place other than in accordance with the approved details prior to the first occupation of the development.

In order to enhance the biodiversity value of the site in accordance with policy SP11 of the Core Strategy and policies EN1 and G11 of the Sevenoaks Allocation and Development Management Plan.

16) The car parking spaces and turning areas as shown on the hereby approved plan PL.01/A shall be provided prior to first occupation of the building and kept available for such use at all times. No development shall be carried out on that area of land or to preclude vehicular access thereto. The car parking spaces shall be for the use of occupiers and visitors to the building only and shall not be reserved for specific individuals, companies or organisations.

To ensure the provision of adequate access and vehicle parking in accordance with policies EN1 and T2 of the Sevenoaks Allocation and Development Management Plan.

17) Unless in accordance with the details approved on 20.11.2018 under reference 18/02846/DETAIL, no development shall be carried out on the land until details for the installation of an electric vehicle charging point showing its proposed location, type and specification have been submitted to and approved in writing by the local planning authority. The electric vehicle charging infrastructure shall be installed in accordance with the details so approved prior to the first occupation of any of the residential units and shall be retained and maintained for use at all times.

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

18) Unless in accordance with the details approved on 20.11.2018 under reference 18/02847/DETAIL, no development shall be carried out on the land until full details of the secure cycle storage shown on the hereby approved drawing PL.01/A has been submitted to and approved in writing by the local planning authority. The cycle storage shall be provided in accordance with the details so approved prior to the first occupation of any part of the development.

To promote and encourage sustainable modes of transport, in accordance with policy SP1 of the Core Strategy and the National Planning Policy Framework.

19) The refuse and recycling storage as shown on the hereby approved plan PL.01/A, shall be provided in accordance with the details so approved prior to the first occupation of any part of the development and retained as such thereafter.

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

20) The commercial units as shown on approved plan no. PL.01/A hereby approved shall be used as Class A1 retail use only and for no other use.

In recognition of the location of the site within a protected retail frontage in the town centre and pursuant to policy L05 of the Sevenoaks Core Strategy and policy TLC2 of the Sevenoaks Allocation and Development Management Plan.

21) Prior to the first occupation of any of the hereby approved residential units a final Travel Plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall include the appointment of a Travel Plan co-ordinator, targets for non-car modes of travel and details of the arrangements for promotion of the Travel Plan. The Travel Plan shall be implemented in accordance with the details so approved and monitored at yearly intervals and the results, including an annual report, together with any amendments to the Travel Plan, shall be submitted to the local planning authority.

To promote and encourage sustainable modes of transport, in accordance with policy SP1 of the Core Strategy and the National Planning Policy Framework.

22) The flat roofs hereby approved to the rear of the building (as demonstrated on drawing PL.04/D and PL.05/A and not annotated for use as a balcony or terrace) shall be accessed only for maintenance purposes.



To protect the privacy of the neighbouring buildings and to comply with policy EN2 of the Sevenoaks Allocation and Management Plan.

23) Notwithstanding the approved drawings, prior to the installation of any solar panels to the roof of the building, details of their design and appearance, including their projection from the roof, shall be submitted to and approved in writing by the local planning authority. The solar panels shall be installed only in accordance with the approved details.

To ensure the development preserves the character and appearance of the area and to comply with policy EN1 of the Sevenoaks Allocation and Development Management Plan.

### **Informatives**

1) Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that gigabit capable fibre to the premise Broadband connections. Access to gigabit broadband is an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the viability of the nearest gigabit connection. We understand that major telecommunication providers are now offering fibre to the premise broadband connections free of charge to the developer. For advice on how to proceed with providing broadband access please contact [broadband@kent.gov.uk](mailto:broadband@kent.gov.uk).

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 Street Naming and Numbering team on 01732 227328 or visit [www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk) for further details.

3) 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.

### **National Planning Policy Framework**

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

## Agenda Item 4.4

### Description of site

- 1 This 0.5 hectare site is located on the north eastern side of High Street within Swanley town centre. The existing building has now been demolished but once comprised of a two-storey, traditional brick and tile building with a pitched roof. The ground floor comprised a former retail use with a single storey flat roofed extension to the front of the building.
- 2 A single track access adjoins the western side of the building which provides access to a yard and other accesses at the rear of the site.

### Description of proposal

- 3 This application seeks new planning permission for the development in its entirety for the development previously approved (and has been implemented) under planning reference 17/01628/FUL but includes and additional three flats to the rear of the site at third level above the position of a previously approved flat roof.
- 4 The changes to the proposals do not entail changes to the design approach at the front of the building and the front elevation would not experience significant change as a result of these proposals.

### Relevant planning history

- 5 17/01628/FUL- Planning permission was granted by the Development Control Committee on 15 December 2017 for development described as:  
  
“Proposed demolition of existing building. Erection of new three storey building to provide A1 Retail at part ground floor and C3 residential accommodation 11 units at ground to second floor with a 12th unit in attic floor space. Provision of rear undercroft car/cycle and motorcycle parking.”
- 6 A non-material amendment was granted on 22 May 2018 (reference: 18/01148/NMA) for the following:
  - Amendments to floor plans and residential/ commercial unit sizes and layout;
  - Amendments to the front and rear building lines;
  - Addition of 22 photo voltaic panels;
  - Amendments to windows;

- Amendment to undercroft cycle store.

A minor material amendment was granted on 23 January 2019 (reference 18/03226/MMA) for the following additional changes:

- Amendment to roof form at the back of the building (rear 2/3rds) to incorporate flat roof with surrounding parapet walls and solar panels;
- Associated minor alterations to fenestration including new door to rear elevation at 'attic level';

## Policies

7 National Planning Policy Framework (NPPF)

8 Core Strategy (CS)

- L01 Distribution of Development
- L04 Development in Swanley
- L05 Swanley Town Centre
- SP1 Design of New Development and Conservation
- SP2 Sustainable Development
- SP3 Provision of Affordable Housing
- SP5 Housing Size and Type
- SP7 Density of Housing Development
- SP8 Economic Development and Land for Business
- SP10 Green Infrastructure, Open Space, Sport and Recreation Provision
- SP11 Biodiversity

9 Allocations and Development Management Plan (ADMP)

- SC1 Presumption in Favour of Sustainable Development

## Agenda Item 4.4

- EN1 Design Principles
- EN2 Amenity Protection
- TLC2 Swanley Town Centre
- EMP5 Non Allocated Employment Sites
- GI1 Green Infrastructure and New Development
- T1 Mitigating Travel Impact
- T2 Vehicle Parking
- T3 Provision of Electrical Charging Points

### 10 Other:

- National Planning Policy Framework
- National Planning Policy Guidance
- Sevenoaks District Council Affordable Housing SPD

### Constraints

#### 11 The following Constraints apply:

- Swanley Town Centres
- Secondary Shopping Frontage
- Air Quality Management Area

### Consultations

#### 12 Swanley Town Council

Objection: “This application offers severely inadequate parking which is considerably below Kent Guidelines, even for a town centre.”

13 KCC Highways

“This application is similar to the previous application on the same site (SE/17/01628) except, it would appear, for the addition of 3 additional apartments at 3rd floor level. It is proposed that there will be a total of 4 car parking spaces together with 17 secure cycle parking spaces. As I commented on the previous application, this is a town centre location with a good level train and bus services available nearby as well as all essential facilities (shops, schools, medical practices etc.) available within an easy walking distance. Since, for a town centre development, both IG3 and SPG4 recommend maximum parking standards, and the fact that there is public car parking nearby, I do not raise any highway objection to this proposed level of car parking provided. To ensure this parking remains available at all times in the future, I would suggest Conditions be applied similar to Conditions 16, 17, 18 and 21 of the 2017 application. Given the location on the busy High Street, I would recommend that a Condition requiring a Construction Management Plan be submitted and approved prior to any works commencing.”

14 Environmental Health

“I am concerned at the degree of noise exposure to this proposed development with a potential adverse impact from noise being identified to the rear of the proposed development from extract equipment at Domino’s Pizza and whilst the author of the noise report has stated that this will not be an issue with the proposed glazing, BS 4142:2014 cannot be used to evaluate noise levels within the property, any adverse level is considered as an external value only. So this is an adverse impact on any external amenity space in that locality.

My greatest concern is the external amenity space, indeed the noise report by Hawkins Environmental dated 16th July 2019, has a section on this and as expected the author has quoted the first paragraph of section 7.7.3.2 of BS 8233:2014 in isolation and disregarded the second paragraph of that section, which states that some areas of balconies, roof gardens or terraces should be able to achieve a level of 55 dB LAeq,T in any instance the development should be able to demonstrate good acoustic design and I do not believe this is indicated in the report. Therefore amenity space that does not meet this basic requirement should not be considered amenity space within this design.

Whilst the report mentions other non-statutory guidance that states other nearby publicly accessible external amenity space such as public parks or a local green space designated because of its tranquillity, however I would question Swanley Recreation Ground fitting this description, being adjacent to a railway line, having sports pitches and having a skate park.

## Agenda Item 4.4

I do not believe that if the balconies etc. are considered amenity space then this proposal is unacceptable.

As indicated by the contaminated land Phase 1 (desk top) study a phase 2 (intrusive) investigation is necessary and based on the findings the applicant should submit a remediation strategy to be agreed in writing by the Local Planning Authority and on completion of all remedial works the applicant shall submit a validation report for the works to be agreed in writing by the Local Planning Authority prior to habitation of any dwelling. This could be a condition if you are minded to grant permission.”

### 15 Environment Agency

“We have reviewed the information submitted and for this scale and type of development we would make no detailed comments for land previously used for low use retail/ residential use. Any soakaway for clean roof drainage should be through sealed trap gullies and only sited in areas of clean naturally occurring materials in accordance with the building regulations Approved Doc H. Any unexpected contamination encountered should be reported to the Environmental Health Officer in accordance with building regulations approved Doc C.”

### 16 Urban Design Officer

“The proposed application has minimal impact to the front elevation from what has been previously approved (18/03226/MMA) apart from the flat roof extension that sits behind the front elevation roof line. The three additional flats are accommodated to the rear of the building. The use of external materials for this addition helps break up the bulk of the building as a whole. Further to this, the proposed rear elevation has incorporated clerestory windows on the third floor to address the blank façade to the rear and provide more sunlight for the flats at this level. Please find further details below:

Materials and appropriate detailing to be ensured though suitable conditions. It is acknowledged that the PV's have been centrally located and set back to reduce visual impact, however with planning permission being granted for higher development in the town centre and the topography of the site is lower than this area, it is recommended that further details are provided in regards to addressing these considerations so the PV's are as discreet as possible and reduce roof clutter. As per the NPPF para 151. the use of PV's is encouraged, and therefore removing them is not seen as an appropriate way to address these considerations. External pipework on the front elevation juts out and is not sensitive to the external appearance of the building facing the streetscape. Further to this, the downspout elbow causes a visual obstruction in front of the balcony windows on the second floor. This should be addressed to create a higher quality finish to the external pipework detailing.

The windows of bedroom 1 in flat 1 look out onto the undercroft car park area, and part of the neighbouring wall/fence, this raises potential issues regarding the quality and quantity of natural light and outlook. The area outside of the ground floor window facing the car park could have some defensible space to attempt to address this issue. Further to this, specifications for the window (i.e. window size, position and opening direction) that looks out onto the car park should be provided to ensure privacy.

The single track access route located to the western side of the site should be enhanced to create a safe access route to reduce the current character of a 'back alley'. The residential entrance should be more visible from the street, welcoming and provide easy and safe access for all as per NPPF para 91b). Improvements could include enhancing the hardstanding material from blacktop to, for example, a resin bound gravel laid onto a porous base so it is SUDS compliant; lighting and/or artwork or signage. It is also encouraged that the corner windows of the commercial unit at ground floor are retained as clear windows and are not covered/film wrapped to retain active frontage around this corner. In line with the NPPF para. 91b) in order to create safe and accessible places, so that crime and disorder and fear of crime do not undermine the quality of life. The set back of the bin stores beside the entrance to the southern stairwell creates a blind or potentially dark alcove, this should be addressed to enhance the feeling of safety when entering the access points to the building.”

17 KCC Economics

“Whilst we appreciate this application will pay the CIL adopted by Sevenoaks District and that the County Council cannot request contributions through an s106 agreement, the development will still have an impact on County services which cannot be accommodated within existing capacity. This development will place the following unfunded pressures on KCC:

- Primary: 12 flats @ £831 per applicable flat ('applicable excludes 1 bed units of less than 56 sqm GIA - please confirm the 3 x 1 bed flats are below this threshold?) = £9972.00
- Secondary: 12 flats @ £1029.00 = £12,348.00
- Community learning: @ £8.90 per dwelling (x15) = £133.50
- Youth Service: @ £65.50 per dwelling (x15) = £982.50
- Libraries: @ £48.02 per dwelling (x15) = £720.30
- Social Care: @ £78.08 per dwelling (x15) = £1171.20

## Agenda Item 4.4

- Waste: @ £237.54 per dwelling (x8) = £3563.10
- Broadband: The Department for Culture, Media and Sport requires fibre to the premise/gigabit capable fibre optic connection for all. Please include within any Planning Consent the requirement to provide 'fibre to the premise' broadband connections to all premises of gigabit capacity, namely: **INFORMATIVE:** Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that gigabit capable fibre to the premise Broadband connections. Access to gigabit broadband is an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the viability of the nearest gigabit connection. We understand that major telecommunication providers are now offering fibre to the premise broadband connections free of charge to the developer. For advice on how to proceed with providing broadband access please contact [broadband@kent.gov.uk](mailto:broadband@kent.gov.uk).

It is requested that these impacts be noted in determining the application and that Sevenoaks District Council allocates CIL funds received from the development to ensure the impacts of the development can be met and the development regarded as sustainable.”

### 18 KCC Ecology- (summary)

No information has been provided to assess the potential for roosting bats to be present or advise if ecological surveys are required.

### 19 Thames Water- (summary)

Condition recommended to restrict piling, unless approved by the local planning authority in consultation with Thames Water, due to the position of a strategic sewer.

Informatives recommended with regard to proximity to public sewer and discharge of ground water.

### 20 South East NHS

No response received.

### 21 Kent Police

No response received.



22 KCC Lead Local Flood Authority

No response received.

### **Representations**

23 No representations have been received.

### **Chief Planning Officer's appraisal**

24 **The main planning considerations are:**

- The principal of the redevelopment including change of use;
- Design and impact on the character of the area;
- Housing density and housing type;
- Provision of affordable housing;
- Residential amenity;
- Highways and parking;
- Trees, ecology and biodiversity;
- Flood risk, surface water drainage and utilities
- Land contamination
- Infrastructure

### **The principal of the redevelopment including change of use**

25 The building which previously existed on the site contained a pair of two-storey semi-detached buildings in Class A1 retail use at ground floor and Class B1 office use above. The proposed development would include two retail units at ground floor and 15 residential units. The site is located within the designated town centre, where for the purposes of policy L05 of the Core Strategy, it is acknowledged there is a significant scope for development to achieve regeneration objectives.

26 The proposals would involve the loss of a B1 use on the site. This is the same as previously accepted in 2017, when the same local development

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plan policies were applicable. For the earlier 2017 application, it was accepted that the property had been vacant for some time, as was the case at the time of an earlier 2014 application and there were accepted to be inherent physical shortcomings of the building for this purpose(s). It was also acknowledged that the applicant could exercise a fall-back position of a lawful residential conversion using permitted development rights.

- 27 The existing building has now been demolished in its entirety in connection with the existing 2017 permission. In light of this earlier permission, which could still be built out, no objection is raised to the loss of a B1 use on the site.
- 28 The proposed retail frontages are welcome and would support an active frontage and the proposed residential units would contribute to the District's Housing stock. Overall the mix of uses proposed is acceptable.

### Design and impact on the character of the area

- 29 Policy SP1 of the Core Strategy and Policy EN1 of the ADMP state that all new development should be designed to a high quality and should respond to and respect the character of the area in which it is situated.
- 30 The overall design approach of the development is not proposed to be significantly changed from the earlier approval. The proposed front elevation, and overall footprint of the building on the site, is not changed from the earlier permission.
- 31 The Urban Design Officer has raised concerns regarding some of the design features of the earlier permission. However, as there has not been a significant change in Development Plan policies, and as building commenced under the 2017 permission, it is not considered reasonable that those features are now objected to. There are conditions of the earlier permission which address issues such as security lighting and designing out crime which should be repeated on any new permission to alleviate several of the concerns raised by the Urban Design Officer.
- 32 The changes proposed for this scheme solely relate to the introduction of additional accommodation at the back of the site at the second floor level. Under the original application the new building included its high level accommodation at the front of the site addressing the High Street, and dropped at the back of the site. This form of development, with taller properties fronting the main road, is characteristic of traditional development along this stretch of the road.
- 33 Despite this, the site is situated at a point of transition between the terrace of properties directly to the northwest and other properties of similar character to the south east. The nature of development on the backs of the

plots varies significantly and due to the proximity of the railway line and industrial uses to the north, the back of the site is not visually prominent in longer views. For these reasons, on balance, the addition of an extra storey to the back of the site is considered acceptable.

- 34 The architectural treatment of the additional storey at the rear has been designed to appear visually distinct from the rest of the building below. Instead of mimicking the materials of the floors below, it is proposed to have cladding with a standing seam detail. This serves to visually reduce the visual bulk of the back of the building and help the additional storey to appear as a more subordinate addition. This is also facilitated through the setbacks from the approved parapets.
- 35 The Council's Urban Designer supports the inclusion of new windows in the far rear elevation, to break up an otherwise large blank façade. Concern has been raised for the solar PVs proposed to the roof of the building. These were previously proposed behind the approved parapets where they would experience limited visibility from the surrounding area. Despite their set back on the roof, the proposed PVs would experience more visibility from longer view points. As such a condition is recommended to secure further details of those panels to help secure measures to reduce their height and/or visual impact.
- 36 The Urban Design Officer has suggested that improvements be made to the access to the west of the building from where the residential units would be accessed. However, this access lane is not part of the application and is understood to be outside the applicant's ownership. As the current proposals entail only an uplift of 3 units it is not considered that this would sufficiently justify highway improvement works where the earlier scheme did not. As discussed above, a lighting scheme for the residential entrance has been approved by condition under the original application.
- 37 Overall, on balance, the proposed redevelopment in its entirety is considered acceptable and compliant with the aims of Development Plan policies.

#### **Housing density and housing type**

- 38 The proposals would provide 15 residential units in total, creating a density of approximately 30 dwellings per hectare (dph). This is still notably lower than the expectations of policy SP7, which seeks a density of 75 dph in Sevenoaks and Swanley town centres, but is considered appropriate for this context.
- 39 The proposals seek to provide 3 x 1 bedroom units and 12 x 2 bedroom units. The original permission was for 12 x 2 bedroom units. While the mix is heavily orientated around smaller units, this is considered acceptable for this location. The earlier Officer's Report acknowledges that the site is not

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best suited for family accommodation. Therefore the proposed mix is acceptable.

### Provision of affordable housing

- 40 The application does not propose provision of any affordable housing either on the site or in the form of a payment in lieu of affordable housing elsewhere, contrary to policy SP3.
- 41 The application has been submitted with a financial viability report prepared by Rapleys and the document is publically available in line with current National Planning Practice Guidance. Independent viability consults, Dixon Searle Partnership (DSP) have assessed the applicant's report on behalf of the Council. DSP have undertaken a robust review of the scheme which has included assessing whether any key revenue assumptions (such as sales values estimates) have been under or over estimated. DSP agree with the approach taken by the applicant and agree that the majority of the assumptions inputted into the assessment are reasonable for this scheme.
- 42 DSP have highlighted queries relating to the planning fees and the value of the new retail units. However they note that any adjustment to those assumptions would not move the result into 'positive territory' or provide scope for an affordable housing contribution.
- 43 On this basis it is agreed that the scheme remains unable to provide an affordable housing contribution. This amounts to the exceptional circumstances permitted by policy SP3 of the Core Strategy.

### Residential Amenity

- 44 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.
- 45 The applicant has provided an updated sunlight and daylight assessment which considers the impact of the development on the neighbouring buildings in line with accepted BRE methodology and guidance.
- 46 15 High Street is the neighbouring building to the south east which is understood to have residential accommodation on its upper floors. In summary the report shows that three windows at the back of no.15 would experience a noticeable reduction in daylight. Two of these are in a first floor porch at the back, which is not a habitable room but part of the entrance to the property. Therefore the impact on these windows is not considered to be harmful to the overall living conditions of the property.
- 47 With regard to the third and most affected window, this was similarly affected by the previously approved scheme, although it is noted that the

impact is worsened to a degree by the current proposal. The previous Officers report stated this affected room was served by another window in the building and, based on a site visit, would appear to serve a bedroom. The impact of the development on this window is also not considered to cause significant harm to the overall living conditions of that property.

- 48 The impact of the proposals on the levels of sunlight to those windows has not been tested as they are north facing.
- 49 The report demonstrates there would be no harmful loss to the windows in No.9 High Street (to the north west), which would experience only a very small reduction (less than 5%) of daylight. The impact is therefore likely to be unnoticeable.
- 50 With regard to privacy, it is relevant that the extant planning permission included a number of openings to both side elevations and balconies to the west facing elevation. These would be increased by the proposals, which would introduce more openings in the third floor level. It continues to be the case, as in the approved scheme, that views from the new windows and balconies would be predominantly over the back land of the neighbouring sites. Any views towards neighbouring properties would be at such a distance and acute angles to prevent unreasonable overlooking or loss of privacy.
- 51 The separation afforded by the access road on the western boundary, and the green wall to be planted to the eastern side elevation, would help to mitigate the visual impact of the development on the outlook from neighbouring properties.
- 52 With regard to the living conditions of the future occupants of the development, this is considered to be acceptable. Environmental Health have raised concern for the noise experienced by future occupiers, in particular by users of the external amenity spaces.
- 53 The majority of units forming the scheme have received planning permission previously and at the time of the original planning application, Environmental Health raised no objection to those proposals at the time, suggesting only that conditions are imposed to secure the necessary noise attenuation measures. At this time, Dominos Pizza was also present. It is therefore not considered that there has been a significant change in circumstances since the earlier permission, which would now reasonably result in a different conclusion.
- 54 The proposals provide only 1 and 2 bedroom units and as a result are unlikely to provide family accommodation. There are also no external balconies proposed to the east facing elevation.

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- 55 The additional units proposed under this new application are all 1 bedroom flats and there are no new external amenity spaces proposed to the east elevation facing Dominos Pizza. The additional terraces are proposed to the west facing elevation, away from this potentially noisy neighbouring use.
- 56 For these reasons it continues to be considered that the standard of the proposed accommodation is acceptable and compliant with policy EN2 of the ADMP.

### Highways and parking

- 57 Policy EN1 of the ADMP states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking.
- 58 The proposals would provide 15 units in total and have 4 off street parking spaces at the ground floor level (including one wheelchair accessible space), accessed via the western side of the building. The level of parking provision is the same as for the previously approved scheme for 12 flats.
- 59 The parking standards contained in Appendix 2 of the ADMP require that 1 and 2 bedroom flats in a town centre location have a maximum of 1 space per unit. It states that a lesser provision, or even nil provision, is encouraged. On this basis the level of parking provision proposed is policy compliant. KCC as Highways Authority have reviewed the proposals and accepted the proposed parking level on the basis of the sustainable location of the site and proximity of public transport and also public car parks.
- 60 In accordance with the earlier planning permission for 12 units, a condition is recommended to secure a travel plan for the residential units to ensure that sustainable means of transport are actively encouraged among future residents.
- 61 It is relevant that the current NPPF states at paragraph 109 that “development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”
- 62 In light of the mix of unit sizes now proposed and the highly sustainable location of this site, it is not considered that the impacts on the road network arising from this development would be severe.
- 63 17 secure cycle parking spaces are proposed within the car parking area and this is welcome.

- 64 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. This provision can be secured by condition.

#### **Trees, Ecology and Biodiversity**

- 65 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.
- 66 Despite concerns from KCC regarding the potential for bats on the site, the building has now been demolished and this issue was considered as part of the previous planning application. It is relevant that the extant planning permission included conditions relating to biodiversity enhancements, and these are recommended again here.
- 67 The proposal would not impact upon any existing trees on or near the site, and due to the coverage of the proposed building on the site, none could be accommodated as part of the scheme. The proposals do however include a green wall to part of the eastern side elevation.

#### **Flood risk, surface water drainage and utilities**

- 68 The site lies within Flood Zone 1 which has a low probability of flooding. The Lead Local Flood Authority raised no objections previously. It is recommended that conditions are repeated if planning permission is granted to require implementation of a surface water drainage scheme which has been approved in consultation with the Lead Local Flood Authority. Thames Water have also been consulted and raised no objections to the proposals.

#### **Land contamination**

- 69 As with the earlier planning permission, and in line with the requests of consultees, conditions are recommended to ensure that appropriate land contamination issues are addressed during the course of the construction and that details of the completed remediation are submitted for approval by the Council before any part of the development is first occupied.

#### **Infrastructure**

- 70 Kent County Council have provided details of the likely impact of the development on infrastructure and this has been presented as a financial sum. However, in line with Planning Practice Guidance and the CIL Regulations, as Sevenoaks District Council is a CIL charging authority, these contributions cannot lawfully be secured as part of any planning application at this time.

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- 71 At the time that the original permission was commenced, the applicant made a CIL payment of £32,745, which would help fund infrastructure in the District. The affected bodies should therefore seek to bid for this Council's CIL contributions.
- 72 As this new proposal involves more floorspace, it would similarly be liable for a CIL payment.

### Conclusion and Planning Balance

- 73 For the reasons discussed above, it is considered that the proposals are compliant with the relevant policies of the development plan.
- 74 At this time, as the Council do not have a tested five year housing supply in the context of the NPPF the 'tilted balance' in paragraph 11 is engaged. This means that there is a presumption in favour of granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of doing so, when assessed against the NPPF as a whole. There are no specific policies to indicate development should be restricted in this location. This 'tilted balance' is a material consideration.
- 75 The proposals would provide an appropriate mix of new units in a sustainable town centre location that would contribute to the District's housing stock. The ground floor level retail units would also contribute positively to the active frontage of the street. Overall it is considered that the proposals would be acceptable and wholly accords with Development Plan policies.

### Background papers

Site and block plan

Contact Officer(s): Claire Shearing

Contact: 01732 227000

**Richard Morris**  
Chief Planning Officer

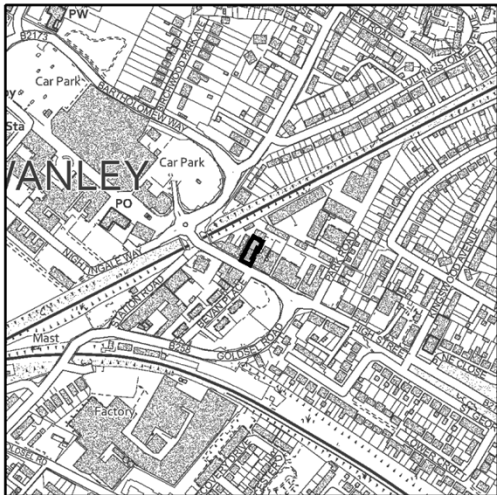
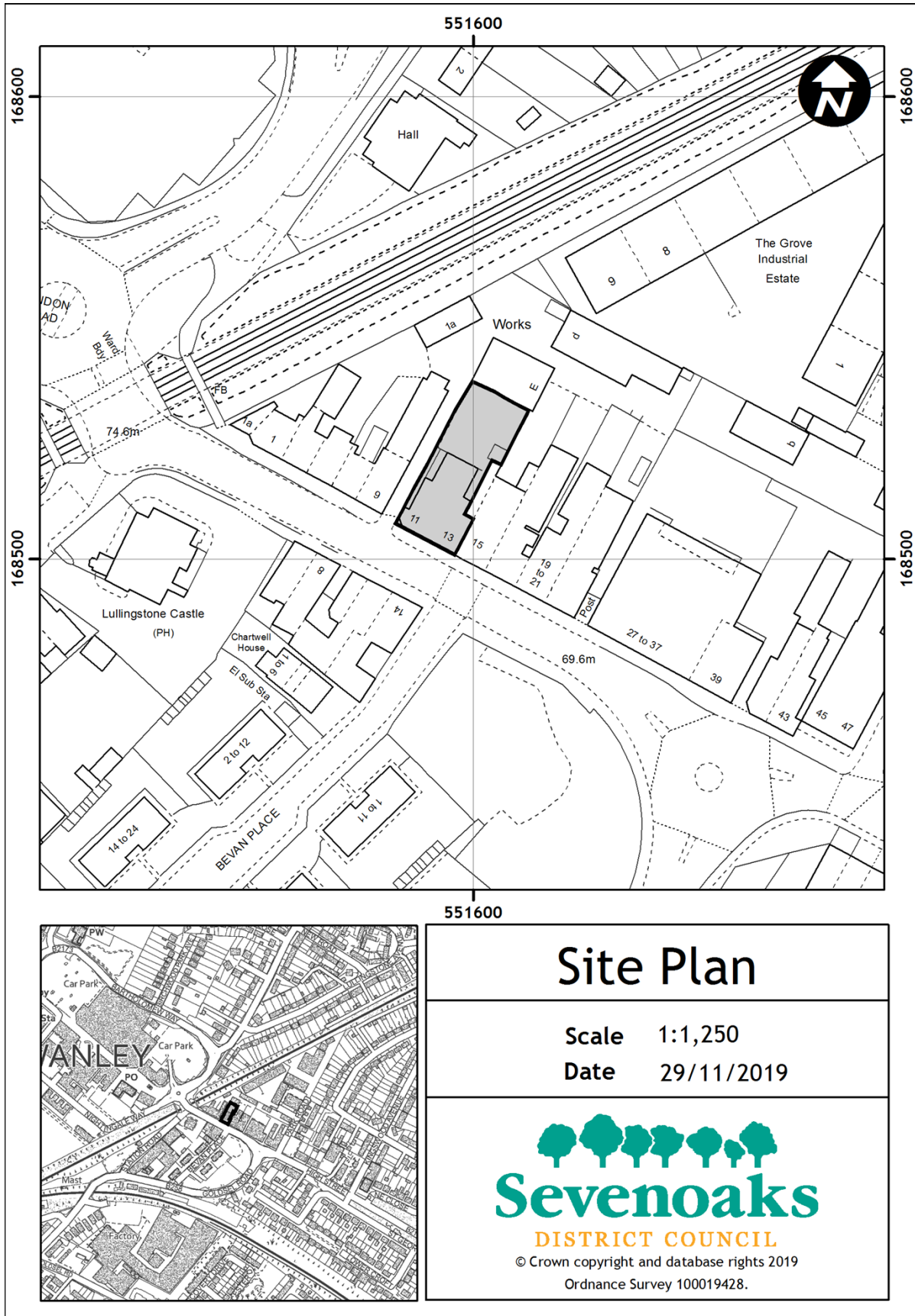
Link to application details:

<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=PRT8A7BKIWG00>





# Site Plan

Scale 1:1,250

Date 29/11/2019



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Ordnance Survey 100019428.

# Agenda Item 4.4

## BLOCK PLAN



Planning Application Information on Public Access - for applications coming to

DC Committee on Thursday 16 January 2020

**4.1 19/02127/FUL**

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=PUWC8NBKLDZ00>

**4.2 19/02863/FUL**

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=PZ2C9ABKMY200>

**4.3 19/01982/FUL**

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=PU44YIBK0LO00>

**4.4 19/01496/FUL**

Link to application details:

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

## Supplementary Information

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PRT8A7BKIWG00>