

13 February 2020 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

Despatched: 05.02.20



PLEASE NOTE Members of the Public should be aware that there is limited space to observe or listen to the meeting and that whilst every effort will be made to accommodate those attending, admittance to the building may be restricted for health & safety.

Development Control Committee

Membership:

Chairman, Cllr. Williamson; Vice-Chairman, Cllr. Reay

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

Agenda

There are no fire drills planned. If the fire alarm is activated, which is a continuous siren with a flashing red light, please leave the building immediately, following the fire exit signs.

	Pages	Contact
Apologies for Absence		
1. Minutes To approve the minutes of the meeting of the Committee held on 16 January 2020, as a correct record.	(Pages 1 - 12)	
2. Declarations of Interest or Predetermination Including any interests not already registered.		
3. Declarations of Lobbying		
4. Planning Applications - Chief Planning Officer's Report		
4.1 19/02951/HYB White Oak Leisure Centre, Hilda May Avenue, Swanley KENT BR8 7BT Hybrid application comprising, in outline: residential development of between 35 and 40 residential units - residential mix to be either 2 or 3 bed units with either integral or on-street parking. Units to be either 2 or 3 storey high. In detail: demolition of existing leisure centre building and erection of replacement leisure centre and associated car park.	(Pages 13 - 46)	Mike Holmes 01732 227000

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|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|----------------------------------|
| 4.2 | 19/01682/FUL - Land East of Bray Road, Four Elms Road, Edenbridge KENT TN8 6AD | (Pages 47 - 80) | Sean Mitchell
01732 227000 |
| | A full planning application for a health and wellbeing centre on land to the south of Four Elms Road, Edenbridge, with appropriate car parking and landscaping. | | |
| 4.3 | 19/02474/FUL - Claydene Farm, Hartfield Road, Cowden KENT TN8 7HF | (Pages 81 - 114) | Emma Gore
01732 227000 |
| | Conversion of redundant agricultural Buildings to form 9 new residential units. Demolition of outbuildings. Landscaping works with new access and access alterations. | | |
| 4.4 | 19/03106/LDCPR - 41 Bradbourne Park Road, Sevenoaks, KENT TN13 3LJ | (Pages 115 - 122) | Holly Pockett
01732 227000 |
| | Replacement windows and doors. | | |
| 4.5 | 19/03320/DETAIL - 7 High Street, Shoreham, Kent TN14 7TB | (Pages 123 - 130) | Hannah Donnellan
01732 227000 |
| | Details pursuant to condition 3 (external finishes) subject to 19/02078/HOUSE. | | |

5. Tree Preservation Orders

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|-----|--------------------------------------------------------------------------------------------------------------------------|-------------------|---------------------------|
| 5.1 | Objection to Tree Preservation Order (TPO) 12 of 2019 - Tollgate Yard, High Street, Farningham, DA4 0DP | (Pages 131 - 136) | Les Jones
01732 227000 |
| | TPO 12 of 2019 has been served in response to 19/02554/WTCA to fell a pine tree within the Farningham Conservation Area. | | |
| 5.2 | Objection to Tree Preservation Order (TPO) 13 of 2019 - The Laurels, Greenlands Road, Kemsing, TN15 6PH | (Pages 137 - 142) | Les Jones
01732 227000 |
| | TPO 13 of 2019 has been served in response to a report of mature trees about to be felled. | | |

EXEMPT INFORMATION

At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.

Any Member who wishes to request the Chairman to agree a pre-meeting site inspection is asked to email democratic.services@sevenoaks.gov.uk or speak to a member of the Democratic Services Team on 01732 227000 by 5pm on Monday, 10 February 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.

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DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 16 January 2020 commencing at 7.00 pm

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

Cllrs. Ball, Barnett, Brown, Cheeseman, Perry Cole, Coleman,
P. Darrington, Firth, Hudson, Hunter, Layland, McGarvey, Pett, Purves,
Raikes and Reay

Apologies for absence were received from Cllrs. Roy and Williamson

Cllrs. Andrews, Barnes, Edwards-Winsor, Mrs. Morris and Thornton were
also present.

It was noted that Application 19/02127/FUL - Abbeyfield, St Marys, 15 The Glebe
Field Shoreham Lane Riverhead Kent, had been withdrawn by the Applicant.

49. Minutes

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

50. Declarations of Interest or Predetermination

Councillor Ball declared that for Minute 54 - 19/01496/FUL 11-13 High Street,
Swanley, Kent BR8 8AE he had previously considered the matter when it was
discussed by Swanley Town Council, but remained open minded.

51. Declarations of Lobbying

There were none.

RESERVED PLANNING APPLICATIONS

The Committee considered the following planning applications:

52. Porters Farm, Birchin Cross Road, Knatts Valley Kent TN15 6XH

The proposal sought planning permission for change of use and conversion of 3 no.
agricultural barns to provide 4 no. residential dwellings, including partial
demolition of existing barn, with associated landscaping, access and parking. The
application had been referred to 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.

Agenda Item 1

Development Control Committee - 16 January 2020

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

The Committee was addressed by the following speakers:

Against the Application: Sarah Parks

For the Application: Matthew Garvey

Parish Representatives: Parish Cllr Susanne Hubble

Local Member: Cllr Edwards-Winsor

Members asked questions of clarifications from the speakers and officers. In response to a question as to whether the recent appeal decision at Vine Cottage, Penshurst (ref 17/00825/FUL) was distinguishable or binding on this application, Members were advised that it was not a binding authority but demonstrated an example of how on appeal, these matters could be considered. All applications were to be looked at on their own merits. It was further clarified that a formal definition could not be given for 'cladding' nor for what constituted 'minor works' in this context as this was more a judgement of fact and degree.

It was moved by the Chairman and duly seconded that the recommendation to grant the application subject to the conditions and informative as set out within the report, be agreed.

Members discussed the application, in particular the interpretation of 're-use' and 'rebuild' as there was concern on the current use and condition of the barns; and, whether the Penshurst appeal decision was comparable to the current application, along with non-compliance with the Council's policies. Also concern with regard to the current use and the overall condition of the barns was expressed.

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

Members debated reasons for refusal which centred on the proposal being considered substantial reconstruction due to the significant works required and therefore not being compliant with GB7 of the Sevenoaks ADMP and the NPPF. It was moved by the Chairman, duly seconded and

Resolved: That planning permission be refused on the grounds that the proposals would be inappropriate development in the Green Belt and harmful by definition as they fail to constitute the re-use of buildings, contrary to policy GB7 of the Sevenoaks ADMP and the NPPF.

53. Land Opposite, 9 - 16 Church Lane, Kemsing Kent TN15 6LU

The proposal sought planning permission for the 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. The application had been referred to Development Control Committee as Sevenoaks District Council was the applicant.

Members' attention was brought to the main agenda.

The Committee was addressed by the following speakers:

Against the Application: Georgina Lloyd

For the Application: Adrian Clark

Parish Representative: Parish Cllr Matt Bell

Local Members: Cllr Morris

Members asked questions of clarification from the speakers and officers. It was confirmed that the land was owned by Sevenoaks District Council, and that there was no application to register it as a village green. In response to a question as to when public use of the land became a right, Members were advised that under the Commons Act 2006 it could be registered if a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, had indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years. Clarification was sought on distances between the current and proposed properties, and Members signposted to paragraphs 41 to 43 of the report concerning Section 85 of the Countryside and Rights of Way Act 2000 and Policy EN5 of the ADMP.

It was moved by the Chairman and duly seconded that the recommendation to grant the application subject to the conditions and informatives as set out within the report, be agreed.

Members discussed the application, in particular compliance with Section 85 of the Countryside and Rights of Way Act 2000 and Policy EN5 of the ADMP, as the site was within the Kent Downs Area of Outstanding Beauty. Some concern was expressed on the age of potential occupiers of the new build versus the existing 'aged persons bungalows.' Members were advised that an age restriction could be conditioned but would require reasonable grounds. The use of the land and the benefit for health and wellbeing of residents was also discussed.

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

(Councillor Hudson requested her abstention be recorded.)

Members debated reasons for refusal which centred on loss of open space, the detrimental impact on the street scene and failure to comply with Policy EN5 of the ADMP.

Agenda Item 1

Development Control Committee - 16 January 2020

The motion was put to the vote and it was

Resolved: That planning permission be refused on the grounds of loss of open space, layout and detrimental impact on the street scene as it failed to preserve, conserve or enhance the distinctive character of the area and the AONB, contrary to Policy EN5 of the ADMP.

(Councillors Cheeseman and McGarvey left the room during debate of reasons for refusal and therefore did not take part in the remaining debate or voting thereon.)

54. 11-13 High Street, Swanley, Kent BR8 8AE

The proposal sought planning permission for 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. The application had been referred to Development Control Committee Councillor Barnes on the grounds of insufficient parking.

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

The Committee was addressed by the following speakers:

Against the Application: -

For the Application: -

Parish Representative: -

Local Members: Cllr Barnes

Members asked questions of clarification from the speakers and officers concerning previous applications and car parking allocation.

It was moved by the Chairman and duly seconded that the recommendation to grant the application subject to the conditions and informatives as set out within the report, be agreed.

Members discussed the application, with particular regard to parking provision.

The motion was put to the vote and it was

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

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

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

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 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 25.06.209 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 GI1 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 GI1 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.
- 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 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.

THE MEETING WAS CONCLUDED AT 9.21 PM

CHAIRMAN

4.1 19/02951/HYB

Revised expiry date 17 February 2020

Proposal: Hybrid application comprising, in outline: residential development of between 35 and 40 residential units - residential mix to be either 2 or 3 bed units with either integral or on-street parking. Units to be either 2 or 3 storey high. In detail: demolition of existing leisure centre building and erection of replacement leisure centre and associated car park.

Location: White Oak Leisure Centre, Hilda May Avenue, Swanley
KENT BR8 7BT

Ward(s): Swanley White Oak

Item for decision

The reason that the application is before the Development Control Committee is because Sevenoaks District Council is the applicant for the application.

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

1) The development relating to the replacement leisure centre and associated car park 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) Details of the residential development relating to the layout, scale and appearance of the proposed buildings, and the landscaping of the site (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the local planning authority before any development is commenced.

No such details have been submitted.

3) The application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun no later than the expiration of two years from the date of approval of the last of the reserved matters.

In Pursuance of section 92(2) of the Town and Country Planning Act 1990.

4) The development hereby permitted shall be carried out in accordance with the following approved plans: 1689 SBA-XX-BO-DR-A-009A, 1689 SBA-XX-00-DR-A-010K, 1689 SBA-XX-01-DR-A-011E, 1689 SBA-XX-02-DR-A-012F, 1689 SBA-XX-XX-DR-A-0101D, 1689 SBA-XX-XX-DR-A-0202B, 1689 SBA-XX-XX-DR-A-0203E, 1689 SBA-XX-XX-DR-A-0204D, 1689 SBA-XX-XX-DR-A-0501N, 1689 SBA-XX-XX-DR-A-502C, 1689 SBA-

XX-XX-DR-A-508E, 1689 SBA-XX-XX-DR-A-0510B, 1689 SBA-XX-XX-DR-A-511A and SK21957-001.

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

5) Prior to the erection of any above ground works of the new leisure centre building hereby permitted, samples of the materials to be used in the construction of the external surfaces of the new leisure centre building shall be submitted to and approved in writing by the local planning authority. The development shall be carried out using the approved materials.

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

6) No development shall be carried out relating to the new residential development until full details of the materials to be used in the construction of the external surfaces of the new residential development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out using the approved materials.

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

7) Prior to the first use of the new leisure centre building, full details of landscape works shall be submitted to and approved in writing by the local planning authority. Those details shall include:- hard landscaping plans (identifying any existing hard standing, new hard standing and details of surfacing materials);- existing boundary treatment to be retained and all proposed boundary treatment;- 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);- appropriate pruning works to retained trees;- tree protection measures to be installed during construction; and- a programme of implementation. The development shall be carried out in accordance with the approved details.

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

8) If within a period of 5 years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die for both the new leisure centre and the residential development 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.

9) Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement: i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the local planning authority; and ii) further

archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the local planning authority.

To ensure that features of archaeological interest are properly examined and recorded in accordance with the National Planning Policy Framework.

10) Prior to the first use of the leisure centre the vehicle parking spaces shown on the approved plan 1689 SBA-XX-XX-DR-A-0501N shall be provided and permanently retained thereafter unless otherwise agreed in writing by the local planning authority.

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

11) The provision of parking spaces for the proposed residential development shall be in accordance with the Kent Residential Parking Standards (IGN3) and permanently retained thereafter unless otherwise agreed in writing by the local planning authority.

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

12) Prior to the first occupation of the new leisure centre building, details of the secure, covered cycle parking facilities for the development shall be submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved cycle parking facilities shall be maintained thereafter.

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

13) Prior to the first occupation of the new residential development, details of secure, covered cycle parking facilities for the development shall be submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved cycle parking facilities shall be maintained thereafter.

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

14) Prior to the first use of the new leisure centre building, visibility splays of 33m x 2.4m x 33m shall be provided and maintained thereafter at the vehicular access to serve the development, with no obstructions over 1.05m above carriageway level within the splays.

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

15) Prior to the first use of the new residential development, visibility splays of 33m x 2.4m x 33m shall be provided and maintained thereafter at both respective vehicular access to serve the development, with no obstructions over 1.05m above carriageway level within the splays.

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

16) The leisure centre shall not be brought into use until a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the local planning authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

To reduce dependency on the private car as supported by the National Planning Policy Framework.

17) Prior to the commencement of the leisure centre development on the site a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Plan shall include the following:(a) Routing of construction and delivery vehicles to / from site(b) Parking and turning areas for construction and delivery vehicles and site personnel(c) Timing of deliveries(d) Provision of wheel washing facilities(e) Temporary traffic management/signage. The Construction Management Plan shall be fully adhered to during the course of the construction phase.

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

18) Prior to the commencement of residential development on the site a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Plan shall include the following:(a) Routing of construction and delivery vehicles to / from site(b) Parking and turning areas for construction and delivery vehicles and site personnel(c) Timing of deliveries(d) Provision of wheel washing facilities(e) Temporary traffic management/signage. The Construction Management Plan shall be fully adhered to during the course of the construction phase.

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

19) Prior to the first occupation of the new leisure centre development details of the electric charging points to be provided 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 and maintained thereafter.

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

20) Prior to the first occupation of the new residential development details of the electric charging points to be provided 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 and maintained thereafter.

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

21) From the commencement of the development, all measures will be carried out as detailed within section 6.1.2 of the Preliminary Ecological Appraisal & Bat Emergence Survey (Ecologic September 2019).

To ensure the long term retention of bats on the site and in the local area in accordance with policy SP11 of the Sevenoaks Core Strategy.

22) Within three months of the development commencing, details of how the development will enhance biodiversity shall be submitted to and approved in writing by the local planning authority. This shall include integrated bird nesting bricks and the planting of native species. The approved details shall be implemented and thereafter retained.

To ensure the development provides a net gain to biodiversity enhancements as supported by the National Planning Policy Framework.

23) If emptying the swimming pools into a public sewer the pools shall be emptied overnight in dry periods and the discharge rate shall not exceed a flow rate of 5 litres/second into the public sewer network.

To avoid overloading the drainage system in accordance with the National Planning Policy Framework.

24) Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall be based upon the Drainage Strategy dated October 2019 by Furness Partnership and 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 within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker. The drainage scheme shall be implemented 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 as supported by the National Planning Policy Framework.

25) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report,

pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the local planning authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of the National Planning Policy Framework.

26) Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the local planning authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

27) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

To avoid the potential risks associated with the use of piling where contamination is an issue as supported by the National Planning Policy Framework.

28) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the local planning authority.

To avoid the potential for unexpected contamination impacting the development in accordance with the National Planning Policy Framework.

29) On completion of the works to construct the new leisure centre building and associated car park a contamination validation report, demonstrating that all remedial and precautionary measures have been taken during the course of construction, shall be submitted to and approved in writing by the local planning authority.

To demonstrate that the development has not caused contamination to the site in accordance with the National Planning Policy Framework.

30) On completion of the works to construct the new residential development a ground contamination validation report, demonstrating that all remedial and precautionary measures have been taken during the course of construction, shall be submitted to and approved in writing by the local planning authority.

To demonstrate that the development has not caused contamination to the site in accordance with the National Planning Policy Framework.

31) During the operation of the leisure centre building, the level of music emitted from the site measured as an LAeq,T shall not be less than 10 dB below the background sound level (measured as LA90,T) at any time. In addition, the music emitted measured as Leq,T in the 63 Hz and 125 Hz octave bands, shall not be less than 10 dB below the corresponding background sound level (measured as L90,T) in these octave bands. All measurements shall be made at the nearest residential receptor to the site.

To safeguard the residential amenity of the occupiers of existing and proposed nearby properties as supported by the National Planning Policy Framework.

32) During the operation of the leisure centre building, the Rating Level (determined as defined in BS 4142:2014 Methods for rating and assessing industrial and commercial sound, at the nearest residential receptor) of noise from all plant, operating at its maximum design duty shall not exceed the Background Sound Level at any time.

To safeguard the residential amenity of the occupiers of existing and proposed nearby properties as supported by the National Planning Policy Framework.

33) Prior to the first use of the new leisure centre building details of mitigation measures to minimise the impact of vehicle emission on the nearby Air Quality Management Area 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 and retained thereafter.

To avoid increasing vehicle emissions within the Air Quality Management Area as supported by the National Planning Policy Framework.

34) Prior to the first occupation of the new leisure centre development full details of a lighting scheme for the site shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

To safeguard the character and appearance of the area and the residential amenity of the occupiers of existing and proposed nearby properties as supported by policies EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

35) Prior to the first occupation of the new residential development full details of a lighting scheme for the site shall be submitted to and approved in writing by

the local planning authority. The development shall be carried out in accordance with the approved details.

To safeguard the character and appearance of the area and the residential amenity of the occupiers of existing and proposed nearby properties as supported by policies EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

36) Prior to the first occupation of the new leisure centre building a scheme for crime prevention 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.

In order to design out crime within the development and the surrounding area as supported by the National Planning Policy Framework.

37) Prior to the first occupation of the new residential development a scheme for crime prevention 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.

In order to design out crime within the development and the surrounding area as supported by the National Planning Policy Framework.

38) No development shall be carried out in relation to the new residential development until full details of the required alterations to the White Oak Indoor Bowls Centre building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

To safeguard the character and appearance of the area and the residential amenity of the occupiers of existing and proposed nearby properties as supported by policies EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

39) The levels for the leisure centre development shall be in accordance with those shown on the approved plans drawing numbers 1689 SBA-XX-XX-DR-A-101D, 1689 SBA-XX-XX-DR-A-0202B, 1689 SBA-XX-XX-DR-A-0203E, 1689 SBA-XX-XX-DR-A-0204D and 1689 SBA-XX-XX-DR-A-511A or alternative levels details of which shall be submitted to and approved in writing by the local planning authority.

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

Informatives

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

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

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

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

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

3) 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 scrub are present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

4) The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read the Thames Water guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near Thames Water's pipes or other structures - <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

5) As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

6) As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. Thames Water will need to check that your development doesn't limit repair or maintenance activities, or inhibit the services they provide in any other way. The applicant is advised to read Thames Water's guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

7) Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

8) A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

9) With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

10) There are water mains crossing or close to the development. Thames Water do not permit the building over or construction within 3m of water mains. If you are planning significant works near Thames Water mains (within 3m) they will need to check that the development does not reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services they provide in any other way. The applicant is advised to read Thames Water's guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

11) If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.

12) Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Description of site

- 1 The application site comprises of a large two storey leisure centre, associated car parking areas and area of open space, sited on a large irregularly shaped plot, located on Hilda May Avenue.
- 2 The site is situated to the north-east of London Road, approximately 380m to the north-west of Swanley Town Centre.
- 3 The site is generally surrounded by residential dwellings. The White Oak Indoor Bowls Centre is linked to the existing leisure centre building, to the west, and Horizon Primary Academy lies to the east of the site in the opposite side of Hilda May Avenue.
- 4 Vehicular access to the site is from Hilda May Avenue. Pedestrian access is currently gained from Hilda May Avenue, from Northview through the playground to the north-east corner of the site, and from Juniper Walk to the north-west corner of the site.
- 5 The levels of the site fall away from the street and beyond the parking area to the front of the existing leisure centre building and the area of open space.

Description of proposal

- 6 The application is a hybrid application, made up of both outline and fully detailed elements of the proposal.
- 7 Outline planning permission is sought for a residential development of between 35 and 40 residential units to be sited to the rear of the existing leisure centre building and the adjacent bowls centre building.
- 8 Matters relating to appearance, landscaping, layout and scale of the development are reserved, with the access to the site currently being considered.
- 9 The proposed access to serve the residential development would utilise the northern access to the site. It is proposed to widen the access by approximately 2m and would provide a pavement on either side of the access for pedestrians.
- 10 The submission outlines that the residential mix of the proposed dwellings would be either 2 or 3 bed units with either integral or on-street parking. The residential units are to be either 2 or 3 storeys high.
- 11 Full planning permission is sought for the demolition of the existing leisure centre building and the erection of a replacement leisure centre and associated car park.
- 12 The proposed leisure centre would have a modern, angular appearance, and would provide a range of leisure facilities over two floors.

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- 13 The exterior of the building would be provided with some relief through the use of a metal mesh at first floor level to the front elevation, a variance in the colour of the exterior cladding and window openings.
- 14 To allow for the continuation of the provision of sports and leisure facilities during the course of the new leisure centre being constructed, the existing leisure centre is proposed to remain open whilst the new building is constructed to the south of the existing leisure centre, on the adjacent area of open space. Once completed the existing building would then be demolished and the new car park area for the proposed leisure centre would be laid out.
- 15 Vehicular access to the new leisure centre would continue to be provided from Hilda May Avenue via the existing, improved vehicular access. Pedestrian access would remain available from Hilda May Avenue and from the adjacent proposed residential development.

Relevant planning history

- 16 TH/5/60/322 - Construction of swimming pool with ancillary building and car park - Granted.
- 17 TH/5/71/731 - Erection of additional squash courts, sports hall, sauna suite and changing accommodation - Granted.
- 18 86/00820 - Single storey extension to premises to form single entrance - Granted.
- 19 88/01765 - Water tube complex - Granted.
- 20 89/01184 - Extension of existing entrance - Granted.
- 21 90/00784 - Retention of car park for use in connection with White Oak Leisure Centre - Granted.
- 22 91/00751 - Indoor Bowls Centre, together with new road to serve Bowls Centre and future housing site - Granted.
- 23 92/00981 - Twelve housing units - residential use and parking - Granted.
- 24 93/01077 - Provision of additional car parking for Swanley Indoor Bowls Centre - Granted.
- 25 98/01871 - Alterations and extension to the existing leisure centre - Granted.
- 26 98/02441 - Alterations to existing car parking area adjacent to the main entrance - Granted.

Policies

- 27 National Planning Policy Framework (NPPF)

- 28 Para 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-to-date development plan should be approved without delay.
- 29 Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:
- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
 - Footnote 6 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.
- 30 Core Strategy (CS)
- L01 Distribution of Development
 - L04 Development in Swanley
 - SP1 Design of New Development
 - SP2 Sustainable Development
 - SP3 Provision of Affordable Housing
 - SP5 Housing Size and Type
 - SP7 Density of Housing Development
 - SP9 Infrastructure Provision
 - SP10 Green Infrastructure, Open Space, Sport & Recreation Provision
 - SP11 Biodiversity
- 31 Allocations and Development Management Plan (ADMP)
- SC1 Presumption in Favour of Sustainable Development
 - EN1 Design Principles
 - EN2 Amenity Protection
 - EN6 Outdoor Lighting
 - EN7 Noise Pollution
 - GI2 Loss of Open Space
 - CF2 Loss of Neighbourhood Services and Facilities
 - T1 Mitigating Travel Impact
 - T2 Vehicle Parking
 - T3 Provision of Electrical Vehicle Charging Points
- 32 Other
- Affordable Housing Supplementary Planning Document (SPD)

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- Sports Facility Report 2016-2035

Constraints

33 The site lies within the following constraints:

- Built urban confines of Swanley
- Designated open space
- Source Protection Zone 3
- Adjacent Public Right of Way (south-west of application site)
- Proposed Local Plan allocation (mixed housing and leisure centre development)

Consultations

34 Swanley Town Council (first consultation) - "Swanley Town Council welcome the re-development of the White Oak Leisure Centre but, object to the plans in their proposed guise for the reasons identified below.

35 Considering the steadily growing population of Swanley the proposed sports hall appears inadequate in size. The number of people living in Swanley is only slightly less than Sevenoaks Town hence, the dimension is disproportionate to the Sevenoaks facility and cannot be defined as fully multifunctional.

36 There appears to be a lack of disabled sports facilities and people over 50 are not well catered for.

37 The proposal fails to comply with NPPF Feb. 2019, Section 8 promoting healthy and safe communities in that:

1. It does not fully support healthy lifestyles because the loss of so many sports is detrimental to this aim. NPPF ref. 91c.

2. It does not fully plan for replacement sports being lost to the community. NPPF ref. 92a.

3. It does not guard against the unnecessary loss of valued facilities. NPPF ref. 92c.

4. It fails to provide a robust and up-to date assessment of the need for sport and recreation facilities and opportunities for new provision. NPPF ref.96.

38 NPPF ref.97 states, existing sports and recreational buildings and land should not be built on unless:

- The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity or quality in a suitable location.

39 Considering the number of adverse comments on the planning portal, clearly above is not the case.

- 40 We request that should this application be approved, one of the previously identified vacant facilities in Swanley is suitably converted to be fit for purpose.
- 41 It should be of the appropriate size to cater for a range of dry side sporting facilities. There should be changing rooms and showers along with refreshment facilities.
- 42 The existing boundary of mature trees should be retained as per the Arboreal report.”
- 43 Swanley Town Council (second consultation) -
“Objection and reasons: Original objection sent 5/12/19 - additional comment following receipt of additional paperwork is:
“There should not be any on street parking in Hilda May Avenue.”
- 44 Farningham Parish Council (adjoining Parish) -
“Farningham Parish Council supports need to replace the existing life expired and unsustainable facility with a modern leisure centre on the site but would wish to replicate the Sports Hall facilities and pool to accommodate the current and potential new users including the car park size.”
- 45 Sport England (first consultation) -
“Sport England objects to the application as the proposal would result in the loss of existing dry side facilities at White Oak Leisure Centre without adequate strategic justification and without equivalent or better replacement facility provision being made. The proposals in their current form are considered to be contrary to the NPPF and Sport England’s Planning for Sport guidance.”
- 46 Sport England (second consultation) -
“I have reviewed the agent’s email of 13th December however I find that there is no information contained therein that would lead Sport England to reconsider its objection to the current proposals at this time.”
- 47 Planning Policy Officer -
In terms of indoor sports provision, ideally the redevelopment of White Oak would include the same level of facilities currently available. However, the new facilities would be of significantly higher quality and it is clear that there are significant viability issues with the redevelopment.

Concerns raised regarding the loss of open space and the level of information provided to justify this loss.
- 48 Landscape and Arboricultural Officer -
Concerns have been raised regarding the following -

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- Loss of the open space
- Loss of the trees and the amenity value of the area to be developed for the new leisure centre building
- Proposed planting scheme

Soft and hard landscaping, inclusive of existing plants to be retained and any proposed pruning works, is requested to be conditioned.

49 County Highways Development Planner -

No objection subject to conditions relating to the provision and retention of parking spaces, the provision and retention of bike parking facilities, the provision and maintenance of visibility splays, a travel plan and a construction management plan being attached to any grant of planning permission.

50 Natural England (first consultation) - No comments.

51 Natural England (second consultation) - No objection.

52 County Biodiversity Officer (first consultation) -

Requests two conditions relating to a construction ecological management plan and ecological enhancements, and an informative relating to breeding birds to be included on any grant of planning permission.

53 County Biodiversity Officer (second consultation) -

No further comments in addition to those already provided (see comments referenced above).

54 Environment Agency (first consultation) -

Requests a number of conditions relating to contamination, surface water drainage and foundations to be attached to any grant of planning permission.

55 Environment Agency (second consultation) -

Requests a number of conditions relating to contamination, surface water drainage and foundations to be attached to any grant of planning permission.

56 Thames Water -

No objection subject to the inclusion of conditions and informatives on any grant of planning permission relating to water supply and drainage.

57 Lead Local Flood Authority (first consultation) -

Requests further information regarding the proposed surface water drainage systems.

58 Lead Local Flood Authority (second consultation) -

No objection subject to the inclusion of conditions relating to a detailed surface water drainage scheme, a verification report for the drainage scheme and infiltration are included on any grant of planning permission.

59 Environmental Health Officer (noise and contamination) -

The noise assessment and proposals for mitigation are acceptable.

The ground contamination assessment is also acceptable subject to a validation report being provided on completion to demonstrate that all remedial and precautionary measures are taken.

60 Environmental Health Officer (air quality) -

No objection subject to a condition requiring mitigation measures to minimise the impact of any increase in emissions from traffic travelling to and from the site.

61 County Archaeological Officer -

No objection subject to a condition requiring details of archaeological field evaluation works required.

62 County Public Rights of Way Officer -

Requests that planting which borders the public right of way should be kept to an absolute minimum, surface water run-off onto the right of way should be managed on site and a developer contribution in order to attempt to secure improvements to the right of way.

63 Kent Fire & Rescue Service (first consultation) -

“I confirm that the means of access is considered satisfactory.”

64 Kent Fire & Rescue Service (second consultation) -

“I confirm that it is my opinion that the means of access for the Fire & Rescue Service remain satisfactory.”

65 Kent Designing Out Crime Officer (first consultation) -

Requests a condition be included on any grant of planning permission to address Secured by Design.

66 Kent Designing Out Crime Officer (second consultation) -

“Having reviewed the application on-line, we have no additional comments to make. However, our comments dated 22nd November 2019 remain valid.” (See comments referenced above.)

67 County Development Contributions -

Requests contributions towards secondary schools, community learning, youth service, libraries, social care and waste. A condition requiring a

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broadband connection for the proposed residential dwellings is also requested.

Representations

68 We have received nine letters of support, seven letters neither supporting nor objecting to the application and 513 letters of objection. These letters have been received from a range of locations both within and outside of the District.

69 The comments provided relate to the following matters:

- Loss/limited provision of sports facilities which would not be fit for purpose or meet local needs
- The provision needs to be a like-for-like facility
- The proposed leisure centre is too small
- Sports Clubs will have to close due to the reduced capacity of the proposed leisure centre and a loss of training facilities
- Loss of flumes and no diving board/pool
- Not cost effective/centre will run at a loss/waste of taxpayers money/prices will increase
- Sports Hall needs to be retained
- No demand for tag active area
- Existing sports centre in good condition, should not be taken down but instead refurbished
- Effect on physical and mental well-being and health of residents (young and old) as a result of loss of facilities
- No benefit of building housing
- Not taking into account population increase
- Loss of Green Belt
- The proposed housing will put too much pressure on doctors surgeries and schools
- Infrastructure cannot cope with the proposal and other developments within the town centre. Increased capacity on the sewerage system
- Layout and density of buildings
- Loss of trees
- Lighting to this area would need to be designed to ensure safety and security but not to cause nuisance to neighbouring properties
- Air quality is already poor in the area, should not build on green areas
- Hilda May floods regularly due to poor drainage. The land opposite runs towards the White Oak site
- Local bus services are poor, new housing will put too much pressure on transport services
- Lack of affordable housing provision
- Inadequate parking provision
- Issue over the provision of parking during construction stage
- Increase in traffic and effect on junctions at peak time
- Widening of the junction off Hilda May Avenue will bring it opposite the pedestrian access to Horizon Primary Academy
- Cars will park on adjoining streets
- Duty to provide adequate sports and leisure facilities

- Not in accordance with the NPPF
- Proposals not following local plan constraints or local plan policies
- Change of land designation from leisure to mixed - the site does not allow for housing
- Does not follow Swanley Development Plans
- Windfall development
- Little to no consultation with users and not publicised well
- Lack of liaison with Sports England
- No market consultation
- No consultation with Kent Police
- Loss of privacy
- Noise, smells and disturbance
- Obstruction of view for neighbouring properties
- Leisure centre and proposed housing would overlook neighbouring properties
- Siting of building site construction in close proximity to Bowls Club
- Health and safety for young people
- Disabled toilets are not large enough, no adult sized changing table and space for wheelchairs

Chief Planning Officer's appraisal

70 The main planning considerations are:

- The principle of the development
- Loss of sports and recreation facilities
- Loss of open space
- Design and the impact on the character and appearance of the area
- Affordable housing and housing mix
- Impact on highways safety and parking provision
- Impact on residential amenity
- Contamination, noise and air quality
- Trees and landscaping
- Impact on biodiversity
- Sewerage and drainage
- Impact on archaeology
- Sustainable construction
- Impact on the adjacent Public Right of Way
- Crime and security
- Community Infrastructure Levy (CIL)

Principle of the development

71 Whilst the NPPF places an emphasis on development on previously developed land, it does not preclude other land from being developed for residential use, provided such development is in suitable locations and relates well to its surroundings.

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- 72 Paragraph 122 of the NPPF states that planning decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an areas prevailing character and setting (including residential gardens) or of promoting regeneration and change.
- 73 Policy LO1 of the Core Strategy states that development will be focused within the built confines of existing settlements. Policy LO4 of the Core Strategy states that within Swanley, provision will be made for approximately 660 dwellings (2006-2026) throughout the town on a range of sites suitable for residential use within the urban area.
- 74 The application site comprises a previously developed site and its associated curtilage, within the built urban confines of Swanley, close to the town centre. The proposal is for the redevelopment of the site to provide a replacement leisure centre building and a number of residential dwellings.
- 75 The proposal would make effective use of the site, would promote the regeneration of the town and would contribute to the provision of new housing within Swanley and the wider District.
- 76 The development therefore complies with the requirements of the above policies and is acceptable in principle in this location.

Loss of sports and recreation facilities

- 77 Policy SP10 of the Core Strategy states that sport and recreation facilities, including indoor sports facilities of value to the local community, should be retained. Development may exceptionally be allowed where replacement provision of at least equivalent value to the local community is provided.
- 78 Policy CF2 of the ADMP states that the loss of local services and facilities that are within the Swanley urban area will be resisted where they are serving a local need. Exceptions will be made where equivalent replacement facilities equally accessible to the population served are provided, or where it is demonstrated, through evidence submitted to the Council, that the continued operation of the service or facility is no longer financially viable.
- 79 The Sports Facility Report 2016-2035 (part of the evidence base for the emerging local plan) sets out the role and level of provision currently provided by White Oak Leisure Centre.
- 80 This report confirms that the quality of the facilities at the leisure centre are an issue now. It states that the age and condition of White Oak Leisure Centre needs to be addressed, it acknowledges the need to replace the swimming facilities in the short term, it describes the layout and customer flow of the existing centre as dated, it states that the existing leisure centre is operating at 61% capacity (well below Sport England's industry standard figure of 80% capacity, which they describe as uncomfortably full) and it states that the leisure centre needs to be replaced due to its age.
- 81 The applicant has previously undertaken a sequential test to assess the suitability of the existing site and other sites within or adjoining Swanley to accommodate a replacement community leisure facility. The conclusion of

this test was that the existing White Oak site is a popular and well-established facility. Other sites fell outside of the town and were more heavily constrained, for example by Green Belt or landscape designations, making them less favourable in planning terms.

- 82 Knowing the constraints of the District, both within the built confines of existing settlements such as Swanley and the surrounding Green Belt, it is therefore considered that the sequential test has been appropriately carried out and the findings of the test are agreed with and accepted.
- 83 It is clear that the constraints of the layout and size of the site, the need to provide a continuity of the provision of sport and recreation facilities to the general public, and the need to fund the development through the provision of housing development together dictate the location of the new leisure centre building.
- 84 Looking at the evidence submitted with this application, it is clear that there is a need to retain the existing leisure centre building for the time period until the new leisure centre is ready to open to the public. This ensures that facilities will continually be available to the public. It also means that the area of the site that the existing leisure centre building accommodates would be unavailable to develop upon.
- 85 In terms of the enabling development, in the form of the residential development to be sold on the open market, the application states that the area of the site required to achieve the necessary level of funding to support the development, which is the size submitted, removes a further area of the site that can be developed. This is an acceptable approach to the funding of the new leisure centre development in this instance.
- 86 It is recognised that the proposed internal layout for the new leisure centre building does not allow for the provision of some of the facilities within the existing leisure centre building, including a large multi-use sports hall, a large main swimming pool and diving boards and squash courts. It is also recognised that planning policy resists the loss of leisure facilities.
- 87 However, looking at the evidence submitted, a leisure centre building of the size of the existing facility is very expensive to run, with much unused space. It is also recognised that the building in its current form is not being fully utilised and is not being used to its full capacity. The submitted planning statement advises that a specialist report in October 2018, advised that “the building has now reached the end of its life”. The planning statement also advises that the cost of providing leisure facilities, the space available on the site and the expense of the existing facility, mean it is not possible to provide a new leisure centre that mirrors the existing one.
- 88 The applicant argues that the layout of the proposed leisure centre represents a more efficient use of space and that the facility mix includes facilities that would provide enough income to make the new leisure centre sustainable in the long-term. Therefore, whilst it is acknowledged that it would be smaller and would have less facilities compared with the existing leisure centre, it is clear that the facilities within the new leisure centre

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would be of significantly better quality and the new building would be more efficiently used.

- 89 The applicant states that the facility mix provided in the new leisure centre building has taken into account the need to encourage people who might not usually use a leisure centre to use the facilities, provide activities for children and young people, provide a hub where people of all ages can meet and exercise and provide flexible space for the changing demands of the general population. The new facilities would also be of significantly higher quality than the existing and it is considered that the loss of under used facilities and their replacement with higher quality better used facilities would meet the aim of the planning policies.
- 90 The positioning of the new leisure centre building to the south-west corner of the site also retains the prominent position of the building within the street scene of Hilda May Avenue.
- 91 Finally, an assessment of the potential impacts on the character of the local environment and any potential loss of biodiversity interests will be carried out later in the report.
- 92 It is acknowledged that Sport England have raised an objection to the proposed development. This is specifically on the point of the loss of the provision of a sports hall and squash courts. As they have indicated they are not a statutory consultee in the process of considering the application.
- 93 Whilst it is regrettable that the applicant has not proposed a like-for-like provision of sports and recreational facilities within the new leisure centre building, since better and more efficient facilities would be provided, the scheme meets the tests of the relevant policies and it would not be sustainable to refuse the application due to this objection.
- 94 As the local planning authority we are required to take account of the comments provided by Sport England, but we are able to weigh these in the overall balancing of the merits of the proposed development.
- 95 Given the above matters, which are specific to the site and the proposed development, it is considered that the loss of some of the facilities currently provided within the existing leisure centre building is justified, without reducing the community's ability to meet its day to day recreational needs or prejudicing local strategies to improve health and wellbeing, noting the guidance at para 92 of the NPPF.
- 96 The new leisure centre building would represent a better more efficiently laid out building, a better quality of facilities would be provided and it has been demonstrated to our satisfaction that the existing facilities are not fully used and are no longer viable.

Loss of open space

- 97 Policy SP10 of the Core Strategy states that open space should be retained. Development may exceptionally be allowed where replacement provision of at least equivalent value to the local community is provided.

- 98 Policy GI2 of the ADMP states that the redevelopment of open space will not be permitted unless the applicant demonstrates that:
- the open space is surplus to requirements; and that there is no need for an appropriate alternative community, sports or recreational use, or
 - the loss will be mitigated by equivalent replacement provision (in terms of quality, quantity and accessibility) or
 - the development is for alternative sports/recreational use.
- 99 In addition, policy GI2 states that there should be no significant adverse impact on the character of the local environment and any potential loss of biodiversity interests should be mitigated.
- 100 Much of the assessment for this matter is similar to that of the assessment of the loss of sports and recreation facilities considered above.
- 101 The sequential test to assess the suitability of the application site and alternative sites, the constraints of the layout and size of the site, the need to provide a continuity of the provision of sport and recreation facilities to the general public, and the need to fund the development through the provision of housing development together dictate the location of the new leisure centre building all apply to the consideration of the loss of open space.
- 102 It is acknowledged that concerns have been raised by our Planning Policy and Arboricultural and Landscape Officers over the loss of the open space and the trees that stand within it.
- 103 The site of the new leisure centre building is designated open space and whilst the trees within the site possess amenity value within the local area, none of the trees are protected.
- 104 Whilst it is again regrettable that the applicant has not proposed a like-for-like provision of open space within the development, the benefits of the scheme, including a comprehensive landscaping scheme for the overall development and dedicated landscape zones within the proposed residential development, the scheme meets the tests of the relevant policies and it would not be sustainable to refuse the application due to this objection.
- 105 As the local planning authority we are required to take account of the comments provided by our Planning Policy and Arboricultural and Landscape Officers but we are again able to weigh these in the overall balancing of the merits of the proposed development.
- 106 Given the above matters, which are specific to the site and the proposed development, it is considered that the loss of the designated open space from the site is justified.
- 107 The redevelopment of the site would represent an opportunity to provide a comprehensive landscaping scheme for the overall development and dedicated landscape zones within the proposed residential development.

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

- 108 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.
- 109 The layout, scale, form, design and appearance of the leisure centre building proposed would respond to its surroundings and would utilise the street frontage to the east, creating an active frontage facing onto Hilda May Avenue.
- 110 The entrance to the existing leisure centre is visible from the street. However, the proposed frontage emphasises the location of the entrance to the building through using different coloured cladding to the rest of the building.
- 111 The building would have a modern, angular appearance, which would reflect the function of the building as a modern leisure centre. It would remain sufficiently detached from the surrounding, smaller scale residential development not to look out of keeping, whilst at the same time sharing the functional appearance of the adjacent bowls centre building and the school buildings opposite.
- 112 The appearance of the building would be provided with some relief through the use of window openings, a variance in the exterior cladding and, most importantly to the front elevation, the proposed mesh projection.
- 113 The levels of the site would be respected and the drop in levels to the rear of the new leisure centre building would be utilised with the footings of the building dropping within this part of the site.
- 114 Most matters are reserved in terms of the proposed residential development. The plans submitted do provide an indicative layout showing zones for the new residential buildings, gardens, landscaping and road layout. This layout demonstrates that the site could comfortably accommodate a residential development of the density proposed.
- 115 This density would also be comfortable within the prevailing character and appearance of the area, that being approximately 40 dwellings per hectare. The proposed density would therefore meet the test of policy SP7.
- 116 The submission indicates that the dwellings would be formed of mainly two storey buildings, with some three storey buildings also provided. This would be wholly acceptable given the scale of the new adjacent leisure centre building.
- 117 The indicative plans show a residential development that reflects the spacing between the existing housing development within the locality.
- 118 Overall, the development would preserve the character and appearance of the area in accordance with the NPPF and policies SP1 of the Core Strategy and policy EN1 of the ADMP.

Affordable housing and housing mix

- 119 Policy SP3 of the Core Strategy sets out the Council's approach to the provision of affordable housing and is supported by the Affordable Housing SPD. The provision of affordable housing is one of the Council's key priorities and as set out in policy SP3, developments that result in a net increase of 15 or more dwellings are required to provide at least 40% of the units as affordable.
- 120 Policy SP5 of the Core Strategy states that the Council will expect new housing development to contribute to a mix of different housing types in residential areas and it will seek the inclusion of small units (less than three bedrooms) in new development schemes in suitable locations to increase the proportion of smaller units in the District housing stock.
- 121 The description of the development refers to between 35 and 40 residential units. This is an indicative figure based upon the plans submitted with the application. The proposed mix of residential units is for one, two and three bedroomed dwellings.
- 122 The residential development is clearly shown in the submitted planning statement, to be an enabling development to provide funding towards the construction of the new leisure centre building. It is clear that as the current proposal does not provide for any affordable housing on site or a contribution, it fails to comply with planning policy.
- 123 With policies SP3 and SP5 of the Core Strategy, proposals must be determined in light of the development plan unless material considerations indicate otherwise. In this situation the applicant has made it clear that the proposed housing for the site is as an enabling development to assist in affording the provision of a new leisure centre for Swanley and the surrounding areas. It is essential that the residential element of the project is able to maximise income from the site as a contribution towards the overall affordability of the leisure centre. The requirement to provide an affordable housing contribution would significantly reduce the funding available for the leisure centre in a way that would jeopardise its affordability. In this case it is therefore considered that as the residential development would enable the provision of a much needed replacement leisure centre that will greatly benefit the public, this would outweigh the need to provide the affordable housing. The proposal should therefore be considered acceptable as it stands.

Impact on highways safety and parking provision

- 124 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 125 Policy T1 of the ADMP requires new developments to mitigate any adverse travel impacts, including their impact on congestion and safety, environmental impact, such as noise and tranquillity, pollution and impact on amenity and health. Policy T2 relates to vehicle parking, including cycle

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parking and requires provision in accordance with advice from the Highway Authority. Policy T3 requires the provision of electrical vehicle charging infrastructure.

- 126 The site is sustainably located, close to Swanley town centre and the transport links associated with it. It therefore provides a good opportunity to access the development by means other than the private car.
- 127 The proposal would utilise the existing vehicular accesses to the site, which would possess appropriate visibility splays, and would continue to provide pedestrian access to the proposed leisure centre. In addition, vehicular and cycle parking for the proposed leisure centre would comply with current standards.
- 128 The County Highways Development Planner has considered the proposal and raised no objection to the scheme provided certain conditions are attached to any grant of planning permission. This includes a construction management plan that can control parking during the construction.
- 129 As such, the development is acceptable in terms of highways safety and parking provision in accordance with the above relevant policies.

Impact on residential amenity

- 130 Paragraph 127 of the NPPF states that planning decisions should ensure that developments create a high standard of amenity for existing and future users.
- 131 Policy EN2 of the ADMP requires that any development should safeguard the amenities of existing and future occupiers of nearby properties by ensuring that development does not result in overlooking or visual intrusion and where the built form would not result in an unacceptable loss of privacy or light.
- 132 Policy EN2 of the ADMP also states that proposals will be permitted where they would provide adequate residential amenities for existing and future occupiers of the development.
- 133 The existing residential properties potentially affected by the new leisure centre building include those on the opposite side of Hilda May Avenue and those to the south-west of the site on Garrolds Close. Some of the dwellings proposed as part of the application scheme could also be affected by the leisure centre development.
- 134 All other neighbouring and nearby properties to the site would be sufficiently separated from the new leisure centre building not to experience negative impacts from the new building. This includes properties on Northview, Juniper Walk and Pear Tree Walk with the built form of the proposed leisure centre building moving away from these properties compared with the existing.
- 135 Opposite the site, 65-71 Hollytree Avenue back on to Hilda May Avenue and a side elevation of 100 Hollytree Avenue faces onto the street. These

properties would be separated from the front elevation of the new leisure centre building by a minimum distance of approximately 28m.

- 136 At this distance, the amenities currently enjoyed by the occupiers of the properties opposite, including the privacy, outlook and light levels received by these properties, would be safeguarded.
- 137 The properties on Garrolds Close are generally oriented such that they do not face directly onto the application site. These properties would be separated from the south-west corner of the proposed leisure centre building by a minimum distance of approximately 25m.
- 138 It is again the case that at this distance the amenities currently enjoyed by the occupiers of the properties on Garrold Close would be safeguarded.
- 139 The indicative layout of the proposed housing development demonstrates that this element of the scheme could be delivered whilst safeguarding the amenities of the neighbouring and nearby properties on Northview, Juniper Walk and Pear Tree Walk.
- 140 It is also considered the properties along Northview may be impacted by the vehicular access and the road proposed to serve the new residential development, since these lie adjacent to their properties. However, this access and road currently exist and so the proposed situation would not be significantly different to the existing.
- 141 The future occupiers of the proposed residential development could also be provided with adequate residential amenities, given the proposed relationship with the new leisure centre building and surrounding residential development.
- 142 Overall, the development would comply with the NPPF and policy EN2 of the ADMP.

Contamination, noise and air quality

- 143 Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.
- 144 The Planning Practice Guidance states that air quality and noise needs to be considered when new developments would be located where air quality is known to be poor and where sensitive to the prevailing acoustic environment.
- 145 Policy EN2 of the ADMP requires that any development should safeguard the amenities of existing and future occupiers of nearby properties by ensuring that development does not result in excessive noise, vibration, odour, air pollution, and activity or vehicle movements.

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- 146 Policy EN2 of the ADMP also states that proposals will be permitted where they would provide adequate residential amenities for existing and future occupiers of the development.
- 147 Policy EN7 of the ADMP states that proposals which meet the following criteria will be permitted:
- a) development would not have an unacceptable impact when considered against the indoor and outdoor acoustic environment including existing and future occupiers of the development and the amenities of existing and future occupants of nearby properties; and
 - b) development would not result in unacceptable noise levels from existing noise sources that cannot be adequately mitigated.
- 148 The application has been supported by a ground contamination assessment, a noise impact assessment and an air quality assessment. Each of these has been considered by our Environmental Health Officers who are supportive of the findings of each of the reports submitted, subject to a number of conditions.
- 149 The development, subject to the conditions laid out, is therefore in compliance with the above relevant policies.

Trees and landscaping

- 150 Policy EN1 of the ADMP requires the layout of new development to respect the topography of the site and to retain important features including trees, hedgerows and shrubs. New landscaping and boundary treatment will be required in appropriate cases.
- 151 As noted above, the site possesses a number of trees that are deemed to have local amenity. However, none of the trees are protected and the application is supported by a tree survey report.
- 152 A number of trees would be lost from the site, since these trees are located on the existing area of open space, which is to be developed for the new leisure centre building.
- 153 The loss of the trees is regrettable but necessary in this instance to allow for the phased redevelopment of the site and the uninterrupted provision of sports and leisure facilities.
- 154 As confirmed by our Arboricultural and Landscape Officer, we are able to retain control of the proposed soft and hard landscaping of the development by way of condition. Through the additional information requested we can ensure that a suitable landscaping scheme is achieved for the site, which includes as many replacement trees as possible.
- 155 The development therefore accords with policy EN1 of the ADMP.

Impact on biodiversity

- 156 Policy SP11 of the Core Strategy states that the biodiversity value of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity.
- 157 The site is not located within or adjacent to a Site of Special Scientific Interest, Local Wildlife Site or other identified site of biodiversity value. The application is supported by ecological survey work.
- 158 The County Biodiversity Officer has assessed the proposal and raises no objections, subject to conditions relating to a construction ecological management plan and ecological enhancements, and a breeding bird informative.
- 159 The development, provided the appropriate conditions are put in place, therefore complies with policy SP11 of the Core Strategy.

Drainage

- 160 Section 14 of the NPPF relates to meeting the challenge of climate change and flooding. Paragraph 155 of the NPPF advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 161 Policies EN1 of the ADMP and SP2 of the Core Strategy are also relevant and requires the incorporation of sustainable drainage systems (SUDS) where practical together with arrangements to secure their long term maintenance.
- 162 The application site currently comprises a developed site within a Source Protection Zone and there are areas of low to high surface water flood risk across the site.
- 163 Subject to conditions to secure details of a detailed surface water drainage scheme, a verification report for the drainage scheme and infiltration the Lead Local Flood Authority is satisfied with the proposals.
- 164 The Environment Agency has commented on the application requesting that a number of conditions relating to surface water drainage and the design of foundations to be attached to any grant of planning permission.
- 165 Thames Water has provided a consultation response which indicates that they would not object to the proposals with regard to surface or waste water drainage, subject to conditions and informatives.
- 166 In summary, I am satisfied that the proposals would have no unacceptable impact on flooding or surface water drainage in accordance with relevant policies.

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Impact on archaeology

- 167 The NPPF also states that great weight should be given to the conservation of heritage assets (para.193).
- 168 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.
- 169 The site lies approximately 85m from the closest Area of Archaeological Potential. At this distance the development would conserve the significance of this Area of Archaeological Potential.
- 170 The County Archaeological Officer has raised no objection to the scheme, subject to a condition requiring details of archaeological field evaluation works, which can be attached to any grant of planning permission.
- 171 The development is therefore in accordance with the NPPF and policy EN4 of the ADMP.

Sustainable construction

- 172 Policy SP2 of the Core Strategy makes no requirement for new leisure centre developments to meet any sustainable construction standards.
- 173 However, the applicant has provided a Sustainability Statement and indicated that BREEAM “Very Good” standards would be met. In addition, and as noted above, a sustainable surface water drainage scheme has been incorporated into the development.
- 174 This approach to sustainable construction is wholly acceptable in compliance with policy SP2 of the Core Strategy.

Impact on the adjacent Public Right of Way

- 175 The Public Right of Way is set away from the boundary of the site, to the eastern corner of the site.
- 176 It is proposed to provide landscaping adjacent to this boundary and this can be controlled to ensure that the footpath is not affected by this. The applicant has demonstrated that surface water run-off could be managed on site.
- 177 Any request to provide a financial contribution towards securing improvements to the right of way would not be based upon planning policy requirements and so such a request would not be justified.
- 178 The development would therefore not impact the users of the adjacent Public Right of Way.

Crime and security

- 179 Kent Police have commented on the application noting that no approach has been made by the applicant/agent to discuss the proposal but suggests a condition to ensure that crime is designed out of the development.

Other issues

- 180 The site falls within the built urban confines of Swanley and so does not fall within the Green Belt.
- 181 The lighting of the site can be controlled by way of condition to ensure that it sits comfortably within the character and appearance of the area and does not detrimentally impact residential amenity.
- 182 As part of the process of consulting on the planning application we initially notified 19 different consultees, over 100 local residents, we placed four site notices on display close to and adjacent to the site and the application was advertised in the local press.

Community Infrastructure Levy (CIL)

- 183 Policy SP9 of the Core Strategy states that development should make provision for new infrastructure where necessary. However, the Community Infrastructure Levy (CIL) places a mandatory charge on new residential developments to be used to fund infrastructure projects within the District.
- 184 In the CIL Charging Schedule, it makes it clear that CIL should only be paid on residential, supermarkets and retail warehousing. This means that the leisure centre element of the proposal is not CIL liable.
- 185 The residential development is CIL liable. However, the application would grant outline planning permission only for the proposed dwellings. It is when an application is made for reserved matters that the CIL liability can be calculated and charged to the applicant.
- 186 The CIL payment would be paid in part to Swanley Town Council to be used on schemes locally. The rest would be spent through the CIL Spending Board.
- 187 It is currently usual practice to provide underground cabling for internet connection and so there would be no need to control this matter as part of this planning application as it is not required by policy and can be funded through other means.

Conclusion

- 188 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development.
- 189 Since the proposal complies with the development plans, and therefore represents sustainable development, the tilted balance is not engaged in this instance.

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190 It is recommended that this application is GRANTED.

Background papers

Site and block plan

Contact Officer(s):

Mike Holmes 01732 227000

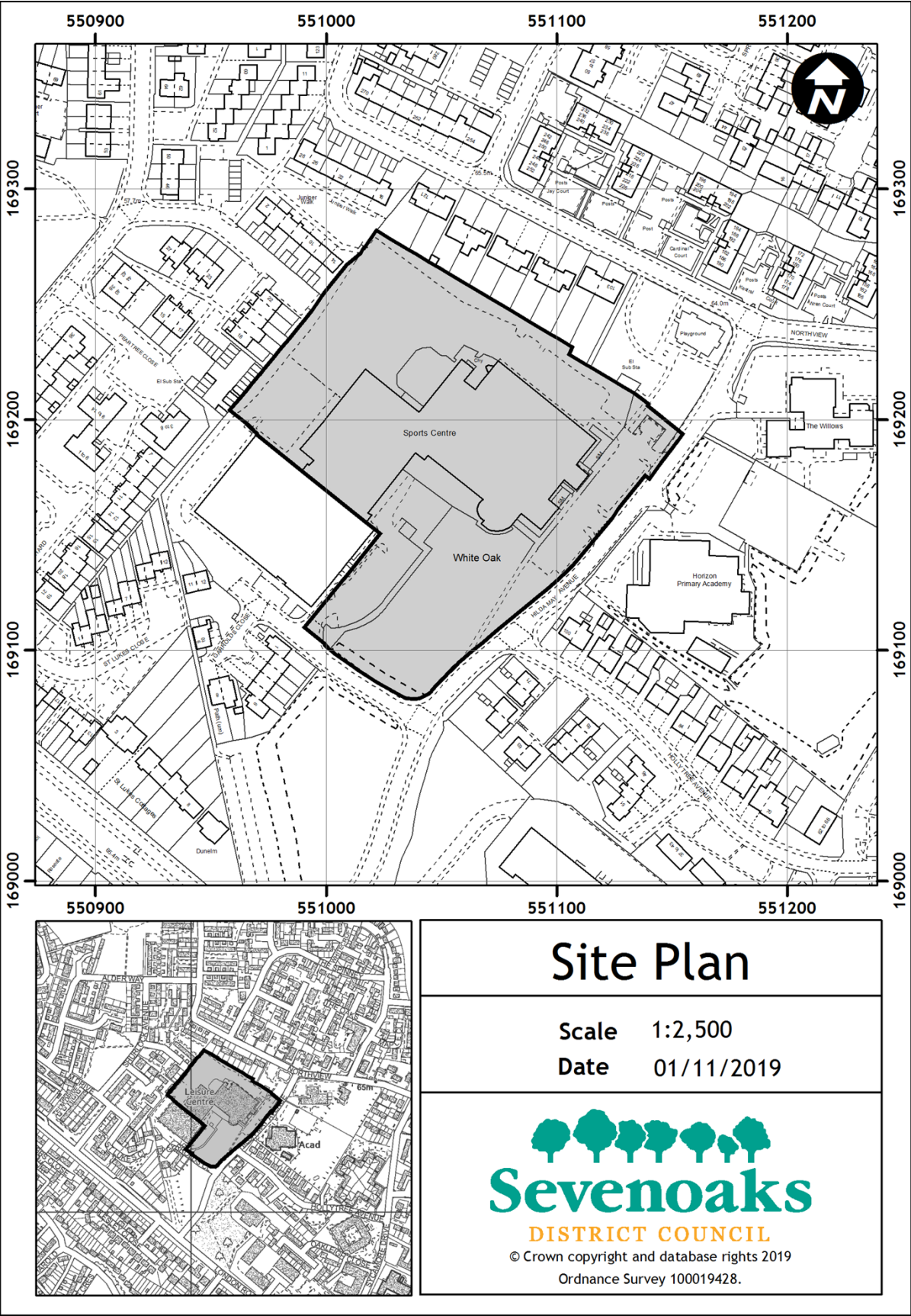
Richard Morris
Chief Planning Officer

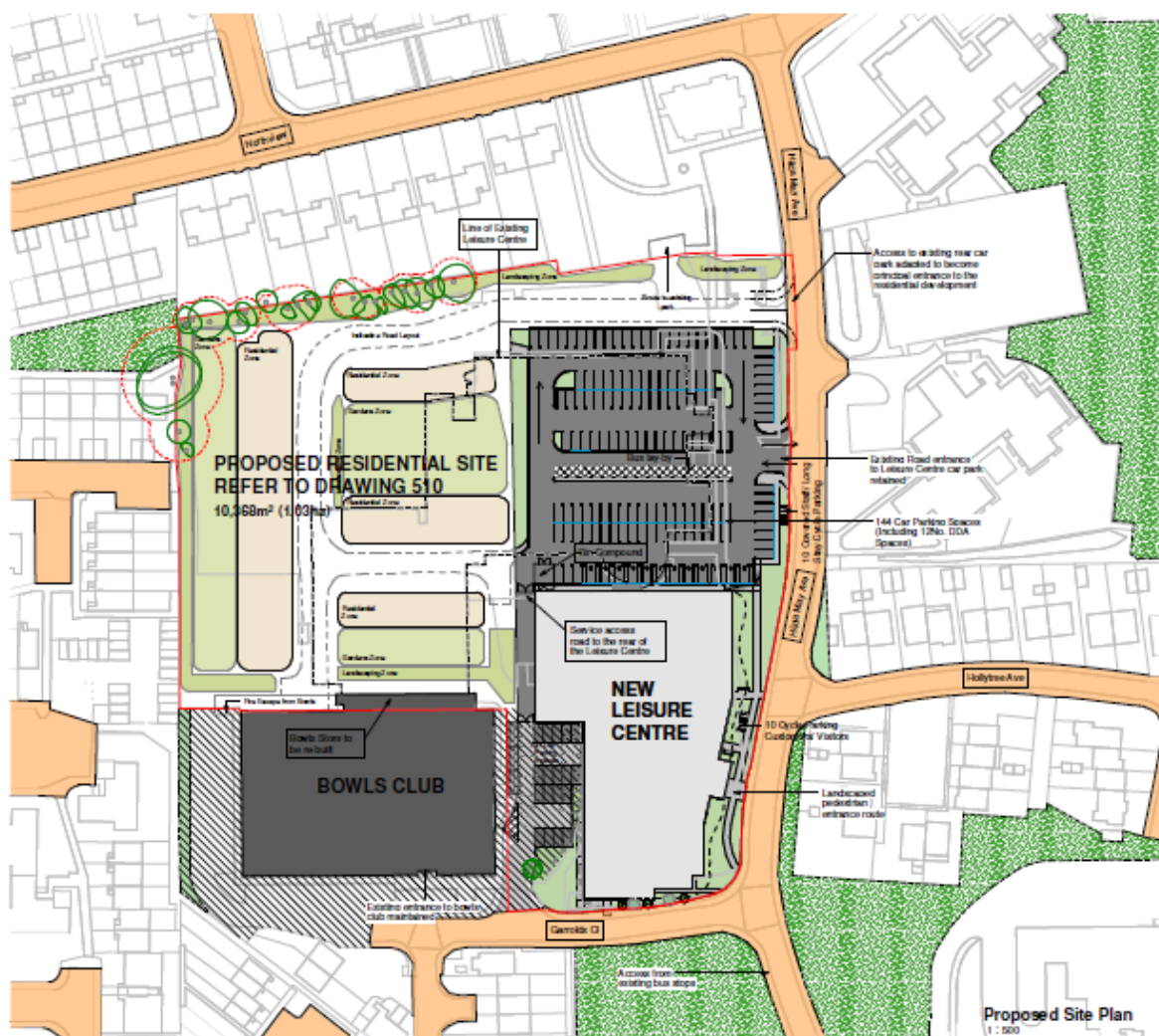
Link to application details:

<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=PZKTZZBKG5E00>





4.2 19/01682/FUL

Revised expiry date 20 December 2019

Proposal: A full planning application for a health and wellbeing centre on land to the south of Four Elms Road, Edenbridge, with appropriate car parking and landscaping.

Location: Land East Of Bray Road, Four Elms Road, Edenbridge
KENT TN8 6AD

Ward(s): Edenbridge North & East

Item for decision

The Chief Planning Officer has referred this application to Development Control Committee due to the significance of the proposal - major development within the Green Belt.

RECOMMENDATION: That the committee resolve, provided the application was not recovered by the Secretary of State, that planning permission be GRANTED subject to the completion of an acceptable legal agreement securing a financial contribution to monitor the travel plan and the following conditions:

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

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

2) Prior to above ground works of the main medical building hereby permitted commences further details of the external materials/surfaces to be used in its construction have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the approved materials.

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

3) Prior to the first occupation of the development hereby permitted, further details that shall include the use of external finishes and scaled 1:100 elevations of the storage buildings/enclosures shall have been submitted to and approved by the local planning authority. The development shall accord with the approved details and maintained thereafter.

To maintain the integrity and character of the development as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

4) The development hereby approved shall achieve a BREEAM minimum rating of 'Very Good' or alternative as agreed in writing by the local planning authority.

(Item 4.2)

Evidence shall be provided to the Local Authority in the following format and at the following times:

- i) Prior to the above ground works of the main medical building hereby permitted, a pre-assessment report (or design stage certificate with interim rating if available) indicating that the development will achieve a BREEAM minimum rating of 'Very Good' or alternative as agreed, shall be submitted to and agreed in writing by the Local Planning Authority; and
- ii) Prior to first use of the development, a final post-construction certificate certifying that the development has achieved a BREEAM minimum rating of 'Very Good' or alternative as agreed, shall be submitted to and approved in writing by the Local Planning Authority.

Achievement of BREEAM 'Very Good' or alternative as agreed, must include at least a 10% reduction in the total carbon emissions through the on-site installation and implementation of decentralised, renewable or low-carbon energy sources.

In the interests of environmental sustainability and reducing the risk of climate change as supported in Policy SP2 of the Sevenoaks Core Strategy.

5) All hard and soft landscaping and boundary treatments shall be in accordance with the approved scheme as shown on approved plan nos.D7291.01.003D and D7291.01.004C shall be completed / planted during the first planting season following practical completion of the development hereby approved or in accordance with a programme agreed with the Local Planning Authority. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

Pursuant to Section 197 of the Town and Country Planning Act 1990 and to preserve the appearance and character of the site and locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

6) Notwithstanding the submitted lighting details as submitted, a revised details of external lighting plan showing details of the position, height, design, measures to control light spillage and intensity of illumination shall be submitted to and approved in writing by the local planning authority. Only the approved details shall be installed and maintained thereafter.

In order to safeguard the visual amenity in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan

7) The Travel Plan submitted with the application shall be implemented on occupation of the development hereby approved and monitored in accordance with the said details.

To promote and encourage sustainable modes of transport, in accordance with policy SP2 of the Core Strategy and the National Planning Policy Framework.

8) Before the use or occupation of the development hereby permitted, the car and lorry parking and turning areas and servicing areas shown on the approved plan no. 18209-LSI-AA-XX-A-1180 Rev. P06 shall be provided and shall be kept available for the parking of cars and lorries and for servicing at all times.

In the interest of highway safety as supported by Policies EN1, T1, T2 of the Sevenoaks Allocations and Development Management Plan.

9) Prior to the first use of the building hereby permitted the provision of an electric vehicle charging point(s), as shown on approved plan no. 18209-LSI-AA-XX-A-1180 Rev. P06 shall be installed in accordance with the approved details and shall remain in use at all times.

To promote and encourage sustainable modes of transport and reducing carbon emissions, in accordance with policy SP2 of the Core Strategy and the National Planning Policy Framework.

10) The use hereby permitted shall not operate other than between the hours of 08:00 to 20:00 every day.

To safeguard the residential amenity of neighbouring occupiers in accordance with Policies EN1, EN2 of the Sevenoaks Allocations and Development Management Plan.

11) Notwithstanding any details hereby approved, prior to commencement of development details of off-site highway works to include details of the relocated bus stop, provision of a 2 metre footway along the frontage of the site, uncontrolled dropped kerb pedestrian crossings at Four Elms Road and Fircroft Way and relocation of a drainage gully as shown on plan. P18099-001D shall be submitted to and approved in writing by the local planning authority. The approved works shall be completed in accordance with the approved details prior to first use of the development hereby permitted and shall be in accordance with the approved details.

In the interest of highway safety.

12) The vehicular visibility splays as shown on plan no P18099-001D shall be provided before the development is first used or occupied and thereafter shall be maintained free from obstruction at all times at a height not exceeding 0.9m above the level of the adjacent carriageway.

In the interest of highway safety as supported by Policies EN1, T1 of the Sevenoaks Allocations and Development Management Plan.

13) No development shall take place until a detailed sustainable surface water drainage scheme for the site has been 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.

The drainage scheme shall also demonstrate (with reference to published guidance): - that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters; - appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker. The drainage scheme shall be implemented 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. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

14) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

15) From the start of commencement of development works (including site clearance) of the development hereby permitted, precautionary mitigation measures for reptiles will be carried out in accordance with the details within section 3 of the 'Amphibian and Reptile Reasonable Avoidance Measures Method Statement' (The Environment Partnership August 2019) and remain throughout construction works until the development hereby permitted is completed in full.

To mitigate the impact arising from development upon existing habitats of protected species on or surrounding the site, in accordance with Policy SP11 of the Sevenoaks District Core Strategy, Policy GI1 of the Sevenoaks Allocations and Development Management Plan and guidance in National Planning Policy Framework 2019.

16) All ecological enhancement measures and/or works will be carried out in accordance with the details contained in the Landscape Masterplan including Hard Landscape Proposals- plan no. D7291.01.003D.

To provide opportunities to conserve and enhance biodiversity on the site, in accordance with Policy SP11 of the Sevenoaks District Core Strategy, Policy GI1 of

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the Sevenoaks Allocations and Development Management Plan and guidance in National Planning Policy Framework 2019

17) No development shall be carried out above damp proof course level of the development hereby approved until further details of the proposed photovoltaic panels to include scaled 1:100 cross-sectional details of the building dwelling hereby approved shall submitted to and approved by the local planning authority. The approved scheme shall be implemented in full and maintained in accordance with the approved details. Once the photovoltaic panels and associated external equipment are no longer required, they shall be removed from the development as soon as reasonably possible.

To maintain the integrity and character of the building hereby permitted as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

18) Prior to the commencement of the development hereby permitted, a Construction Environmental Management Plan (CEMP) shall be submitted for the written approval of the local planning authority. The CEMP shall include, though not necessarily be limited to the following details: a) A Construction Traffic Management Plan incorporating details of heavy vehicles movement patterns, including earliest and latest arrival and departure times, routes to be used to and from the site and signs, and information to instruct drivers; b) The parking arrangements for vehicles of site operatives and visitors; c) The loading and unloading arrangements for heavy plant and materials; d) Processes of controlling/suppressing dust emanating from the site; e) The location and type of temporary fencing/hoarding; f) The details of wheel cleaning facilities within the site to prevent mud being deposited on the public highway; g) The tool-box talk for the site operatives regarding protected species and awareness of Reasonable Avoidance Method Statement; and, h) The programme of implementation for the site preparation, clearance and infilling operations (a) - (i) above. The site preparation, clearance and other operations shall be carried out in accordance with the approved CEMP.

To mitigate the impact arising from development upon existing habitats of protected species on or surrounding the site and safeguard the amenities of adjacent neighbouring properties, in accordance with Policies SP2, SP11 of the Sevenoaks District Core Strategy, Policies, EN1, EN2, GI1 of the Sevenoaks Allocations and Development Management Plan and guidance in National Planning Policy Framework 2019.

19) Before any equipment, machinery or materials are brought on to the land for the purposes of the development, the approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other planting to be retained by observing the following:(a) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012 or otherwise to the satisfaction of the Local Planning Authority. The means of tree protection shall be maintained until all equipment, machinery and surplus materials have been removed from the land;(b) No fires shall be lit within the spread of branches of the trees and other vegetation;(c) No materials or equipment shall be stored within

the spread of the branches of the trees and other vegetation;(d) No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees and other vegetation;(e) Ground levels within the spread of the branches of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

Pursuant to Section 197 of the Town and Country Planning Act 1990 and to preserve the appearance and character of the site and locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

20) The Rating Level (determined as defined in BS 4142:2014 Methods for rating and assessing industrial and commercial sound, at the nearest residential receptor) of noise from all external plant and machinery to be used in connection with the use of the building hereby permitted, operating at its maximum design duty shall not exceed the 38dB Sound Level at any time. If 38dB sound level is exceeded, then a scheme of acoustic mitigation shall be submitted to and approved in writing by the local planning authority. Unless otherwise agreed in writing, the approved details shall be implemented prior to the first use of the building hereby permitted. The development shall be completed in accordance with the approved details and maintained thereafter.

To prevent disturbance to nearby residential properties in accordance with Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

21) Demolition or construction works shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.

To prevent disturbance to nearby residential properties in accordance with Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

22) Prior to the first occupation of the new building hereby permitted a security needs assessment 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.

In order to design out crime within the development and the surrounding area as supported by the National Planning Policy Framework

23) Prior to the first use of the building hereby permitted the cycle and bin store as shown on approved plan no.18209-LSI-AA-XX-DR-A-1180 Rev.P06 shall be completed in full and shall be permanently maintained and kept available for that purpose. Should the cycle and bin store be no longer required as shown on the approved plans, details of an alternative scheme for their re-location and restoration for the land shall be submitted to and approved by in writing by the local planning authority.

To ensure adequate facilities are provided on-site and to allow future expansion of the site is so required, in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

24) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 18209-LSI-AA-XX-DR-A-1170 Rev.P01, 8209-LSI-AA-GF-DR-A-1300 Rev.P03, 18209-LSI-AA-01-DR-A-1301 Rev.P04, 18209-LSI-AA-02-DR-A-1302 Rev.P04, 18209-LSI-AA-01-DR-A-1303 Rev.P04, 18209-LSI-AA-ZZ-DR-A-1180 Rev.P06, 18209-LSI-XX-DR-A-1501 Rev.P01, 18209-LSI-AA-ZZ-DR-A-1350 Rev.P06, 18209-LSI-AA-ZZ-DR-A-1351 Rev.P06, 18209-LSI-AA-DR-A-1352 Rev.P03, 18209-LSI-AA-ZZ-DR-A-1175 Rev.P06, 18209-LSI-AA-ZZ-DR-A-1352 Rev.P03, 18209-LSI-AA-ZZ-DR-A-1371 Rev.P03, 18209-LSI-AA-XX-DR-A-1551 Rev.P01, D7291.01.003D, D7291.01.004C, P18099-001D, 2068ESK01, TEP Planning Statement, TEP Design and Access Statement (IN7921.01.001), Bureau Veritas Air Quality Assessment May 2019, Bureau Veritas Environmental Noise Assessment ref: UK.6486169 May 2019, Genever and Partners Ltd Drainage Strategy ref: G/5019/Reports/AB, Genever and Partners Ltd Flood Risk Assessment ref: H/5019/Reports/AB, TEP Ecological Assessment, GREAT CRESTED NEWT DISTRICT LEVEL LICENSING IMPACT ASSESSMENT & CONSERVATION PAYMENT CERTIFICATE, TEP Historic Environment Desk-Based Assessment, TEP Landscape and Visual Appraisal, Prime Transport Planning Transport Assessment May 2019, Prime Transport Planning Travel Plan May 2019, TEP Aboricultural Impact Assessment.

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

Informatives

1) The applicant should note that under the terms of The Conservation of Habitats and Species Regulations 2010, Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats which are also European Protected Species.

You should note that the work hereby granted consent does not override the statutory protection afforded to these and other protected species and you are advised to seek expert advice if you suspect that the demolition would disturb any protected species. Please note that a European Protected Species Licence will be required to allow the proposed development to proceed lawfully. Further details can be found at: <https://www.gov.uk/environmental-management/wildlife-habitat-conservation>

2) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

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

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

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

3) No burning of materials obtained by site clearance shall be carried out on the application site.

4) The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).

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 measures approximately 1.25ha and is made up of open scrub land. It once formed part of Eden Valley School that no longer exists.
- 2 The site is bound by Four Elms Road to the north, agricultural fields to the south, overflow car parking for the Eden Centre and open space to the east and residential housing to the west. It lies adjacent the settlement boundary of Edenbridge and is within the designated Metropolitan Green Belt.
- 3 The topography of the site is generally level, with a slight fall towards the south and south western boundaries. Adjacent to the southern boundary of the site is a swale.
- 4 Eden Valley School that once occupied the site was constructed in the early 1960's and demolished in 2012 to allow new residential development of 40 new dwellings permitted under planning reference 10/01735/FUL.

Description of proposal

- 5 It is proposed to erect a new health hub together with car parking provision, landscaping and access into Four Elms Road.
- 6 The health hub is proposed in order to address the acute pressures faced on some elements of the existing GP practice and Edenbridge War Memorial Hospital.
- 7 The proposal seeks to develop a modern, purpose built combined hospital and surgery together with space for additional clinical services and community support. The existing Edenbridge War Memorial Hospital operates from a building that is acknowledged by the NHS to be 'inadequate to meet growing demand' due to the lack of space on its current constricted site at the Edenbridge and District War Memorial Hospital Site in south Edenbridge.
- 8 The health hub comprises of a two-storey building with a stepped roof level that occupies a footprint of approximately 1475m² and an internal gross internal floor space of approximately 2066m².
- 9 The health hub will comprise a range of services including social prescribing services, community health and GP services as well as enhanced treatment areas for treatments such as minor surgery. The building will contain approximately 13 flexible clinic/consultation rooms, 4 multi treatment rooms, 1 enhanced treatment room as well as staff and office space and utilities.
- 10 The location of the proposed development is in close proximity to the Eden Centre which allows the services provided by the proposed health hub to be coordinated with other close by services such as mental health and social care.
- 11 The proposed health hub lies on a north-south axis in the east of the site. A car park occupies the west of the site as well as the area to the south of the proposed building. The southern section of the site encompasses the existing swale which lies on an east-west axis and will be used for drainage attenuation and is separated from the car park by a hedgerow and dense vegetation which will be retained.
- 12 There are a total of 102 proposed car parking spaces, including spaces for minibuses, motorbikes and disabled parking spaces (total of 111 spaces). They comprise 14 comprise electric vehicle charging points; 3 of the electric vehicle charging points; including within the disabled parking bays. The amount of car parking on the site is in line with the business needs for the health hub and has been designed to allow for easy movement and access.
- 13 A Memorial Garden is proposed to the north west of the site. It is proposed to be left as an open grassed area, as community input is to be sought on the future design of this site. A rectangular area of open green space is also proposed to the south of the health and wellbeing centre. This space has the potential to accommodate future expansion in the long term whilst

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providing a breakout space for patients and staff in the short to medium term.

- 14 The proposed access point to the site is off Four Elms Road. It is the former construction access point relating to the construction compound used for the Eden Community Centre and residential development.
- 15 Pedestrian connections are incorporated into the proposed vehicular access point and the existing access point to the north of the site. A 2m wide footpath will run for the length of the Proposed Development from Four Elms Road into and around the site, as well provision of access points to the eastern and southern boundaries of site to tie in with any future expansion of the land surrounding the site.
- 16 The design has been developed to include a network of green infrastructure that provides a buffer to the development edge. Where possible, existing vegetation and trees have been retained.
- 17 The western site boundary is defined by close-boarded timber fencing, which forms the garden boundaries of residences off Bray Road. A broad mixed native hedgerow is proposed adjacent to this fence line to provide a buffer for these properties and a broad wildlife corridor through this part of the site. The hedgerow buffer would be supplemented by tree planting.
- 18 The eastern site boundary currently borders open farmland to the east. A mixed native hedgerow is proposed along the length of this boundary, which would replace the section of hawthorn hedgerow which would be removed to make way for the new development. This new hedgerow planting would be broader on the section which runs parallel to the proposed building, and would provide a robust buffer to this boundary. The hedgerow planting would be reinforced by a 1.8m dark grey weldmesh security fence to the rear of the new building and extending south to form the eastern boundary of the rear car park. To the north of the proposed building, the hedgerow planting would be reinforced by a softwood timber post and rail fence. A footpath connection is proposed running adjacent to the hedgerow and hedgerow tree planting to the south of the new building. This would be surfaced in a self-binding gravel. A weldmesh pedestrian gate in the fence-line to the eastern site boundary would provide the means of connection with informal footpath routes crossing farmland to the south and east of the site.
- 19 As part of the proposals the existing drainage swale and associated vegetation in the southern part of the site, including the hedgerow and trees at the southern site boundary would be retained. This area would be managed as wildlife habitat and separated from the remainder of the site by a broad native hedgerow and native hedgerow trees. Supplementary native tree planting is also proposed along the retained hedge line at the southern site boundary. This planting would help to screen and buffer the built development proposals within the site in largely filtered views from more distant viewpoints to the south.

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Relevant planning history

- 20 07/01932 - Redevelopment of the site involving the demolition of the existing school buildings & the erection of a community centre & 40 residential dwellings together with associated landscaping & highway works - GRANTED
- 21 08/00252 - Change of use of school grounds and playing fields including two sports pitches to public open space including two sports pitches - GRANTED
- 22 10/01735 - Redevelopment of the site involving, the erection of a community centre and 40 residential dwellings. (Amendment to that previously granted permission under SE/07/01932/FUL) - GRANTED
- 23 12/00362/CONVAR - Variation of condition 33 (approved plans) of 10/01735/FUL - Redevelopment of the site involving, the erection of a community centre and 40 residential dwellings. (Amendment to that previously granted permission under SE/07/01932/FUL). In order to make amendments to the site layout plan to give a softer appearance to the site whilst also giving extra amenity space for residents - GRANTED

Policies

- 24 National Planning Policy Framework (NPPF)
- 25 Core Strategy (CS)
 - L01 - Distribution of Development
 - L06 - Development in Edenbridge
 - L08 - The Countryside and Rural Economy
 - SP1 - Design of New Development and Conservation
 - SP2 - Sustainable Development
 - SP9 - Infrastructure Provision
 - SP11 - Biodiversity
- 26 Allocations and Development Management Plan (ADMP)
 - SC1 - Presumption in Favour of Sustainable Development
 - EN1 - Design Principles
 - EN2 - Amenity Protection
 - EN4 -Heritage Assets
 - EN5 - Landscape
 - EN6 - Outdoor Lighting
 - EN7 - Noise Pollution
 - GI1 - Green Infrastructure and New Development
 - GI2 -Loss of Open Space
 - CF1 - Re-Use of Redundant School Buildings
 - T1 - Mitigating Travel Impact
 - T2 -Vehicle Parking
 - T3 - Provision of Electric Vehicle Charging Points

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27 Other:

- National Planning Policy Guidance (NPPG)
- SDC Development in the Green Belt SPD
- SPG4 - Kent Vehicle Parking Standards
- Manual for Streets
- SDC Green Belt Assessment 2017
- SDC Open Space Study (2017-18)
- Kent Design

Constraints

28 The following constraints apply

- Metropolitan Green Belt
- Great Crested Newt Risk Zone Amber
- Flood Zone 1

Consultations

29 Edenbridge Town Council - Supports the application

30 Other Consultees -

Natural England - No objection

Network Rail - No comment

Environment Agency - No comment

31 SDC Planning Policy - “The application makes a convincing VSC argument in relation to the need for the medical facility and the lack of alternative suitable sites. The proposals would result in the loss of (non-allocated) amenity greenspace / open space, but there is a surplus of this form of open space in the area and the application incorporates new green spaces and connections. The site is allocated for development in the draft Local Plan (which is currently submitted for examination) and is classified as weakly-performing Green Belt in our evidence base study. It is important that the development of this site integrates and connects to the wider masterplan proposals for the area for mixed-use development.”

32 SDC Design Officer - No objections

33 SDC Environmental Health - No objection recommends post construction noise assessment

34 SDC Trees and Landscape Officer - No objection recommends tree protection condition

35 SDC Environmental and Operational Services - No comment

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- 36 KCC Highways - No objection subject to condition, off site highway works, Travel Plan monitoring condition. Site could be connected to wider site in the future.
- 37 KCC Ecology - Supports the application and recommends conditions
- 38 KCC Lead Flood Authority - No objection subject to conditions
- 39 KCC Archaeology - No comment
- 40 Kent Police (Secure by Design) - No further comment providing security arrangements as outlined in appendix 1 of the Design and Access Statement are implemented.

Representations

- 41 6 letters of objection have been received relating to the following issues:

- Land is unsuitable - Green Belt, flood plain, near sewage works;
- Local highway network unsuitable;
- Other alternative sites available;
- Increase traffic generation;
- Loss of habitat;
- Should determine after outcome of Local Plan;
- Land should be retained as open space;
- Affects protected species - Great Crested Newts, Bats, reptiles;
- Site design is poor;
- Insufficient parking;
- Inappropriate development in the Green Belt

- 42 4 letters support have been received

Chief Planning Officer's appraisal

- 43 The main planning consideration are:

- Principle of development
- Impact upon the Green Belt
- Impact upon character and appearance of the area
- Impact upon residential amenity
- Highways
- Loss of open space
- Biodiversity
- Sustainable construction
- CIL
- Other Issues

Principle of the development

- 44 Since 2010, as identified by the Infrastructure Delivery Plan (Appendix 4 of the Core Strategy), the Council has identified that Edenbridge needs an expansion and an improvement of its medical facilities to provide sufficient capacity for the forecasted population increase. It is estimated that the population of the District is expected to increase by 5.7% (128.6k) by 2030 (Office of National Statistics, 2016) and this will have an impact upon infrastructure and delivery of services.
- 45 Further issues to be considered when assessing the principal of development:
- Need for development;
 - Alternative sites;
 - Draft Local Plan Allocation;

Need for the development

- 46 Sevenoaks as a District has two minor injury hospitals, Sevenoaks and Edenbridge & District War Memorial Hospital. Residents have no access to a major medical facility with the District and have to travel out to Tunbridge Wells Hospital, Queen Mary Hospital (Sidcup), Darent Valley (Dartford), Maidstone or London Hospitals.
- 47 The Edenbridge War Memorial Hospital is old and the building is not up to modern standards and the demands of the Care Quality Commission Standards. The site is small and coupled with the nature of the old building expanding or refurbishing the site isn't considered viable and has out lived its use. The site is on the southern edge of Edenbridge, 1.6km from the centre of the Town and therefore places reliance on private transport for access.
- 48 The General Medical Practice is the only one in Edenbridge and serves the people of the town and the surrounding villages in a 6.7 mile radius, whilst the War Memorial Hospital serves people within a 9 mile radial catchment beyond Edenbridge.
- 49 In 2015 Kent Community Health NHS Foundation Trust (KCFHT) identified that the Edenbridge War Memorial Hospital and Medical Practice were both struggling to provide modern standards of care to a burgeoning population. The medical practice expects to have nearly 14,400 registered patients by 2024, up from the approximate 12,400 it has registered now. Demand for healthcare is due to rise exponentially in the near future.
- 50 The Edenbridge GP service is accommodated in a 1920s building which has been extended several times to its maximum extent. There are no further opportunities to expand the surgery and cannot currently accommodate all the staff it requires.

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- 51 The restriction on expansion means additional consulting and treatment rooms cannot be provided, limiting surgeries and clinics at peak demand times. GPs in Edenbridge, work on a rotation basis due to the lack of consulting space, meaning they are not fully exploited in terms of patient contact times and it is difficult to recruit extra doctors in to limited and specific time slots.
- 52 The skills of the practitioners are currently under-utilised, due to lack of space and suitable equipment. If the practice is to move the business forward, then new premises are required, not only to provide the additional space for more facilities, but also to meet current legislation under Building Regulations.
- 53 If the organisations decide not to move, the Edenbridge Medical practice could expect, in the next few years, longer waiting times due to increasing numbers of patients and inadequate facilities to treat them in. The primary care estate is at capacity in terms of volume and does not provide disabled access for patients. Several GPs are planning retirement in the next few years and the recruitment of property owning partners is unlikely in the current facility. On retirement, the GPs extracting their investment through sale of the surgery has the potential to leave Edenbridge with no primary care facility.
- 54 In November 2014 an initial proposal by the Partners of the Edenbridge Medical Practice was presented to NHS England outlining the case for replacement of existing primary care facilities. The Applicant became involved as commissioners of the services and recognised the importance of providing improved facilities locally alongside the opportunity to co-locate existing community services provided by KCFHT from the Edenbridge Memorial Hospital.
- 55 The NHS WKCCG identified that working with KCFHT to deliver services through an integrated facility would provide the best solution in delivering future health care to Edenbridge. Since 2015 the Partners have worked together to ensure that models of care can be delivered from a single site.
- 56 Community consultation was undertaken to understand the local view on health provision and what may change in the future. Feedback highlighted issues with the provision of service many considering the service over-stretched and unable to meet existing need. Comments were received on the size of the existing GP surgery and hospital. The access to the hospital was identified as being poor and far from public transport connections, in particular rail NHS WKCCG based on the feedback of this consultation undertook appraisal of clinical models and delivery scenarios to outline four potential options for future health provision in Edenbridge. The results showed that the public view that a combined hospital and surgery was the most practical option with 94% of respondents identifying this.
- 57 The public perception was that the existing services are neither cost effective, nor efficient and need updating. The majority welcomed the option to have a wider selection of services on a single site in the town. As identified, the broad view was that a new combined hospital and surgery

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would lead to better access to a wider range of services that would attract staff and was required to meet the needs of a growing population. It is therefore expected that there is a need for this development.

Alternative sites

- 58 The applicant commissioned a report to find and assess suitable sites within Edenbridge to determine if development in the Green Belt was necessary.
- 59 An external consultant in August 2015 to review potential sites for a new medical facility in Edenbridge. The report was specific to the GP Medical Facility with no decision made on co-locating the hospital services.
- 60 Considerations was given to a mixture of existing buildings, brownfield and greenfield sites deemed available.
- 61 The key requirements for a new medical facility were:
- Scale - 0.7ha minimum site for building, parking and potential expansion;
 - Sustainability - location close to centre of Edenbridge and public transport services. Potential for excellent design standard to be met;
 - Viability - medical centre cannot compete with commercial and residential values. Needs strong consideration in site selection and ideally land made available at zero cost to GPs;
 - Timing - succession planning and accounting for recently approved development which may swell patient list by an extra 700. Looking toward 2019 for delivery.
- 62 The site review identified that finding a suitable site within the town that does not command the same high values as commercial and residential land was difficult. There is also a lack of available developable land within Edenbridge and finding one to house the size of site required leads towards consideration of Green Belt sites.
- 63 16 sites were explored and the assessment only found two suitable and available sites in Edenbridge both of which are within the Metropolitan Green Belt.
- 64 Following analysis of the potential sites it is evident that this site is the most suitable for a Health Hub in Edenbridge and notably had demonstrable benefits over the alternatives considered: due to its proximity to the centre of Edenbridge, its accessibility by different modes of transportation, located near to Eden Centre to share and support community services, previously development land as the school once occupied the site, natural extension to the town, and it was a favoured location as a result of public consultation.

Draft Local Plan Allocation

- 65 The emerging Local Plan is currently undergoing the examination in public and is a material consideration. However, as the plan is in its early stages
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at the enquiry stage and has not been subject to full scrutiny, therefore only limited weight can be accorded to the draft changes to the Green Belt or the draft allocation.

- 66 The site is allocated in draft as part of a group of mixed use allocations (ST-33 and ST-34) on land south of Four Elms Road and land east of Bray Road, Edenbridge. The draft allocation include proposals for: a new secondary school and playing fields; up to 340 residential dwellings; and a medical hub. The wider site referred to here, consists of this application site and land to the east and southern boundaries of this application site.
- 67 Notwithstanding this, part of the site has been allocated for residential and social and community infrastructure (ST2-34) and forms part of a wider 28ha site. This is because there is a requirement for the District to provide additional housing to meet an identified need which has support of the Council's officers and members. Nevertheless it is relevant to consider the evidence base which contributed to the decision to include those changes and the extent to which the proposal would accord with the Council's objectives or otherwise.
- 68 A Green Belt Assessment as part of the evidence base of the emerging Local Plan (SDC Green Belt Assessment January 2017) It was realised that due to the limited amount of available brownfield land within the District, the Council will need to release several hectares of Green Belt to meet the identified demand for housing, employment, infrastructure and community uses in the plan period.
- 69 This site was assessed within the Green Belt Assessment as part of parcel 18. The Application Site and its adjacent western and eastern boundaries were specifically sub-divided and assessed as parcel RA-3 within the wider parcel 18. Parcel RA-3 is adjacent Bray Road and the Edenbridge settlement boundary, in the western part of Green Belt parcel 18.
- 70 The Green Belt Assessment identifies the wider 87ha site (parcel 18) as performing strongly against the NPPF purposes. However, the report identifies that there is scope for sub-division; Parcel RA-3 may score weakly and could be considered further (encompasses this application site).
- 71 The RA-3 area already has an urban character through the encroachment of built development in the Green Belt. This comprises the Eden Centre and 40 dwellings on Bray Road. The Green Belt Assessment recommended that there is scope for parcel RA-3 (the site) to be considered further, for removal from the Green Belt. This judgement has informed the emerging Local Plan process which at the draft submission stage includes this parcel of land (RA-3) along with land extending further south and east for allocation as a mixed use site comprising dwellings, education and health infrastructure.
- 72 This has informed the emerging Local Plan as this site is considered a suitable location for mixed use development and that the Green Belt weakly performs, and is promoted as such in the emerging Local Plan. The two allocated sites (ST-33 & 34) are under the ownership of in part Kent County Council and Cooper Estates. The landowners have agreed to a 'Statement

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of Common Ground which sets out how the two ownerships are working together in a partnership to deliver the wider masterplan, and that the site is available and deliverable. These arrangements ensure that the aims and vision of the masterplan (to deliver housing in conjunction with community infrastructure) remain aligned with the objectives of the proposed strategic site allocations.

- 73 It is noted that the application refers to multiple linkages to the wider footpath network, routes through and beyond the site and appears to incorporate a road-head connection to the eastern boundary of the site. This part of the road has been confirmed that it would be formed conforming to adoptable highway standards and therefore it could be possible in the future that this road-head connection could be opened up in the future linking this site to the wider area should the outcome of the possible of the wider site being allocated and acquiring planning permission. If this were to be the case, the proposed turning head on this road-head would need to be closed and the bin/cycle store would need to be relocated. This could be dealt by the appropriate use of a planning condition and forms part of the agreement to the sale of land from KCC to the NHS. Any further applications relating to the adjacent site and this access will be considered on their own merits and do not influence the current application.
- 74 It is not disputed that the site is in a sustainable location adjacent to the built up area of Edenbridge which is defined as a rural service centre. The high street and its many facilities, including the station would be within walking distance for more mobile residents. There are public transport services provision nearby, with access to road and rail services.
- 75 It is concluded that the development would not undermine the current proposed local growth in Edenbridge as identified in the emerging Local Plan, contributing to its economic, social well-being and provide a sustainable location for living. It's considered that the land is developable and deliverable. The promotion of the site in the emerging Local Plan is a key indicator as being suited for this type of the development that has been 'plan-led'.

Conclusion

- 76 In summary, it has been demonstrated both sequentially and the need for the development and the lack of alternative sites has led to this scheme being advanced. There is an identified need for the provision of medical/community facilities would secure long term provision of these facilities and the ability to cope with future demand/projected population forecasts. It can also be demonstrated that this site can connect with the wider surrounding area should be adjacent land be developed in the future and would not undermine the possible allocation of the wider site under the emerging Local Plan.
- 77 However, the site with within the Green Belt and this assessment will be carried out below as well as other material considerations.

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Impact upon the Green Belt

- 78 Current Government advice, in the form of the National Planning Policy Framework, supports the protection of the Green Belts and seeks to restrict development.
- 79 The advice states that there is a general presumption against inappropriate development within the Green Belt. Such development should not be approved, except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt.
- 80 Paragraph 133 of the NPPF states that “The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”
- 81 The starting point for the proposals in Green Belt terms, is whether the proposals represent appropriate development or inappropriate development and if the latter, whether there are any very special circumstances to warrant an exception to policy.
- 82 Consequently, the introduction of a new building, together with roads and car parking spaces where there is currently no development, would be harmful to both the visual and spatial openness of the Green Belt. Furthermore, the provision of a large amount of parking spaces would lead to vehicles being parked, further reducing openness, albeit on a temporary basis. Although sited off-centre of the field, it is likely that the building would be visible through the gap in the green cover created by the access road. The extent of the proposal would mean that it would result in the encroachment of development into the open countryside from the surrounding residential areas. This would be contrary to one of the five purposes of the Green Belt included within paragraph 134 of the Framework.
- 83 The scale of the built development and associated parking areas and the associated reduction in openness would also be very apparent to the many residents, staff and visitors at the development itself. That visual and spatial harm to openness would therefore constitute significant additional harm to the Green Belt.
- 84 Harm to openness and encroachment into the countryside must nevertheless be distinguished from other landscape and visual effects. Based on the site layout and scale of buildings, due to the sites’ relative containment and the opportunities for retained and improved landscaping mean that there need be no significant harm to landscape character. In relation to visual effects, whilst there would be some adverse impacts on the currently open and undeveloped views as seen from adjoining residential areas, adjacent informal public footpath, it is not considered that these would be significantly or unacceptably harmful.
- 85 For the reasons above, it is concluded that the proposal would cause harm to the openness of the Green Belt and be contrary to its purpose resulting in

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conflict with the Framework, it is therefore necessary to consider whether there are any special circumstances or material considerations that would justify a development in this location.

Impact upon character and appearance of the area

- 86 Policies SP1 and LO8 of the Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. This is re-iterated by Policy EN1 of the ADMP.
- 87 The main building will be set back approximately 30m from Four Elms Road. It will measure 65m in length by 38m in width and be two storeys or approximately 10m in height at its highest point. The building will be split level with the taller two storey part in the north and a lower single storey in the southern half. The building will be of variable articulating roof design. There will be a small central courtyard in the southern part of the building.
- 88 The design of the building relates to its intended form and function. External materials use local red brick, with hit and miss vertical timber cladding at first floor level, to break up the visual massing of the building and to some degree assimilate itself to the surrounding area and provide visual interest. This is particularly notable to the proposed eastern elevation of the proposed main building. The variable roof design will be formed from quartz zinc metal seamed roof cladding that complements with the other proposed materials.
- 89 To the ground floor element of the building will have a flat roof with solar photovoltaic panels are proposed together with an articulated parapet mounted balustrade to provide visual interest.
- 90 The building as a whole is expected to achieve a BREEAM rating of excellent, which would accord with Policy SP2 of the ADMP. This can be secured by planning condition.
- 91 As per paragraph 98 of the NPPF, the site layout has proposed potential links to the footpath network outside of the site, assisting with the site connecting to the wider area. Within the site, it is well laid out providing level access to the building that enhances safety, inclusivity and accessibility from all areas of the car park to the main entrance of the building.
- 92 The site has a high degree of visual enclosure, being contained being contained within a network of genially unmanaged mature hedgerows and mature trees.
- 93 In terms of visual impact, this is not a remote area, the character of the countryside is being influenced to some extent by its proximity to the adjacent urban area of Edenbridge, and the adjacent residential development.

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- 94 In assessing any harms from the proposal on landscape character, it is considered the site is not a valued landscape in terms of paragraph 170 of NPPF. It's also considered that the site was almost completely separate physically, visually and perceptually from the wider open landscape and whilst the development would cause some visual harm through the loss of openness, the development would not be unduly intrusive or incongruous in its context. The submitted Landscape and Visual Impact Assessment found that the effects of the development will be localised and would not result in substantial harm to the landscape character. Nor will it diminish the quality of the landscape character.
- 95 The design of the scheme as a whole, responds to the landscape and visual context to the site by retaining boundary vegetation and setting the main building back from Four Elms Road and the residential area at Bray Road. The development includes a landscape strategy that provides tree planting at the boundary with Bray Road and additional tree planting in the main car park and at the main building to break up the open space and west elevation of the main building in addition to a substantial new boundary planting along the eastern side. The development would be accommodated with limited effects on landscape character and visual amenity.
- 96 Approximately 20 trees within 2 groups and part of 1 hedge (approximately 95 m) would be removed to facilitate the proposed development. It will be possible to retain all other trees throughout the construction. The trees requiring removal to facilitate access and car parking are of moderate quality with a commensurate minor loss of screening and habitat availability.
- 97 It is stated that the proposed removal of trees can be mitigated within the site by new planting. Mitigation for the loss of trees, will form new planting of native trees within the car park area and open space.
- 98 A landscape masterplan has been submitted which include details of a Memorial Garden and 5m landscape buffers to the site boundaries, which assist in limiting the visual impact of the development. Further to this an area to the south-eastern site boundary would be provided biodiversity enhancements.
- 99 A mix of site boundary treatments are proposed to the site boundaries using a mixture of 1.2m - 1.4m high timber post and rail fencing to 1.8m high dark grey weld mesh security fencing which will be predominately used adjacent to the main building, to the eastern boundary of the site.
- 100 A comprehensive hard and soft landscaping plan is proposed incorporating the planting of extra heavy standard native trees, mixed native species hedgerow planting, shrub planting together with variety of grassland planting mix.
- 101 Overall the SDC Tree Officer raises no objection to the scheme and the proposal would accord with Policy EN1 of the ADMP and Policy L08 of the Core Strategy.

Neighbouring amenity

- 102 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development, while ensuring it would not result in excessive overlooking, visual intrusion, vibration, odour, air pollution, vehicle movements, or a loss of privacy and light enjoyed by the occupiers of nearby properties.
- 103 Policy EN7 of the ADMP seeks to ensure that development would not have an unacceptable impact when considered against the indoor and outdoor acoustic environment and the development would not result in unacceptable noise levels from existing noise sources.
- 104 A noise assessment has been submitted to determine the impact of the proposed development upon nearby noise sensitive receptors. The survey was conducted at the western boundary of the site, adjacent to the existing residential development which are the closest properties to the proposed development.
- 105 A further baseline sound study was conducted on site to measure the background sound levels at two locations. These were the nearest sensitive receptors' with the existing residential development and at the façade line of the Proposed Development, facing Four Elms Road.
- 106 The survey determined that vehicular traffic noise was the main source of noise affecting the background environment. Aircraft noise and trains were also present however all noise sources resulted in a low rate to adverse impact the ambient noise level.
- 107 An assessment of noise from patient and staff car doors being closed in the car park indicates that the impact would be below the Lowest Observed Adverse Effect Level, and therefore no additional mitigation is required.
- 108 External plant items and the proposed electrical centre were identified as potential noise sources. The assessment concluded that the effect of noise from the mechanical plant and energy centre is not expected to be significant at the nearby receptors if the sound emission level from all items of both mechanical and electrical services, operating concurrently at maximum design duty, achieves a rating level of 38 dB when assessed at the nearest noise-sensitive properties.
- 109 SDC Environmental Health Officer has raised no issue with the submitted survey and recommends a planning condition for the submission of a further acoustic survey to determine the impact of any external plant/machinery to be used in order for the Health Hub to operate. This is considered to be reasonable and necessary.
- 110 The Health Hub is proposed to operate between the hours 0800hrs and 2000hrs, 7 days a week. These operating times are considered reasonable and would not harm the existing residential amenity of occupiers found within Bray Road.

- 111 A lighting scheme has been provided and show that 6m LED lighting columns, LED downward lighting units sited upon the building and LED downward lighting bollards are to be used in and around the site. The illumination of the site show Lux levels upon the boundaries of the site would be at minimal levels. Notwithstanding this, the submitted lighting plan has not been revised and therefore an updated lighting plan is required. This can be secured by planning condition.
- 112 Due to the 33m separation distance between the main building proposed and the nearest adjacent residential development of Bray Road, this together with the proposed boundary treatments, landscape buffer and restriction of opening hours and subject to conditions regarding noise, it is considered that the proposed development would not unduly harm the existing residential amenity. It is acknowledged that there would be a noticeable difference in change in character and use of the site, however it would not be significant enough to warrant refusing the application.
- 113 Overall, it is considered that the proposal would comply with Policies EN2, EN6 and EN7 of the ADMP.

Highways

- 114 Four Elms Road to the front of the site is subject to a 30mph speed limit. The speed increases then to 40mph approximately 40 metres east of Fircroft Way. Four Elms Road passes under a railway bridge which is one-way traffic signal control is in operation. The speed limit is derestricted beyond the railway bridge at the junction with Swan Lane. Pedestrian footways run along the northern side of Four Elms Road from the junction with Station Road to approximately 70 metres east of Wayside Drive. Footways continue on the south side of Four Elms Road to the railway bridge. Two bus stops are located on Four Elms Road, along the frontage of the site.
- 115 A new access is proposed from Four Elms Road as a three arm priority controlled 'T' junction. 2m wide footways are proposed on both sides of the access to connect with the existing footways on Four Elms Road. Uncontrolled pedestrian crossing facilities across the proposed access, Fircroft Way and Four Elms Road to the west of Fircroft Way are also proposed. To facilitate the new access, will require the removal of the existing bus layby and bus stop, and its relocation to an alternative appropriate location, this can be secured by a planning condition and by a Section 278 Highways agreement with KCC.
- 116 A speed survey was undertaken in November 2018. In considering these speeds of the road, the proposed visibility splays of 2.4m x 56m to the east and 2.4m x 54m to the west are considered acceptable and in accordance with Manual for Streets standards.
- 117 To be able to ascertain the capacity of local junctions, junction turning counts and queue length surveys were undertaken in November 2018.
- 118 Traffic growth has been forecast to 2024 which represents 5 years post application and to 2035, which is acceptable as the end of the local plan

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period. The cumulative impact of the emerging local plan of 1,315 households has been included in the assessment.

- 119 Traffic flow diagrams illustrate a marked increase in traffic without this development up to 2035. The flows with the development illustrate the associated traffic growth can be accommodated upon the surrounding highway network.
- 120 In line with the following guidelines the proposed car parking of 102 spaces is considered acceptable. The proposed cycle storage facility exceeds current standards.
- 121 Policy T1 of the ADMP states that new developments are required to mitigate any adverse travel impact. A Transport Assessment has been submitted and states that that the proposed development would not result in an 'unacceptable impact on highway safety' nor have a 'severe' impact on the operation of the highway network terms of capacity. KCC Highways has investigated the impact of the development and the future possible increases in household growth within the emerging plan period. The evidence presented clearly shows that this development would not have a 'severe' impact upon the surrounding highways network to justify a reason to object.
- 122 Policy T2 of the ADMP requires the vehicle parking provision in non-residential development to be made in accordance with advice from Kent County Council. Current vehicle Parking Standards for non-residential D1 requires a maximum of 102 spaces required. This is what is being provided on-site, together with cycle storage provision appropriate for a development of this size. The Transport Assessment anticipates a peak demand of 82 spaces and having the ability to accommodate any surges in demand. KCC Highways have raised no objection in this regard.
- 123 Policy T3 seeks the provision of electric vehicle charging points within new developments. 14 spaces have been identified for electric charging facilities to which 3 of them will be in disabled bays. The provision of such bays can be secured by condition.
- 124 Further to the above, the applicants have submitted a Travel Plan principle of Paragraph 110 of the NPPF by giving priority to pedestrian, cycle and public transport movements. Furthermore, the production of a Travel Plan is a requirement of paragraph 111 of by the NPPF which will help promotes use of these sustainable modes.
- 125 It is important that the Travel Plan is monitored at regular intervals to assess its success and help to evolve it. The applicant will commit to monitor the Travel Plan at regular intervals over a period of time and will also monitored by KCC. As such applicant is willing pay a financial contribution to KCC to assist in the monitoring of the Travel Plan. As a financial contribution is required, this can be secured by the completion of a Section 106 agreement.
- 126 The comments raised by third parties have been considered, however the objections raised are not justified in this instance as sufficient evidence has

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been presented to demonstrate that the impact of this development, together with the growth of the surrounding area, can be accommodated and the highway impact of the development is negligible and in accordance with the relevant Development Plan policies.

Loss of open space

- 127 Policy GI2 of the ADMP states that proposals for built development on redundant school playing fields in the Green Belt, other than for essential facilities for outside sport and recreation will be refused.
- 128 This site forms part of, or constitutes a playing field as defined in Article 16(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 if the land has been used as a playing field within the last five years, and the field encompasses at least one playing pitch of 0.2ha or more, or that it is on land allocated for the use as a playing field in a development plan or in proposals or such a plan for its alteration or replacement.
- 129 The proposed development will be constructed on the former school buildings. Irrespective of this, Eden Valley School has been demolished for many years and part of the site is now occupied by residential dwellings. Despite some of the land under the 2012 planning permission was left by planning condition as open for community use, there are no existing or maintained playing pitches and the land is not allocated as a playing field in any adopted or emerging planning policy documents. As such the proposed development would not conflict with Policy GI2 of the ADMP. The Proposed Development does not conflict with Policy GI2.
- 130 Notwithstanding the above, part of the Eden Valley School site has now returned to amenity land/open space/scrubland. Condition 12 of planning permission reference 12/00362/CONVAR identified land to be retained and open for the community use at all time for recreation purposes. This proposal proposes development on a portion of identified land that has been protected by condition 12 of the 2012 permission.
- 131 Policy SP10 of the Core Strategy states that open spaces and facilities of value to the local community will be retained except where replacement provision of equivalent value is provided. Policies GI1 and GI2 of the ADMP outline that new open spaces should provide linkages (for people and animals) with the existing Green Infrastructure network and that the redevelopment of open space and redundant playing fields will not be permitted unless the open space is surplus to requirements, there is replacement provision or the redevelopment is for alternative recreational use.
- 132 In terms of the current use of the site as amenity land/open space, the Open Spaces Study (2017-18) indicates good coverage of amenity greenspace within this part of Edenbridge and a district-wide oversupply in this type of open space. In addition, this site has not been identified in the Council's Open Space Study (2017-18) evidence base and there is good coverage of existing amenity greenspace in this area of Edenbridge. The proposed

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scheme would incorporate elements of open space and would link with wider Green Infrastructure proposals beyond the site. It is noted that the scheme is not strictly in accordance with GI2 (loss of open space), but the amenity space is surplus to requirements and the proposed use is for community facilities. Therefore the partial loss of open space in this instance is accepted.

Biodiversity

- 133 Policy SP11 of the Core Strategy states that the biodiversity value of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity.
- 134 The site is not located within or adjacent to a Site of Special Scientific Interest, Local Wildlife Site or other identified site of biodiversity value. However an Ecological Assessment (Ref: 7291.01.011) has been undertaken to determine the potential for ecological constraints to development. A Phase I Habitat Survey, Daytime Bat Assessment and Habitat Suitability Index (HSI) Assessment was conducted for the site.
- 135 There is an existing balancing pond within site and the ecology report stated that a small amount of terrestrial habitats exists on site for Great Crested Newts (GCN) and reptiles, as well as suitable waterbodies for GCN within a 500m radius. The applicants have also submitted a District level Licensing Impact Assessment and Conservation Payment Certificate (IACPC).
- 136 District Level Licensing (DLL) is a new strategic approach to authorising developments affecting GCN. This is an alternative to traditional mitigation licensing for GCN.
- 137 Instead of carrying out site-specific mitigation and compensation, developers choosing DLL will make a 'Conservation Payment' which will be used to fund a net increase in habitat for GCN across the landscape. The level of payment required will depend on;
- The number of ponds impacted;
 - The risk zone in which the site is located; and/or;
 - Whether GCN presence has already been determined through site specific survey.
- 138 In recognition of the IACPC has been submitted, this is confirmation of Natural England's view that the development is suitable and the Conservation Payment will suffice to compensate for impacts of the development upon GCN are capable of being fully addressed in a manner which complies with the requirements of the Habitats Regulations.
- 139 Reliance on the IACPC to show that there is an option for addressing the likelihood of harm to GCN, which does not require pre-development GCN surveys or bespoke mitigation and compensation measures for GCN. However, best practice methods should be followed regardless of any licence and a Construction Environment Management Plan (CEMP) may be a (Item 4.2)

condition of any planning permission to demonstrate the LPA is meeting its duty to prevent wildlife crime under s17 Crime & Disorder Act 1998 for any protected species, not just GCN. Although it is not an obligation, a District Level Licence will allow the applicant to move GCN out of harm's way during construction.

- 140 In this instance the applicant has presented sufficient information to the satisfaction of KCC Ecology overcoming the issue with GCN subject to further imposition of relevant planning condition i.e. CEMP.
- 141 Regarding reptiles, an RAMMS has been provided which provides details on the habitat enhancements within the receptor area and the methodology employed during construction to prevent harm to potentially present reptiles. The measures are appropriate and must be implemented in strict accordance with the submitted methodology. KCC Ecology are satisfied with the details and recommend a condition to secure the implementation of the RAMMS.
- 142 A series of biodiversity enhancements are proposed as well as a comprehensive landscaping scheme. Enhancement include, installation of bug hotels, log piles, bird/bat boxes as well as native species planting etc. KCC Ecology are satisfied with the proposed enhancements in and around the site.
- 143 Overall, adequate mitigation/enhancement measures are proposed to conserve and enhance the ecological value of the site. Other legislative measures are in place to conserve protected species and their habitats. Whilst the third party objections have raised objections with regard to the impact of the development upon the existing species and habitats that can be found within the site, adequate on-site mitigation measures can be employed to mitigate the impact arising from the development and further ecological enhancements is being proposed in and around the site. As such, it considered that this proposal accords with Policy SP11 of the Cores Strategy and Policy GI1 of the ADMP despite the objections raised.

Sustainable Development

- 144 Policy SP2 in the Core Strategy promotes best practice in sustainable design and construction to improve energy and water efficiency. The proposal submitted has been design to ensure that it would be BREEAM compliant and achieve excellent standard. As previously mentioned, this can be secured by condition.
- 145 Policy SC1 of the ADMP sets out the presumption in favour of sustainable development consistent with the approach of the NPPF.
- 146 The application site is within the Green Belt and is therefore considered inappropriate unless very special circumstances can be demonstrated.
- 147 The Proposed Development will improve social conditions in the area through the delivery of a new, purpose built, health and wellbeing centre. The provision of high quality health infrastructure through a modern

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building in an accessible location will provide needed health and social care services to the local community. Providing more choice and better quality, responsive and innovative services could bring wider benefits such as community regeneration and social inclusion. It will also support growth in Edenbridge as a key settlement for growth in the Sevenoaks District.

- 148 A good quality local health services can also influence the economic wellbeing of a town. As healthier populations contribute to a stronger local economy, and a stronger local economy contributes to a healthier population. The strongest connection between health and the economy is sustaining a healthier workforce. Healthier workers are more likely to show up for work, more productive when at work, are in better physical and mental health, and are more likely to better themselves through education and skills training. The flexibility and improved quality of accommodation and services should help improve patient flow and the financial benefits that come with that.
- 149 The development will also have environmental benefits to the local community through sustainable access and design. The site is in a more accessible location than the existing 'Edenbridge War Memorial Hospital' site. Through the location adjacent the centre of Edenbridge, good design and travel planning the opportunity exists to encourage people to use more sustainable methods of travel to access the facility and reduce car dependency.
- 150 The proposed development will also be built to a more sustainable and energy efficient standard than the existing facility.
- 151 Notwithstanding the above, when considered outside of the Green Belt, the location of the development would represent sustainable development. However it does not comply with Policy SC1 of the ADMP due to its location within the Green Belt and therefore Very Special Circumstances must be demonstrated.

Other issues

- 152 The applicant has submitted a drainage strategy with the proposal which would be secured by condition. The Lead Local Flood Authority is satisfied with the drainage scheme and has requested an additional condition securing a maintenance schedule which could be conditioned as part of the application.
- 153 Third party comments have stated that the site should not come forward until after the emerging Local Plan is adopted. The applicants have confirmed that the purpose of bring this site forward as a standalone development is that monies is available to deliver a scheme such as this and that there is a 'real' need for the expansion of medical facilities in the area. Even though this development is being advanced as a 'stand-alone' scheme, the proposal can be regarded as a 'plan-led' development rather than one which would undermine the plan making process. Since it is in keeping with the emerging Local Plan, the proposal should not be regarded as premature within the terms of paragraph 49 of the NPPF.

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- 154 The objections raised by third parties have been considered and where relevant have been discussed in the preceding paragraphs and where appropriate planning conditions have been used to mitigate any potential impacts arising from the development.

Community Infrastructure Levy (CIL)

- 155 The development is not CIL liable.

Very Special Circumstances

- 156 Paragraph 144 of the NPPF states that when considering any planning application, substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by any other considerations.
- 157 The proposal is inappropriate development within the Green Belt. It would also be harmful to the openness and one purpose of the Green Belt. The Framework states that substantial weight should be given to any harm to the Green Belt.
- 158 It is clear that the development is contrary to national policy, harmful to its openness and would encroach into the countryside, contrary to its main purpose. Substantial weight is accorded to the overall harm, however that harm to the openness and encroachment is lessened by the site's visual containment and limited public visibility. Nevertheless there are a number of other considerations to weigh against that harm.
- 159 There is a compelling need that has been demonstrated for a health facility for Edenbridge, making provision of access to health and community benefits that meets the need of the local community and of the wider area that extends beyond the District boundaries. It provides further security for the community that future provision of the development would meet the demands of the expected projected population forecasts. The proposal would not be sufficient to meet the demands of medical services but it would allow to offer complementary care/wellbeing services. This opportunity to provide an increased range of health services would represent a benefit to the wider community. This adds significant weight in favour of the proposal.
- 160 The development would help supporting strong, vibrant healthy communities by the delivery of a new Health Hub with additional community services, especially when the existing medical provision is under stress and further provision is required to meet future demand. This facility would be delivered in a location that is well-integrated with the existing settlement and located within walking distance to other services within the town. This development would bring significant public and social benefits to the town and beyond by the provision of such a development. It is considered that this warrant being given very significant weight.

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- 161 Further consideration can be given of bringing this site forward in the emerging Local Plan. It can be demonstrated that the Council considers that the Green Belt in this part of the Green Belt is weakly performing, as cited by evidence, that the possible future allocation of the site which has been advanced by the emerging Local Plan could be a realistic prospect, especially when the site is adjacent the existing development. This together within the limited visual impact of the development, in combination attracts further weight in support of the application.
- 162 In summary, although substantial weight has to be given to the Green Belt by reason of inappropriate development and the impact on openness, it is considered that this would be clearly outweighed by the significant and unique benefits of the proposal as previously mentioned. As such, it is concluded that the very special circumstances exist, which would justify this development in the Green Belt.

Conclusion

- 163 Paragraph 8 of the NPPF refers to the three dimensions of sustainable development. This proposal seeks to bring forward land in a location which has been identified as being in the right place to provide a community facility. The scheme has been designed in a co-ordinated manner so that the proposal would not undermine future allocation of the wider site nor would it prevent the wider site from being allocated. It can be demonstrated that there is a proven need for a facility of this nature to access and benefit the wider community. It is recognised the proposal would result in the loss of weakly performing Green Belt. However, it would assist in moving forward a proposal that is developable and deliverable whilst satisfying the need for the development within a planned led context. Whilst it's noted that there is conflict with Green Belt policy, it is considered that very special circumstances have been demonstrated, the so that the proposal would accord with paragraph 144 of the NPPF. It is case that that approach of the emerging Local Plan is based on strategic allocations and associated alterations to the Green Belt and it adheres to the recognition of the planning merits of the allocation of the wider area of land. This plan-led development suggests that considerable weight should be attached to the broad approach of the scheme and, as a consequence, the contribution which the site is expected to make to the strategic planning of the area by delivering further and much needed infrastructure. The development of this site would be compatible with any future development of the wider allocation of the site.
- 164 The scale, location and design of the development would respect the context of the site/Green Belt and enhances the visual amenities of the area. The development would not have an unacceptable impact on the residential amenities of adjacent properties. There are no other issues that could not be addressed by appropriate condition.
- 165 On considering the above, there are sufficient considerations to outweigh the conflict with the development plan.

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Recommendation

166 It is recommended that this application is GRANTED subject to conditions.

Background papers

Site and block plan

Contact Officer(s):

Sean Mitchell 01732 227000

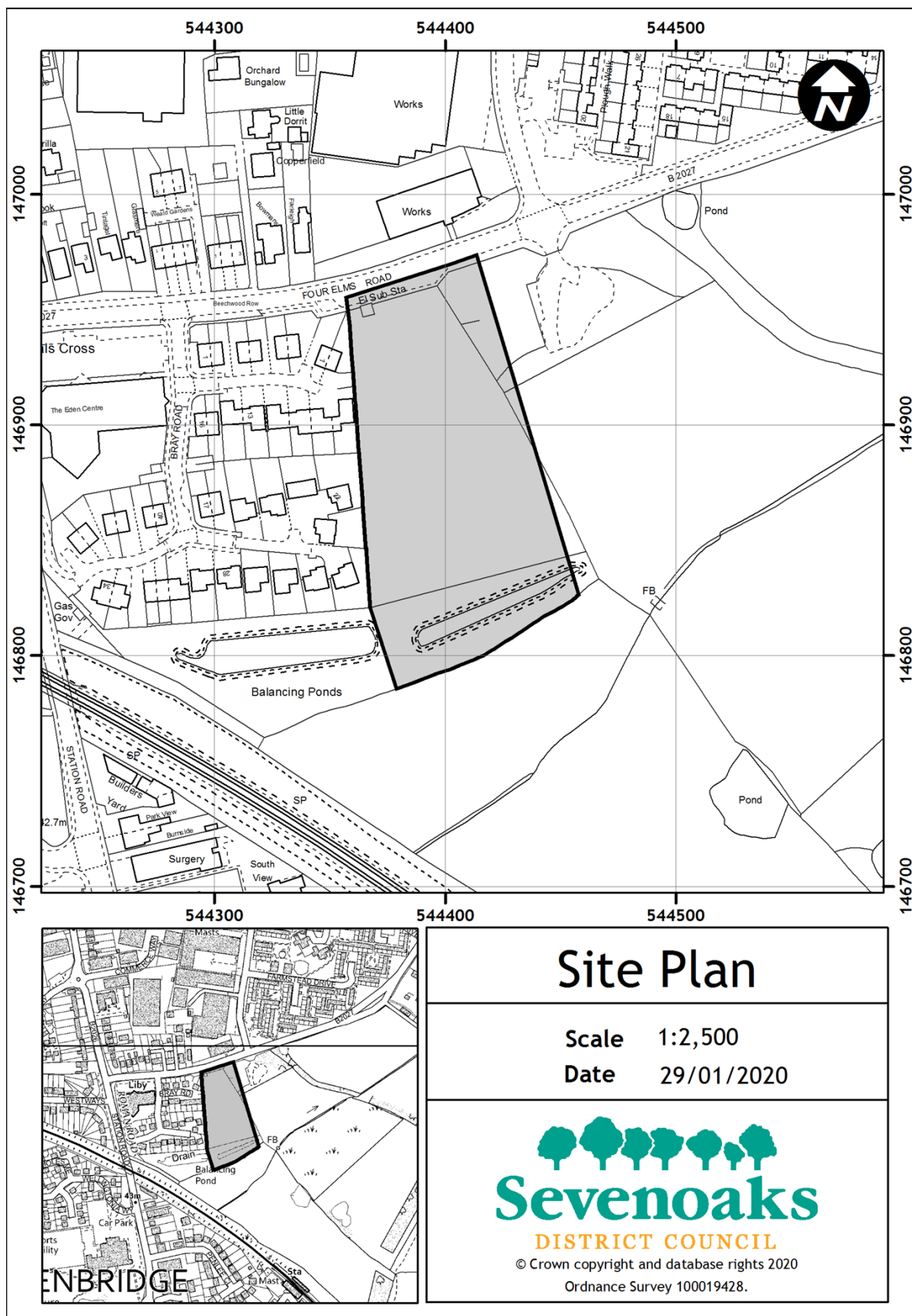
Richard Morris
Chief Planning Officer

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=PSQK9NBKLAS00>



BLOCK PLAN



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4.3 19/02474/FUL

Date expired 9 December 2019

Proposal: Conversion of redundant agricultural Buildings to form 9 new residential units. Demolition of outbuildings. Landscaping works with new access and access alterations.

Location: Claydene Farm, Hartfield Road, Cowden KENT TN8 7HF

Ward(s): Cowden & Hever

Item for decision

The application has been referred to Development Control Committee by Councillor Dickins so members can assess the impact of the development to the High Weald Area of Outstanding Natural Beauty.

RECOMMENDATION:

- A) That planning permission be GRANTED subject to the following conditions and a legal agreement to secure the contribution to affordable housing for either:
- a) An onsite policy compliant provision, or
 - b) A payment in lieu of affordable housing for provision of affordable housing elsewhere, calculated in accordance with the Affordable Housing SPD 2011.

OR

- B) In the event that, using all reasonable endeavours, the legal agreement referred to in recommendation A is not completed within 4 months of the meeting the Development Control Committee, the Chief Planning Officer be authorised to REFUSE the application for the following reason:

The application fails to make a contribution to affordable housing, contrary to policy SP3 of the Core Strategy.

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

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

- 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement, improvement or other alteration permitted by Class A, B, D or E of Part 1 of Schedule 2 of the 2015 Order (as amended), or any enclosure other than those approved shall be permitted by Class A of Part 2 of the 2015 Order (as amended) shall be carried

out or made to the dwellings and development hereby approved without the grant further planning permission by the local planning authority.

To prevent inappropriate development in the Green Belt as supported by GB7 of the Sevenoaks Allocations and Development Management Plan.

- 3) No development shall take place until details of tree protection measures for all retained trees have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and the approved protection measures retained throughout the course of the development.

To prevent damage to the retained trees during the construction period of the dwelling as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

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

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

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

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

- 6) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of; - a programme of building recording in accordance with a written specification and timetable, - a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The programme of building recording, written specification, timetable and watching brief shall be in accordance with a written programme and specification which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the aforementioned approved details.

To ensure that features of archaeological interest are properly examined and recorded in accordance with policy EN4 of the Sevenoaks District Council Allocation and Development Management Plan.

- 7) Prior to first occupation of the development hereby approved all demolition as indicated on plan 400 P 1 shall be undertaken and all resultant materials removed from the land.

To prevent inappropriate development in the Green Belt as supported by GB7 of the Sevenoaks Allocations and Development Management Plan.

- 8) No development shall be carried out on the land until details of the materials to be used in the cladding of the external surfaces of the converted barns hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the approved materials.

To ensure that the appearance of the development enhances the character and appearance of the High Weald Area of Outstanding Natural Beauty as supported by Policy EN5 of the Sevenoaks Allocations and Development Management Plan.

- 9) If the demolition of each of the buildings hereby approved does not commence within 2 years from the date of the submitted bat surveys (summer 2019) under application 19/02474/FUL, further ecological surveys shall be undertaken to: i) establish if there have been any changes in the presence and/or abundance of bats, and ii) identify any likely ecological impacts that might arise from any changes. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, a Biodiversity Method Statement, detailing all necessary ecological mitigation/compensation measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of demolition. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable, unless varied by a European Protected Species licence subsequently issued by Natural England.

In the interest of protected species in accordance with policy SP11 of the Sevenoaks District Council Core Strategy.

- 10) No external lighting shall be installed within the red line site plan as illustrated on plan 100 P 2 or on any elevation of the approved dwellings without seeking approval in writing from the local planning authority. Prior to the use of the first building a "lighting design strategy for biodiversity" for the site will be submitted to and approved in writing by the local planning authority. The lighting strategy will: a) Identify those areas/features on site that are particularly sensitive; b) Show how and where external lighting will be installed in accordance with 'Guidance Note 8 Bats and Artificial Lighting' (Bat Conservation Trust and Institute of Lighting Professionals); All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and shall be maintained thereafter in accordance with the strategy. Such details shall include proposed location(s), height, type and direction of light sources. The development shall be carried out in accordance with any approved details and maintained thereafter.

In the interest of protected species in accordance with policy SP11 of the Sevenoaks District Council Core Strategy.

- 11) Within six months prior to the commencement of development, a walkover badger survey shall be carried out and the results along with any necessary mitigation measures will be submitted to and approved in writing by the Local Planning Authority. The measures will include: a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day. The measures shall be implemented in accordance with the approved details.

In the interest of protected species in accordance with policy SP11 of the Sevenoaks District Council Core Strategy.

- 12) No demolition works shall take place (including any ground works, site or vegetation clearance), until a method statement for the prevention of unnecessary suffering to foxes and rabbits has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the: a) Purpose and objectives for the proposed works; b) Working method, including timings, necessary to achieve stated objectives; c) Extent and location of proposed works shown on appropriate scale plans; d) Provision for species rescue; e) Persons responsible for implementing works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works. The works shall be carried out in accordance with the approved details

In the interest of mammals found on site in accordance with policy SP11 of the Sevenoaks District Council Core Strategy

- 13) Within six months prior to the commencement of development, a barn owl survey shall be carried out and the results along with any necessary mitigation measures will be submitted to and approved in writing by the Local Planning Authority. The measures will include: a) Provision for update surveys prior to commencement of development; b) Replacement temporary and permanent nesting provision for any lost as a result of the development works, with reference to The Barn Owl Trust guidance. The measures shall be implemented in accordance with the approved details.

In the interest of protected species in accordance with policy SP11 of the Sevenoaks District Council Core Strategy.

- 14) Prior to first occupation of the development hereby approved, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. These shall include the installation of bat and bird nesting boxes along with native species planting and the provision of hedgehog holes in boundary features. The approved details will be implemented and thereafter retained.

In the interest of the biodiversity of the area in accordance with policy SP11 of the Sevenoaks District Council Core Strategy.

- 15) Prior to the commencement of the development details of the works to all hedges within the red line boundary shall be submitted to the Local Planning Authority and approved in writing. The details shall include: (i) All hedging to be removed from site and the ecological implications and method of removal, (ii) replacement and mitigation measures for all hedging removed from the application site. The proposed development shall be carried out in accordance with the approved method and mitigation measures.

In the interest of the biodiversity of the area in accordance with policy SP11 of the Sevenoaks District Council Core Strategy.

- 16) Prior to the commencement of the development hereby approved, a phase 2 intrusive investigation contaminated land assessment and associated remedial strategy, together with a timetable of works, shall be submitted to and approved by the Local Planning Authority. The details shall include: a) A site investigation report detailing all intrusive investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. The Local Planning Authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters. b) Approved remediation works shall be carried out in full on site under a quality assured scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. c) Upon completion of the works, this condition shall not be discharged until a closure/validation report has been submitted to and approved by the Local Planning Authority. The closure report shall include details of the remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure/validation report together with the necessary documentation detailing what waste materials have been removed from the site.

To ensure that development of the land does not result in pollution of the environment in accordance with the aims of the National Planning Policy Framework.

- 17) Prior to development above slab level a detailed acoustic assessment shall be submitted to and approved in writing by the local planning authority. The assessment shall measure the perceived noise level and include any required mitigation measures if necessary. The proposed mitigation measures shall be implemented prior to the first occupation of the dwellings hereby approved.

In the interest of amenity in accordance with policy EN2 of the Sevenoaks District Council Allocation and Development Management Plan.

- 18) Prior to the commencement of the development details of the proposed discharge of foul water 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 ensure that development of the land does not result in pollution of the environment in accordance with the aims of the National Planning Policy Framework.

- 19) The proposed development shall be carried out in accordance with the approved Bellamy Wallace Partnership Drainage Strategy Report and associated drainage details.

To ensure that development of the land does not result in pollution of the environment in accordance with the aims of the National Planning Policy Framework.

- 20) Prior to the first occupation of Barn 5 hereby approved, details of the boundary treatment between Barn 5 and Claydene Farmhouse shall be submitted to and approved in writing by the local planning authority. The approved boundary treatment shall be installed prior to first occupation of that unit and maintained as such thereafter.

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

- 21) Prior to the first occupation of the dwellings hereby approved parking provision as shown on approved plan no. 19-14-211-RevD shall be provided and maintained as such thereafter.

In accordance with policy T2 of the Sevenoaks District Council Allocation and Development Management Plan.

- 22) Prior to the bring the development hereby approved into first use and occupation the provision and maintenance of the visibility splays and access shown on the submitted plans 10203/103 B shall be provided at 2.4 metres x 115 metres, with no obstruction 0.6 metres above carriageway level within the splay. The visibility splays shall be maintained as such thereafter.

In the interest of highway safety.

- 23) The proposed hard and soft landscaping plans shall be implemented in accordance with the Materials, Furniture and Planting Palette 501 - Rev A and the Landscape Design and Access - Addendum including plan 19-14-211-Rev D. Any alterations to the landscaping shall be submitted to and approved in writing by the local planning authority. If any part of the approved landscaping scheme is removed, dies, becomes severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the local planning authority within the next planting season. The approved details shall be implemented prior to bringing the development hereby approved into first use and maintained as such thereafter.

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

- 24) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 426 P 2, 19-14-211 - Rev D, 19-14-161, 10203/101 Rev B, 10203/103 Rev B, 10203/102 Rev B, K1986 - BWP - ZZ-XX-DR- D -0101 - P01, K1986 - BWP - ZZ- XX -DR -D - 0102 - P01, K1986 - BWP - ZZ - XX - DR - D - 0100 - P1, K1986 - BWP - ZZ - XX - DR - D - 0100 - P01, 415 P 3, 425 P 2, 424 P 2, 423 P 3, 421 P 2, 420 P 1, 419 P 2, 414 P 2, 411 P 2, 410 P 2, 407 P 2, 403 P 2, 406 P 2, 404 P 1, 417 P 1, 416 P 1, 413 P 1, 409 P 1, 408 P 1, 405 P 1, 401 P 1, 400 P 1, 100 P 2, 501 A, 19-14-211-RevD, Protected species report amended, Design and Access Statement

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

- 25) The ground floor windows along the south east side elevation of barn 2 to serve the en-suite shall be obscure glazed and fix shut up to 1.7m from finished floor level. The proposed ground and first floor opening along the north west side elevation of barn 3(b) shall be obscure glazed and fixed shut up to 1.7m from finished floor level. The obscure glazing and fixed shut windows shall be maintained at all times.

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 Claydene Farm is located to the south west of Hartfield Road and is comprised of an agricultural unit. The agricultural unit is comprised of 8 barns and other various outbuildings, structures and enclosures. The barns are set back from the road, however are visible due to the low rise hedging and the flat topography of the area.
- 2 The barns vary in height, bulk and design. The height varies from two storey to single storey with built form fluctuating in shape, form and materiality. The site is covered in informal hardstanding and is covered in debris.
- 3 An existing access is located off of Hartfield Road which is flanked by hedges and a low rise stone/brick wall.

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Description of proposal

- 4 Conversion of redundant agricultural buildings to form 9 new residential units. Demolition of outbuildings. Landscaping works with new access and access alterations.

Relevant planning history

- 5 19/02252/HOUSE - Proposed demolition of existing outbuilding, garage and rear extension, single storey rear and side extension with roof lantern, replacement double garage, new porch, Juliette balcony and alterations to fenestration - GRANTED.

Policies

- 6 National Planning Policy Framework (NPPF)

- 7 Core Strategy (CS)

- LO1 Distribution of Development
- LO8 The Countryside and the Rural Economy
- SP1 Design and New Development and Conservation
- SP2 Sustainable Development
- SP3 Provision of Affordable Housing
- SP7 Housing Density
- SP8 Economic Development and Land for Business
- SP11 Biodiversity

- 8 Allocations and Development Management Plan (ADMP)

- SC1 Presumption in Favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- EN5 Landscape
- EN6 Outdoor Lighting
- EMP5 Non Allocated Employment Site
- GB7 Re-use of a Building within the Green Belt
- T1 Mitigating Travel Impact
- T2 Vehicle Parking
- T3 Provision of Electrical Vehicle Charging Points

- 9 Other:

- Development in the Green Belt SPD
- The High Weald AONB Management Plan 2019 -2024
- Sevenoaks District Council Landscape Management Plan
- High Weald Housing Design Guide: Building better, building beautiful in the AONB

Constraints

10 The following constraints apply:

- Green Belt - GB
- High Weald Area of Outstanding Natural Beauty - AONB
- Public Right of Way - PROW

Consultations

11 Cowden Parish Council -

12 “Members of the Planning Committee of Cowden Parish Council have recently considered the planning application referenced above and have raised several concerns in respect of the proposed development.

13 Members expressed concerns in respect of the significant detrimental impact that the proposed development would have upon the openness of the Green Belt as a result of its design, scale and volume:

14 Design- Sevenoaks District Council issues guidance on the re-use of buildings in the Green Belt. Section 4 of SDC’s Development in the Green Belt SPD, for example, seeks to achieve the sympathetic conversion of traditionally-built farm buildings in order to retain, as far as possible, their original character. Whilst the plans as proposed strive to achieve the retention of the original buildings’ character, because the existing buildings are characterless, Members considered that in this instance the result was similarly without character and totally unsympathetic to the local area. It was suggested, for instance, that in this specific case a small residential development of well-designed houses with less overall bulk and dominance might be a more preferable route.

15 Access- Safe vehicle access to and from the proposed development onto the busy B2026 Hartfield Road was also raised by Members. However, Members noted that Kent Highways have overall responsibility for this aspect.

16 Openness of the Greenbelt- This proposal represents a significant new development within both the Parish and the Ward. Over recent years, other development has been undertaken within the vicinity of this site and Members are concerned that the development’s size and significance will compound infilling and the associated impact that this would bring to the openness of the Green Belt. One of the larger conversion plans applying to the Dutch barn, currently an open structure, would result in a closed structure if the plans were approved. In recent years there have been large and incremental developments in close proximity to this proposal that have changed the character of this area. It is considered that this proposal will exacerbate that and there were concerns that future development may result in further infilling.

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- 17 Decision- As submitted, Members of Cowden Parish Council would not support this application based upon its detrimental impact upon the openness of the Green Belt as a result of its bulk and scale which Members believe are in contravention of planning policies GB7 and GB4.
- 18 However, Members, would consider another application for development at this site which provided for a smaller, more aesthetically pleasing development with a clear reduction in bulk and scale.
- 19 The Parish Council has reviewed responses submitted to Sevenoaks District Council from Cowden residents in respect of the proposed development and their comments are noted.
- 20 Members resolved not to support this application.”
- 21 Environment Agency -
- 22 “We have no comments to make on this planning application as it falls outside our remit as a statutory planning consultee.”
- 23 Natural England -
- No comment
- 24 Environmental Health -
- 25 1st Response:
- 26 Objection - “The applicant has not submitted a phased contaminated land assessment and whilst this could be required by condition a comprehensive assessment will be required due to the former use of the site.
- 27 It appears that a commercial concern is in operation nearby, therefore the applicant should have regard to paragraph 182 of the National Planning Policy Framework and associated planning practice guidance. This would indicate a significant acoustic assessment is required not just to quantify the impact of noise on the future residents but to ensure that those residents do not impose any unreasonable restrictions on any business.
- 28 At the moment there is insufficient information for me to support this application.”
- 29 2nd Response:
- 30 “Environmental Health have no further comments or observations since our previous comments made on the 1st October 2019’.
- 31 ‘Please disregard the comments of the 22nd October, as a phase 1 investigation has now been undertaken, as identified by the investigation the applicant should submit a remediation strategy to be agreed in writing by the local planning authority. On completion of remedial works and soil importation the applicant shall submit a verification report to demonstrate

that all necessary remedial works have been undertaken, to be agreed in writing by the local planning authority prior to first habitation of the dwellings.

- 32 My comments regarding the need for an acoustic assessment are as previously stated”.
- 33 Clarification: “Sorry for the confusion. As the report identified that further investigation was required Colin’s earlier comments remained unaddressed. My fault and I should have clarified.
- 34 The submitted phase one assessment has identified a number of concerns and recommendations that an intrusive investigation will be required and potentially a remediation strategy submitted. As before could be required by condition, as could the requirement for an acoustic assessment as suggested by Colin’.
- 35 Further Clarification: “With reference to my email below concerning possible conditions for acoustic assessment and intrusive investigation for ground contamination, I am happy for these to be required as pre-commencement conditions.”
- 36 KCC West Kent Public Rights of Way -
No response
- 37 Southern Water -
No response
- 38 SDC Tree Officer -
- 39 “I refer to the above application. I have visited the site and have studied the plans provided and have made the following observations:
- 40 I can inform you that there are no protected trees located at this site and it is not situated within a conservation area. The principle trees located at this site are all situated besides the pond including a mature willow and a young Oak tree. According to the plan provided, drawing no. 401, these trees are shown to be retained. I also note from the demolition plan, that several buildings are to be demolished including barn 7 and barn 8. These works would be taking place within the RPA’s of both trees. I recommend that the developer provides further information as to how these works are to take place without damaging these trees. Other than this, I have no further objections to the proposed development.”
- 41 2nd Consultation -
- 42 “I refer to the above application. I have visited the site and have studied the plans provided and have made the following observations:

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- 43 I refer to my previous comments dated 23rd September. Having viewed the amended plans, the layout appears to be similar to those previously submitted. Therefore, my comments remain the same.”
- 44 KCC Ecology -
- 45 KCC Ecology have provided a series of comments. The final comments can be seen below, these have been summarised for brevity:
- 46 “The amended *Protected Species Report* has been submitted. The amendments relate to the great crested newt section of the report. Bats With regards to bats, our previous advice remains valid and we suggest condition wording below...
- 47 The amended *Protected Species Report* clarifies that the grassland in the south of the site has been taken account of in the evaluation of potential ecological impacts. Further information outlining the proposed approaches to mitigation/compensation for impacts to great crested newts has been provided, with Figure 4 of the report showing the proposed location of the great crested newt receptor area.
- 48 With reference to our previous advice note, we advise that in relation to the ‘third test’, the information provided is sufficient for us to conclude that the favourable conservation status of great crested newts can/will be met in the proposed scheme.
- 49 We do note that the submitted landscaping arrangements show the proposed receptor area as ‘species rich amenity lawn’. The use of and habitat enhancement measures within the receptor area will be secured within the European protected species mitigation licence (EPSML) so we do not consider it necessary for amendments to be sought at this time. It should though be noted that the currently submitted landscaping will be subject to changes as a result of EPSML requirements.
- 50 Other mammals- To ensure that appropriate measures are implemented to minimise the potential for harm and/or unnecessary suffering of badgers, foxes and rabbits, we advise that the submission and implementation of a method statement is secured by condition, if planning permission is granted.
- 51 Badgers - suggested condition wording... Foxes and rabbits - suggested condition wording...
- 52 Barn owl protection - suggested condition wording...
- 53 Other matters not addressed in the *Protected Species Report*:
No information has been provided to address our previous query: A new entrance and access road to the site is included within the proposed development, this will result in the loss of a small section(s?) of hedgerow and grassland. We advise that further information is sought to ensure that the potential ecological impacts of these aspects of the proposal can be addressed.

- 54 Ecological enhancements- The proposed development provides opportunities to incorporate features into the design which are beneficial to wildlife, such as native species planting and the installation of bat/bird nest boxes. We advise that measures to enhance biodiversity, in addition to all necessary mitigation/compensation measures, are secured as a condition of planning permission, if granted. This is in accordance with Paragraph 175 of the NPPF *“opportunities to incorporate biodiversity improvements in and around developments should be encouraged”*.
Ecological enhancements - suggested condition wording...”
- 55 Hever Parish Council -
- 56 “As a neighbouring parish, Hever Parish Council planning committee make the following comments for your consideration;
1. Noting that Miller Architects have submitted separate applications for the conversion of the barns from the farm house refurbishment.
 2. Although the site is currently unsightly, any development should be in proportion to the surrounding area and properties. The high intensity development on previous agricultural land may be contrary to LO8.
 3. For CIL purposes it is suggested this should be nil, as leases prove an agricultural use has occurred for at least 6mths in the last 3 years. However, the actual application form states it to be a redundant dairy farm which is a contradiction to the first statement.
 4. The Government’s Planning Policy Statement PPS1 sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. In our view is a unsustainable location, no footpaths, public transport etc. and this location is not sustainable due to the absolute reliance on the ownership of a private car for every aspect of daily life - schooling, shops, employment, medical services etc. The proposal is contrary to Policy SC1 and EN1, which states that proposals must ensure satisfactory means of access for pedestrians.
 5. What is the proposed provision of rural affordable units? Noting Policy SP3 of the Core Strategy.
 6. We note that a comparable site, Eden Hall (Conversion of a Convent) down the road is still in the main unsold after a year post completion.”
- 57 Local Lead Flood Authority -
- 58 1st response -
- 59 “Unfortunately no surface water drainage strategy has been provided for the proposed development. We would therefore recommend the application is not determined until a complete surface water drainage strategy has been provided for review”

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60 2nd response -

61 “Kent County Council as Lead Local Flood Authority have reviewed the application and understand the application falls outside our remit as statutory consultee. Although it is outside our remit, we have the following comments to make:

62 The application has provided a detailed drainage strategy which proposes to attenuate and discharge at a controlled rate into an existing ditch onsite of which we agree with these principles. We would advise however that prior to occupation, a suitable maintenance schedule is provided and implemented for the lifetime of the development.

63 It is also apparent that the development proposes to discharge treated foul water into the existing ditch. While we do not comment on foul water disposal, we would advise that the EA are consulted with regards to this proposal.

64 We would have no objection in principle to the proposed development but recommend the LPA considers the above comments when determining the application.”

65 KCC Highways -

66 1st Response -

67 “The proposal is for the conversion of redundant agricultural buildings to form 9 residential units (2 x 2 bed, 3 x 3 bed, 3 x 4 bed and 1 x 5 bed), providing 17 car parking spaces, 30 cycle parking spaces and a new access from Hartfield Road, Hartfield is subject to a 50mph speed limit in the vicinity of the site. The existing accesses are proposed to be stopped up due to the restricted visibility and a new access is proposed.

68 Visibility splays of 2.4 metres x 115 metres are proposed. The desired minimum deceleration would require visibility splays of 147 metres in both direction. It is clear that this length of splay is not achievable due to the bend in the road. I am minded to accept the proposed visibility splays of 2.4 metres x 115 metres, with no obstruction 0.6 metres above carriageway level within the splay.

69 Public Right of Way SR667 passes through the site along the existing access route. I suggest that colleagues in KCC PROW are consulted to ensure that a safe passage for all pedestrians along the route is maintained. I suggest that an internal footpath is incorporated between barn 2 and 5 to ensure conflicts to not arise between pedestrians and vehicles.

70 17 car parking spaces are proposed, which in line with IGN3 parking standards, of 1.5 spaces per 2 bed unit and 2 independently accessible spaces for units 3 bed and above. However, no visitor parking has been proposed. Due to the location of the site, I suggest a minimum of 20% is provided on site. 30 cycle parking spaces are proposed which is in line with SPG4 standards.

- 71 Scale measurements of the access indicate a road width of 4.3 metres. The belmouth entrance abutting the highway is approximately 13.4 in width. Tracking for refuse and emergency vehicles has been provided as part of the TA, which indicates that the proposed access would mean that larger vehicles would traverse on to the opposite side of the road when existing the site. The tracking indicates that the access route is not wide enough to accommodate a refuse freighter and any other vehicles travelling in the opposing direction.
- 72 I am concerned about the narrow nature of the access, which would require widening to 4.8 metres minimum or provide passing places. Due to the undulating nature of the access route, I would prefer for the access road to be widened to safely accommodate two vehicles. The road north of the turning head requires widening as the tracking indicates some conflict where a freighter would be required to stop to reverse. The turning movement would overrun the road boundary on either side.
- 73 Clear visibility will be required for vehicles exiting spaces for barns 4b and 4c, which currently has some restrictions due to the bend in the road heading north.
In line with the above, in order that I may fully assess the highway implications I shall require further information in respect of: Visitor parking spaces within the development at a minimum of 20% provision on site; Widening of the access at the junction with Hartfield Road to enable easier movement of large vehicles to avoid conflicts with traffic travelling in the opposite direction; Widening of the access to a minimum of 4.8 metres to allow two vehicles to pass; Realignment to ensure suitable visibility at barns 4b and 4c and remove conflicts of large vehicles reversing at the turning area.
- 74 I shall also be grateful if you will allow an extension of time to the normal consultation period in order that the highway implications of this proposal can be properly assessed. I will let you have my comments as soon as possible”.
- 75 2nd Response -
- 76 “Further to my previous comments dated 8 October 2019 on the above planning application I confirm that I now raise no objection on behalf of the local highway authority.
- 77 Additional visitor car parking spaces have been included to the site layout which is considered acceptable. The access has been widened to 5.5 metres with a junction radii of 10.5 metres.
- 78 Tracking indicates that some encroachment on to the opposite side of Hartfield Road still occurs, but this is deemed acceptable. The access route has been winded to 4.8 metres to enable to vehicles to pass. In addition, the turning area has been amended to enable greater visibility”.

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- 79 Kent Wildlife Trust -
- 80 No response
- 81 KCC County Archaeology -
- 82 “Thank you for your letter consulting us on the above planning application for conversion of redundant agricultural buildings to form 9 residential units and associated works.
- 83 The farm complex is identifiable on the 1st Ed OS map and may be of post medieval or earlier origins. Remains associated with post medieval activity may survive on site. In view of the archaeological potential, I recommend the following conditions are placed on any forthcoming consent...”
- 84 Environment Agency -
- 85 “We have no comments”
- 86 KCC Economic Development -
- 87 Request for funds as a result of development

Representations

- 88 1 letter neither supporting nor objecting to the scheme has been received related to the following issues:
- Generally in support of the application.
 - Located in an AONB and in the setting of listed buildings, design should be sensitive.
 - Barn 4 is large and dominate in the landscape, the height of the barn should be reduced.
- 89 4 letters of objection have been received relating to the following issues:
- Design would not be in keeping with the local area.
 - Density and type of housing proposes is too high for local amenities to support.
 - Limited parking in rail station to handle commuters.
 - Highway risks due to blind bend.
 - Too many granted planning permissions in the local vicinity.
 - Site is currently untidy and dangerous, to have 9 houses on the site would make it more unsightly.
 - Road is busy and dangerous.
 - Houses would alter the natural beauty of the landscape.
 - Limited public transport.
 - Local services are full (i.e. schools).
 - No need for additional housing.
 - Highway safety risks.
 - Noise as a result of additional traffic would be unacceptable.

- Light pollution due to additional traffic.
- Scale of the development would not conserve or enhance the AONB landscape.
- Harm to the open character of the Green Belt.
- No need for additional housing as other developments have not sold out and no record of such an intense redevelopment in the local area.
- Application should be considered as a major development not minor.
- Proposal ignores local and national design guidance in regard to developments in the Green Belt and AONB.
- Material impact to the openness of the Green Belt and harm to existing character of the area.
- Development out of character with the area.
- Material increased negative impact at the apex of the ridgeline in an AONB.
- The redevelopment of barn 4 represents incongruous and dominate built form.

Chief Planning Officer's Appraisal

90 The main planning considerations are:

- Principle of development
- Impact to the Green Belt
- Impact to the Area of Outstanding Natural Beauty
- Impact to the design and character of the area
- Impact to neighbouring amenity
- Impact to highways and parking
- Other
- Affordable Housing
- Biodiversity
- Trees and Landscaping
- Area of Archaeological Potential
- Drainage
- Public Rights of Way

Principle of development

- 91 Whilst the National Planning Policy Framework (NPPF) places an emphasis on development on previously developed land, it does not preclude other land, from being developed for residential use, provided such development is in suitable locations and relates well to its surroundings.
- 92 Para 122 of the NPPF (in part) states that planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an areas prevailing character and setting or of promoting regeneration and change.
- 93 Policy LO1 of the Core Strategy identifies that development would be focused within the built confines of existing settlement. In locations outside

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- 94 of defined settlement the policy allows development to take place, only where it is compatible with policies for protecting the Green Belt and the High Weald Areas of Outstanding Natural Beauty.
- 95 Policy LO8 of the Core Strategy states that the countryside will be conserved and the distinctive features of these landscapes will be conserved and enhanced and protects the Green Belt.
- 96 Policy EMP5 of the ADMP seeks to protect existing employment sites. The site was previously utilised as a dairy farm which has ceased to operate. The site is not allocated for employment. In addition, due to the need for repair to meet modern agricultural standards significant investment would be required.
- 97 The site was marketed from May 2018 which included two large V boards on the farm yard facing towards the main road and further down the road. The site was also advertised in the 'South East Farmer' magazine, farmers weekly, Kent and Sussex Courier and Complete Land Management web-site.
- 98 The lot was divided up and larger parcels of land were sold off to private residents. The site had been marketed for the required 6 months. The site would require significant investment for farming purposes and the land was not purchased for farming during the marketing period. The proposal is considered to comply with policy EMP5 of the ADMP.
- 99 Local and National policy does seek to provide residential accommodation, subject to the impact to the impact to the Green Belt and AONB alongside other material planning considerations the development may be principally acceptable.

Green Belt

- 100 The application site is utilised for agricultural purposes and does not represent Previously Developed Land (PDL), in accordance with the NPPFs definition. As identified above the NPPF does not specifically exclude such land from development. Paragraph 146 of the NPPF also states:
- 101 'Certain other forms of development are also not inappropriate in the Green Belt providing they preserve its openness and do not conflict with the purposes of including land within it. These are... (d) the re-use of buildings provided that the buildings are of permanent and substantial construction'.
- 102 In addition, Policy GB7 of the Allocation and Development Management Plan does permit the re-use of buildings in the Green Belt subject to meeting various criteria. The agricultural units on site were constructed more than 10 years ago as they feature on aerial photography from 2009.
- 103 Criteria (a) of policy GB7 seeks to ensure that any new use of the land would not result in a materially greater impact to the open character of the Green Belt.

- 104 The proposal would result in the creation of 9 residential units. The use of the land would introduce a degree of residential paraphernalia to the landscape. However, the existing agricultural use also adds paraphernalia with agricultural practices and machinery.
- 105 The proposal would see the removal of a number of outbuildings and the enclosures of the silage clamps. In addition, large portions of the barns built form would also be removed. The site would see the loss of bulk and massing across the site as a result of the proposal.
- 106 Permitted development rights would be removed upon any approval which would provide control of any further development to prevent a loss of openness. The proposal is considered to comply with criteria (a) of policy GB7 of the ADMP.
- 107 Criteria (b) of policy GB7 states that the applicant must be able to demonstrate that the buildings are of permanent and substantial construction and capable of conversion without major reconstruction that would detract from their original character.
- 108 The applicant has submitted a detailed structural report and method statement as part of the application. The guidance to policy GB7 does state that 75% of the structures should be retained. The structural report submitted survey each of the barns located on site. The report concludes that ‘overall the buildings are of good quality and, in our view, of permanent and substantial construction’.
- 109 The survey indicates that while some additional support and strengthening will be required in parts of the barns, at least 75% of the original structures would be retained. Indeed, the method statement does state that some underpinning would occur and a form of propping up during conversion would occur to maintain stability, but the structure would be retained.
- 110 The proposed structures would see some demolition, this is considered to be of benefit to the Green Belt. The buildings would also be re-clad. However, the structure and form of the barns would be retained. The form, bulk and massing would be maintained and thus the character of the original structure could still be observed.
- 111 Although the barns would be clad large portions of glazing would be introduced to retain the impression of openings. The cladding does not remove the structural integrity or 75% of the structure of the barns. The conclusions of appeal APPG/G2245/W/17/3181949, Land South of Vine Cottage, Grove Road, Penshurst, it is clear that recladding does not amount to re-building and so long as the structure remains in place that is considered adequate for the provision of local and national policy. Some of the barns roof do contain asbestos and as such the roofs may require replacement, however as stated above re-cladding rather than re-building.
- 112 Given that the barns are considered capable of conversion and are of permanent and substantial construction. The proposal is considered to

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comply with policy GB7 of the ADMP and paragraph 146 of the NPPF, as the sizes and proportions of the conversions would reflect the utilitarian character of the barns. The development is considered to be appropriate in the Green Belt and preserves openness.

- 113 Paragraph 146 of the NPPF is not as prescriptive as policy GB7. As identified above it is considered that the application complies with policy GB7 and would therefore comply with paragraph 146.
- 114 In addition, it is worth noting paragraph 143 and 144 of the NPPF which allows development if a case of very special circumstances outweighs the harm resulting from the development. While the application is considered policy compliant it is worth noting that the proposal would result in the loss of large degrees of built form. In addition, the enclosure of the silage clamps would be removed and the landscaping restored. As such, a case of very special circumstances could likely be utilised to justify development outside of the other supportive policy in this regard.

Impact to the Area of Outstanding Natural Beauty

- 115 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.
- 116 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.
- 117 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.
- 118 The application site is located within the High Weald Area of Outstanding Natural Beauty. The natural beauty of the High Weald AONB is defined by 5 components in accordance with the Management Plan, these are; geology, landform and water systems, settlement, route ways, woodland and field and heath.
- 119 Paragraph 172 of the NPPF states that: '...Planning permission should be REFUSED for major developments⁵⁵ other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest'. While it is, in accordance with footnote 55 for the decision maker to determine what constitutes 'major development', in this instance the proposal will be assed under the three tests below:

- a) The need for development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon, the local economy.
- The proposal would provide additional housing for the district in accordance with the provisions and aims of the NPPF and local planning policy.
 - As assessed above a large degree of the land formally associated with the dairy farm was sold off. In addition, a large degree of investment would be required to bring the farm back into viable agriculture. The site was marketed for an appropriate period. The impact in regard to the conversion would provide some short term employment in construction but ultimately have a nil impact to the economy.
- b) The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- The site, although not previously developed, does contain built form and a degree of contamination. The impact of converting the site which already has impact on the landscape is preferred to the impact of building on Green Field sites.
 - The sites current condition provides a method of creating rural housing stock without further significant harm to Green Field sites in a District for which 60% of the land is covered by an AONB designation.
- c) Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- The proposal would offer the opportunity to remediate the contaminated land on site which would be of benefit to the environment.
 - As will be discussed below the application has been accompanied by an extensive landscaping plan which would see a net gain in trees and hedging across the site.
 - The proposal is located within the vicinity to a cluster of established built form and residential land uses.
- 120 It is considered that the proposal meets with the three test provided above and further assessment of the impacts to the AONB will be considered below.
- 121 Settlements and development form part of the character of the AONB with ‘dispersed historic settlement including high densities of isolated farmsteads’. The site in question is a modern collection of farm buildings located on a historic farmstead. The AONB management plan identifies that such farmsteads form an intrinsic part of the character of the High Weald AONB.
- 122 Farmsteads in the High Weald have their origins in medieval farming which has led to irregular field patterns but also include more modern farmstead development in the industrial revolution. The High Weald Housing Design Guide identifies that:

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- 123 'For development to reflect and enhance the character of the High Weald it must be designed to integrate into its setting. This means more than reflecting merely the visual appearance of the current setting, but includes understanding how the landscape and its settlements have evolved and why the area is the way it is today'.
- 124 The conversion of the existing barns allows for the development to reflect the design guidance for the AONB. While some of the buildings on site have modern origins some pre-date 1940 and the site itself appears as a farm unit in historic mapping. The County Archaeologist identifies that the site may have medieval farm links. The proposal would provide the opportunity to explore the archaeology of the area.
- 125 The retention and conversion of the unit would reflect the agricultural ties to the area and its historical development. The barns and buildings on site form part of the existing landscape and link to the areas historic farming context. The retention of the built form also allows the informal layout of the site to be maintained. The layouts density and form conserves the agricultural character rather than reflecting the more suburban residential development that can occur with redevelopment.
- 126 The conversion of the existing barns would retain the form, bulk and massing present on the existing landscape. The form of the buildings have clear agricultural ties with the linear, square and utilitarian appearance of the buildings. The conversion would conserve the existing character of the site.
- 127 The buildings do have a large scale which is typical of such farming units. Barn 4 is the tallest building on site with an unusual semi-circular roof form. The building is distinct. However, it sits within a group of buildings and does not stand alone or isolated. The site is located on a ridgeline however the siting to the edge of a field pattern in close proximity to other residential built form would not dominate the landscape.
- 128 The other barns have a more typical pitched gable roof form with low slung eaves. The conversion preserves and conserves the character of the landscape. The formalisation of the barns would create a more substantive building. However, this already forms part of the landscape and is reflective of the large agricultural buildings which are present in the vicinity.
- 129 The use of timber cladding would aid the development in weathering into the landscape. Timber is a typical material associated with the High Weald AONB. The materials proposed have a matt quality which would prevent reflection and conserve the character of the site and its impression on the landscape.
- 130 A loss of some associated farming paraphernalia including the silage clamps is welcome. The loss of such features does allow for parts of the landscape to be reclaimed. The loss of built form would also aid in opening up the site. Due to the existing layout the curtilages of the proposed dwellings would follow the irregular field pattern which is featured across the AONB.

- 131 The proposal has been accompanied by a landscape design and access statement and has been landscape lead. The proposal includes access routes which are curved to the buildings layout, curtilages have been designed to interface with the fields to include hedgerows. A significant degree of trees, landscaping and grass would be incorporated within the site which would result in a net gain for the area.
- 132 The application site is currently fairly un-tidy and has an appearance of neglect. The proposal would provide the opportunity improve the defined hedgerows and provide landscape management. Field gates to properties, brick walls, clay pavers, flint gravel paths, hot rolled asphalt with limestone chippings would be implemented. The materials for the landscaping would reflect the character and tonality of the area. The proposal would remove the neglected and untidy character of the site and enhance the landscape.
- 133 Residential development and glazing does result in light admittance into the AONB. However, the large glazing is design to reflect the large openings associated with the agricultural buildings and maintain the impression on the surrounding landscape.
- 134 Some mitigation measure for light admittance could be secure via condition. In addition, the removal of the rights for external lighting without prior consent could be conditioned upon approval to limit the impact. While vehicle headlight may add a degree of light to the area, given that Hartfield Road is a classified 'B' road vehicles can utilise the area and park on site.
- 135 The proposal is considered to conserve and enhance the AONB landscaping and would comply with policy EN5 and LO8 of the ADMP and Core Strategy.

Impact to the design and character of the area

- 136 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.
- 137 Hartfield Road is a long road which cuts through the rural countryside surrounding Edenbridge. A number of small settlements including Markbeech, Chiddingstone Hoath and Cowden are located in the vicinity. A number of small groups of residential dwellings can be observed while traveling along this road a number of which are converted farmsteads.
- 138 Policy SP7 of the Core Strategy recommends that housing development in rural locations should achieve a density of 30 dwellings per hectare (dph). The proposed development would result in 8dph. The site appears to have a dense environment. However, the dwellings would have a large scale and footprint due to the conversion. The pattern of the development would not be dissimilar to Pylegate located to the north of the site.
- 139 The application site is formed of a farmstead with a number of modern agricultural buildings. To the opposite side of the road Pylegate has previously been subject to conversion of a former agricultural unit. A large scale modern agricultural barn is also located within Pylegate.

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- 140 The character in the immediate vicinity has links to agriculture with varying design, form and massing. The site is surrounded by wide open countryside and the irregular field patterns typical of the area. The existing barns form a distinct part of the character of the area.
- 141 The proposed conversion of the agricultural units would result in some demolition of the built form. However, the overall bulk, scale and massing of the built form would be retained as would its impression on the character of the area. The distinctive semi-circular roof form of barn 4 would be maintained and the low pitched gabled roofs of the other barns retained.
- 142 The buildings would see formalisation which would provide a greater appearance of permanency. The formal timber cladding would be reflective of the former use of the buildings and the metal roofing would retain the form functionality of the built form. This would retain the character of the site in maintaining the modern agricultural form, massing and appearance.
- 143 The proposed openings, including windows and doors, would have irregular patterns with wide open glazed panels. The pattern of glazing would work to reflect the scale and use of the built form and prevent the regular and balanced proportionate window details often found on sub-urban residential dwellings.
- 144 The proposed development would result in the formalisation of the site including formal hard standing and residential paraphernalia. While this would alter the existing informality of the site, given the sites proximity to an existing residential area (Pylegate). Residential use is therefore associated with the character of the area. Although Pylegate is sheltered by the slight drop in levels, the proposal includes a large degree of landscaping which would aid in settling the development into its surrounds.
- 145 The proposed development is considered to retain the character of the area and would comply with policy EN1 of the ADMP.

Impact to neighbouring amenity

- 146 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.
- 147 Claydene Farmhouse is located to the north west of the application site and was connected to the farm unit. The farmhouse has been granted planning permission for extensions and refurbishment under application, 19/02252/HOUSE.
- 148 The closest dwellings would be converted barns 6 and 5. The other converted units would be located at a sufficient distance that they would not cause a loss of amenity.
- 149 Barn 6 would be located within 3 - 5m of Claydene Farmhouse. The barn already exists and although the built form would become more substantive the general proportions of the building would be retained. As a result, the proposal would not result in further significant losses of daylight and or sunlight.

- 150 As a result of the built form already existing and being converted, visual intrusion to outlook would not be further comprised to a significant degree.
- 151 The rear elevation would sit against the private 5m amenity space of the farmhouse, however the proposal would not contain any windows facing directly into this space. The side windows would include French doors to a bedroom/living area. The direction of view would look into amenity space of Claydene Farm, although oblique. Details of a boundary treatment to prevent significant overlooking could be secured. The openings at ground floor could be mitigated by a form of enclosure secured by condition.
- 152 Barn 5, located further to the south of barn 6's, windows would not face directly onto the 5m rear amenity space of Claydene Farmhouse. The proposal would be for a single storey dwelling and as such a loss of privacy would not occur. The barns siting would mean it would not result in significant loss of daylight/sunlight or result in significant visual intrusion to neighbouring outlook.
- 153 Becketts is located to the north of the application site on the other side of Hartfield Road. A distance of approximately 27m extends between Becketts and the nearest converted barn. As a result of this distance, the fact the built form already exists, the interspersions of the road and the height of the proposed conversion would not result in a significant loss of daylight/sunlight to Becketts.
- 154 As a result of the separation between the proposed units and Becketts and the existing nature of the built form, which is to be converted and not extended, visual intrusion to outlook would not occur to a significant degree. As highlight planning cannot protect a view.
- 155 The closest converted barn to Becketts would be barn 6, which would include three openings plus roof lights facing towards Becketts. Due to the distance in excess of 21m and the interspersions of the road a significant loss of privacy would not occur as a result. The other conversions across the site are set further to the south east and would not have direct views. A significant loss of privacy would not therefore occur.
- 156 Hazelden is located to the north of the site within the Pylegate Farm complex. Approximately 48m extends between Hazelden and barn 6 and 70m between barn 4 (to include 4a, b and c) and Hazelden. Due to the distance between the development and Hazelden, the road which intersects between and the existing nature of the built form a further significant loss of daylight/sunlight would not occur as a result of the conversion.
- 157 Due to the distances that separate the development from Hazelden visual intrusion to outlook would not occur to a significant degree. The built form would be visible from Hazelden, and the conversion would certainly provide a more substantive appearance to the buildings. However, planning legislation cannot protect a view and views could still be gained from Hazelden.
- 158 The proposed development change of use to residential would result in a more permeant and habituated site. Proposed barn 4 would consists of three

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dwelling with large openings to the front elevations and would provide views. However, barn 4 is offset from Hazelden and Pylegate as a whole. The distance between the development and the residential dwellings at Pylegate would mean significant overlooking would not occur.

- 159 Although the site is located in a rural environment, previous conversions, particularly as seen in Pylgate have led to pockets of denser development. As a result there is already a degree of mutual overlooking which occurs in the area.
- 160 As a general rule a distance of 21m is considered sufficient to ensure that a significant loss of amenity would not occur. Planning is unable to protect a view and transport issues would be considered under the highways section of this report. As such other dwellings including those within the Pylegate complex and dwellings to the south east and north- west would not suffer a significant loss of amenity.

Proposed dwellings

- 161 The proposed conversion would result in the creation of 9 units. All of these units would contain at least dual outlook. The result of this would ensure sufficient outlook would be provided for all of the proposed units. In addition, the proposed openings would allow for sunlight/daylight to filter into the dwellings providing natural light.
- 162 All of the properties would have a degree of private amenity space, although somewhat mutually overlooked this is to be expected of such a development. The degree of amenity space would vary from property to property. The site is directly located adjacent to a public right of way which gives access to the open countryside.
- 163 The proposal would be comprised of 9 units and a degree of mutual overlooking would occur, however this would be within acceptable limits. Barns 5 and 6 would not directly overlook one another as the flank elevation of barn 5's openings would be infilled. Barn 5 would contain openings facing towards barn 2, however these would be secondary outlook points and would be located in excess of 18m from barn 2. Barn 2 would contain large openings however at first floor this would serve a landing which is non-habitable space. As such, the distance would be acceptable to maintain privacy.
- 164 Barn 2 elevation facing towards barn 1 would contain some openings all of which would be non-habitable spaces at ground floor and could be obscure glazed and fixed shut to prevent mutual overlooking. Barn 1 openings at first floor would have view towards the private amenity space of Barn 2. However, due to internal voids the overlooking would be oblique.
- 165 Barns 3(b) and 3(a) would have mutual overlooking, however this is to be expected of semi-detached properties and the views again would to a degree be oblique. Barn 1 and 3 would be offset from one another and significant overlooking would not occur.

- 166 Barn 3(b) would be sited adjacent to barn 4(a). At ground floor the barn 3(b) would include openings to serve a study and hallway, these could be obscure glazed and fixed shut to prevent mutual overlooking as they are non-habitable spaces. At first floor 3(b) would be offset from the main bulk of barn 4(a) and the windows would serve an en-suite and dressing room which could be obscure glazed and fixed shut to prevent loss of privacy.
- 167 Barn 1 and 4 would face towards one another. Barn 4s southern elevation at ground floor the openings would serve studies/hallways and utility rooms all of which are non-habitable spaces. To prevent overlooking these could be obscure glazed up to 1.7m from finished floor level. At first floor barn 1 has a limited first floor provision. The inset balconies would provide oblique views only and the narrow first floor windows serving habitable rooms would not provide a significant sense of overlooking.
- 168 Overall the proposed dwellings subject to condition would provide adequate amenity provision.
- 169 The proposed development, subject to condition, would not result in a significant loss of amenity and would be considered to comply with policy EN2 of the ADMP.

Impact to highways and parking

- 170 Policies EN1, T1 and T2 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking.
- 171 The application site is located along Hartfield Road which is subject to a 50mph speed limit. The site does benefit from an existing access, but this would be blocked off and a revised access created. The Highways Officer is satisfied with the revised access and visibility splays of 2.4x115m with no obstruction above 0.6m. The splays would be conditioned upon any grant of permission.
- 172 The revised width of the access to 5.5m with a junction radii of 10.5m. The tracking has indicated some encroachment on the opposite side of the road, however the Highways Officer is deems this acceptable. The access route into the site provides a width of 4.8m which allows vehicles to pass one another.
- 173 KCC Highways commented on the application and revised plans were received. The Officer has commented that the site would provide sufficient parking with 17 parking spaces made available in line with policy IGN3. The development would also provide sufficient cycle parking. As part of the revisions provided, the Highways Officer is satisfied that sufficient parking for visitors has been provided.
- 174 There is sufficient space on site for the storage of refuse and due to the revisions the proposal would provide sufficient access for refuse vehicles in accordance with KCC Highways considerations.

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- 175 The proposal would not increase traffic in the area to a significant degree. The KCC Highways Officer is satisfied with the proposal, in accordance with paragraph 109 of the NPPF which only allows refusal which results in a severe impact to the highway.
- 176 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. Vehicle charging points would be required via condition upon any grant of permission.
- 177 The proposal is considered to comply with highway policy.

Other

Affordable housing

- 178 The application site exceeds 0.5 hectares and represents a major development. As such, and in accordance with the guidance of the National Planning Policy Framework and Policy SP3 of the Sevenoaks District Council Core Strategy an affordable housing contribution shall be sought.
- 179 The applicant has agreed to the provision of an affordable housing contribution and as per the present resolution and agreement as to its form would be reached prior to issuing any decision to grant the planning application. This could take the form of on site or an off-site contribution.

Biodiversity

- 180 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.
- 181 The applicant has provided various ecology reports to support the application, including a protective species report. The KCC Ecological Officer was consulted on the planning application and has suggested a number of conditions upon the grant of any planning permission.
- 182 The submitted reports have identified that four of the barns on site have bat roosting potential, although no bats were found to emerge from these buildings. In line with the report's recommendations the application would be conditioned to ensure that if development had not occurred within 2 years further bat surveys would be submitted. To ensure the development does not significantly affect habitat a lighting strategy would also be required via condition.
- 183 A number of ponds are located within 250m of the site, including 1 on site. Great Crested newts have been found within a number of these ponds. In accordance with the Habitats Directive it must be considered if an EPSM Licence from Natural England would be granted. The test is formed of three parts and KCC Ecology are satisfied that that the third part of the test has been satisfied.
- 184 In regard to the first two parts of the test the proposal is considered compliant with local and national planning policy and would result in the

provision of additional housing in accordance with the aims of the NPPF. In regard, to the second part of the test mitigation and compensatory measures have been put forward. The local authority is satisfied that the three parts of the test have been provided.

- 185 To ensure that the local badger, fox and rabbit population is not adversely affected a condition securing a method statement for the development could be secured prior to any grant of permission.
- 186 The submitted report identifies that Barn Owls have infrequently used the site and suitable habitat exists to support Barn Owls. A condition to ensure mitigation and compensation would be provided subject to any grant of planning permission.
- 187 In regard to the proposed works to the hedging and grassland on site the KCC Ecology Officer has advised further information would be required. A condition prior to the commencement of development could ensure that relevant surveys and mitigation measure be put in place to secure both habitat and mitigation of any loss as with the method statements to protect mammals.
- 188 In line with policy SP11 details of ecological enhancements would need to be submitted and approved in writing to ensure the scheme provides a net gain on site.

Trees and landscaping

- 189 The SDC Tree Officer has identified that no protected trees are located on the site. The site in addition, is not located within a Conservation Area for which any formal protection of trees is in place.
- 190 The Tree Officer has identified that principle trees located at this site are all situated besides the pond including a mature willow and a young Oak tree. A number of buildings are to be demolished as the officer advises and these would be located close to the aforementioned trees.
- 191 The barns 7 and 8 are to be demolished primarily for the purposes of a different application previously granted, 19/02252/HOUSE. However, to ensure protection of the trees a condition setting out protection measures and method statements for the impact to the trees could be applied upon any grant of permission.
- 192 The applicant has provided a comprehensive landscaping scheme, as mentioned in the AONB section of this report. The landscaping scheme proposed a significant addition of trees across the site, in addition to hedging, lawn and grassland meadow. This would be a significant enhancement to the current state of the site.
- 193 The landscaping, as indicated on plan 161Rev A identifies a number of native species planting, which accord with national and local planning policy. The landscaping would be conditioned, although the condition would for some changes due to ecology requirements.

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Area of Archaeological Potential

- 194 The application site is located within an area of archaeological potential. The KCC Archaeological Officer was consulted on the application and considers that the farm complex is identified as a farm that may have medieval or even earlier origins. As some remnants of these may still exist on site, two conditions would be placed on any grant of permission to ensure that any remains are recorded.

Drainage

- 195 The applicant has submitted a drainage strategy with the proposal which would be secured by condition. The Lead Local Flood Authority is satisfied with the drainage scheme and has requested an additional condition securing a maintenance schedule which could be conditioned as part of the application.
- 196 The Lead Local Flood Authority has noted that treated foul water would be discharged into the existing ditch and advised that the Environment Agency (EA) be consulted. The EA was consulted but offered no comment on the application. A condition with further details on the discharge of foul water could be applied to any grant of permission. The Lead Local Flood Authority has no objection to the proposal.

Public Right of Way

- 197 A Public Right of Way runs through the site to the south. A Public Right of Way Officer has not commented on the application despite consultation. The right of way would cross the ownership of one of the plots of land. It is an offence to obstruct a public right of way and diversion may need to be secured with KCC Public Rights of Way team. This would be a matter for the applicants and KCC Public Rights of Way.

Other issues - Third party comments

Levels of development locally

- 198 Third party comments have raised concerns with the level of granted planning permissions in the local vicinity. Each individual planning application has to be considered on its own merits and the local planning authority is under an obligation to review applications submitted.

Major application

- 199 Third parties consider that the planning application should be defined as a major. The application has been considered as a minor major application.

Provision of additional housing

- 200 Third party comments have identified that new developments are still in the process of selling housing stock and as a result additional housing is not required. The local planning authority again has an obligation to consider proposals submitted and in their own individual context.

Local amenity provisions

- 201 Third party comments have raised concerns that the proposal for 9 new dwellings would impact the local facilities including school places and local parking. The development has been found compliant with parking standards and the provision of CIL payments would contribute to local infrastructure.

Community Infrastructure Levy (CIL)

- 202 The application is CIL liable.

Conclusion

- 203 The proposal is considered principally acceptable. The proposal would preserve the open character of the Green Belt, conserve and enhance the AONB, retain the character of the area, preserve amenity and comply with highways policy. The proposal is considered policy compliant.

- 204 It is therefore recommended that this application is GRANTED.

Background papers

Site and block plan

Contact Officer(s):

Emma Gore 01732 227000

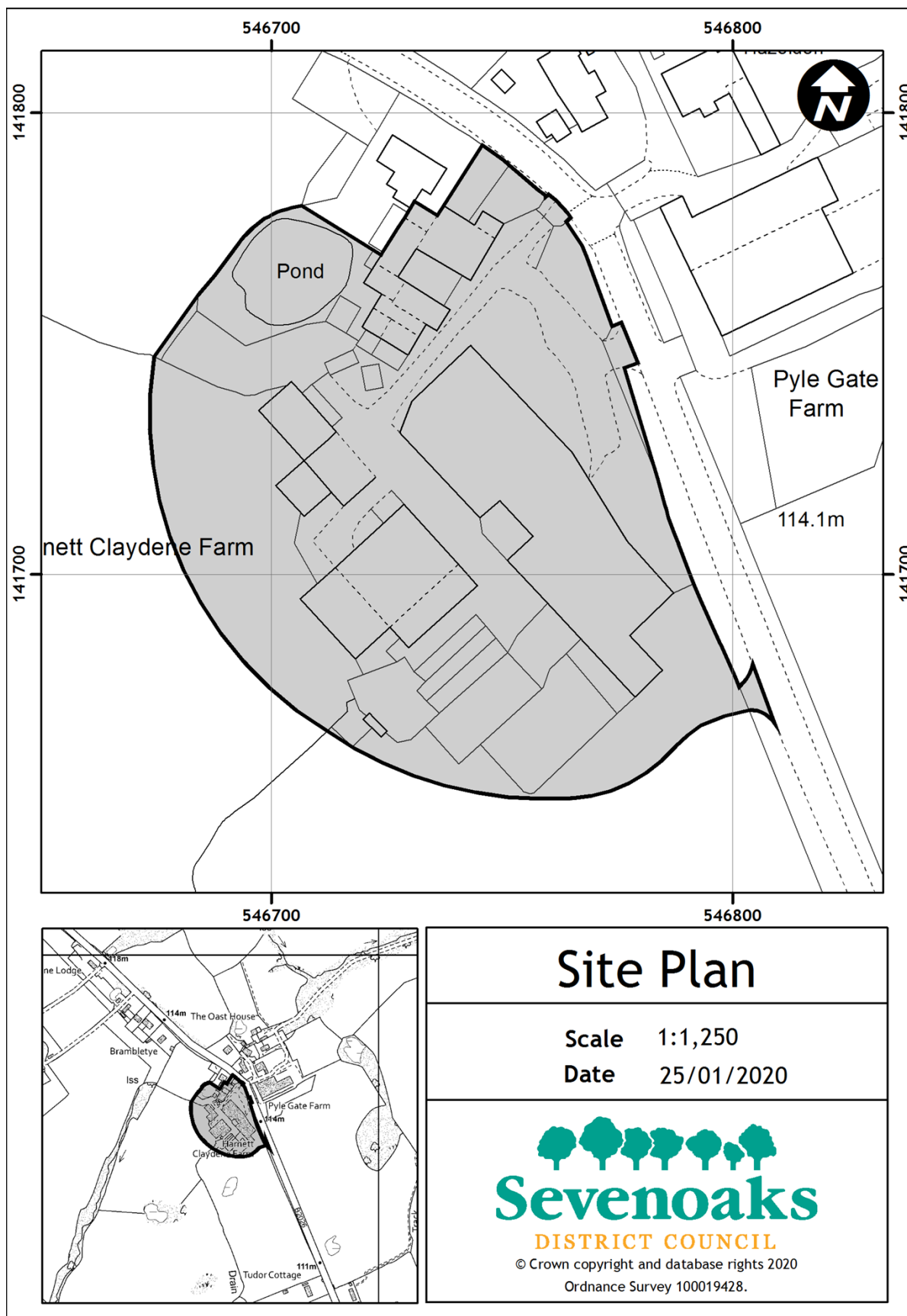
Richard Morris
Chief Planning Officer

Link to application details:

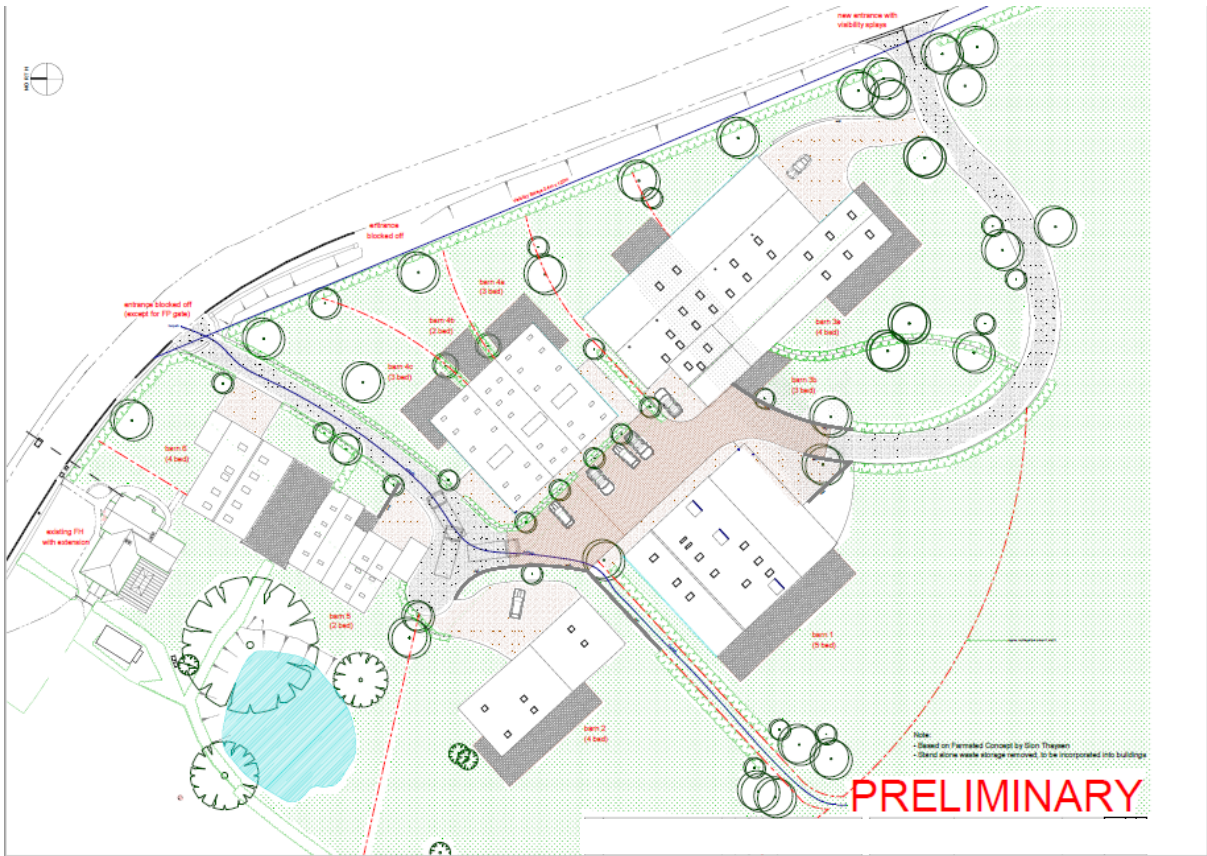
<https://pa.sevenoaks.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PWWK9TBKJ2500>



BLOCK PLAN



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4.4 19/03106/LDCPR Date expired 10 March 2020

Proposal: Replacement windows and doors.

Location: 41 Bradbourne Park Road, Sevenoaks, KENT TN13 3LJ

Ward(s): Sevenoaks Town & St Johns

Item for decision

This application has been referred to Development Control Committee as applicant is a member of staff.

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

The proposals would constitute permitted development as it conforms to Schedule 2, Part 1, Class A of the Town and Country General Permitted Development (England) Order 2015 as amended. Therefore, no planning application is required for these works

Description of site

- 1 The application site relates to a two storey terrace dwelling located on the western side of Bradbourne Park Road. There are neighbouring properties attached to both sides of the site, and also properties located to the rear and opposite. The property is located within the parish of Sevenoaks Town.

Description of proposal

- 2 Replacement of windows and doors at ground floor level only. These materials are to be from wood to Upvc to match the existing dwelling.

Relevant planning history

- 3 19/01735/LDCPR - Loft conversion with new L-Shaped rear dormer.
GRANTED

Constraint

- 4 Area of Archaeological Potential

Chief Planning Officer's appraisal

Background information

- 5 This application is for a Lawful Development Certificate for proposed works, to determine whether those works are permitted development or whether planning permission is required
- 6 No consultations are required for this type of application and there are no planning policies that are relevant. This is a test against legislation and in this case the legislation is the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (to be referred to as 'the Order').
- 7 If the proposed works comply with the requirements and conditions laid out in the Order, then we are obliged to confirm that the works would be permitted development, and grant a Lawful Development Certificate.
- 8 If the proposed works would not comply with the requirements of the Order, we would confirm that the works require planning permission and refuse a Lawful Development Certificate.
- 9 The main of the appraisal is to determine whether the proposed development as described and laid out in the application is lawful.
- 10 As discussed above the application is assessed under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GDPO).
- 11 There is no planning history for the site and therefore permitted development rights are still intact to the property in relation to the proposed development. The replacement windows and doors to an existing dwellinghouse mean that the development will need to be assessed under the criteria in Schedule 2, Part 1, Class A 'The enlargement, improvement or other alteration of a dwelling house'. Full details of this legislation are laid out in Appendix A to this report.
- 12 As you will see in the appendix, under schedule 2, Part 1, Class A the permitted development order is laid out into 3 sections:
 - Paragraph A1
 - Paragraph A2
 - Conditions under Paragraph A3

I will assess the development under the criteria laid out in each section in turn

Assessment:

Conclusion for Class A Paragraph A1 of the GDPO:

- 13 The proposal for replacement windows and doors is considered to be meet all the requirements laid out in paragraph A1 of the legislation.

Conclusion for the above A.2

- 14 The proposal for replacement windows and doors is also considered to meet all the requirements laid out in paragraph A2 of the legislation.

Conclusion for the above A.3

- 15 The proposal only seeks to replace windows and doors to the ground floor of the property. Therefore the conditions in this section relating to upper windows and upper story extensions are not relevant here.
- 16 The materials proposed in my view are similar in appearance to those used in the construction of the exterior of the existing dwelling, which already has Upvc. Therefore in my view the proposal meets the requirements of condition A3a.

Conclusion

- 17 The proposals would constitute permitted development as it conforms to Schedule 2, Part 1, Class A of the Town and Country General Permitted Development (England) Order 2015 as amended. Therefore, no planning application is required for these works.

Background papers

Site and block plan

Appendix A

Class A of the GDPO

Contact Officer(s): Holly Pockett

01732 227000

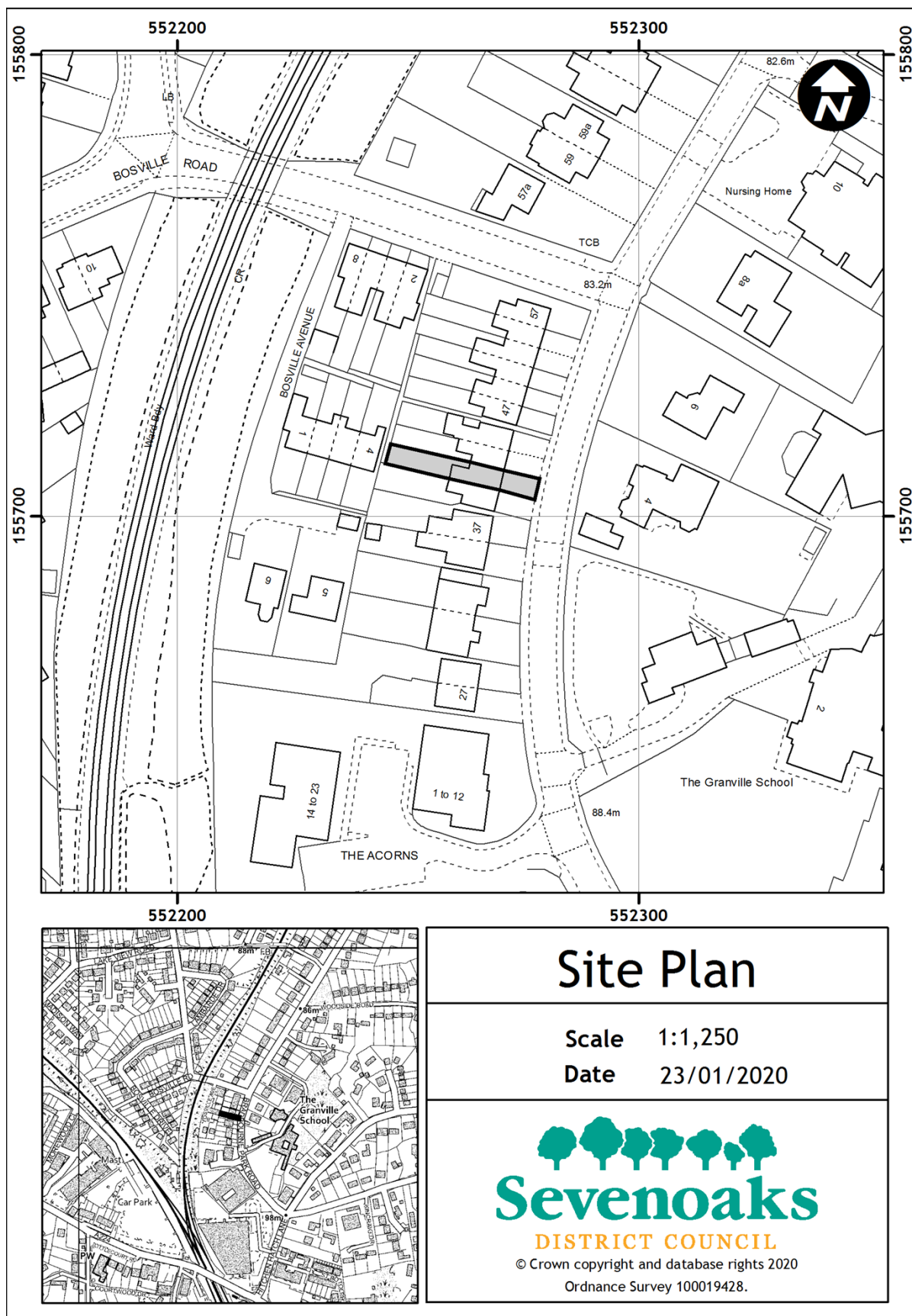
Richard Morris
Chief Planning Officer

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=Q0GDPGBK0L000>



Appendix A - SE/19/03106

Extract from Schedule 2, Part 1, Class A of the Town and Country General Permitted Development (England) Order 2015 as amended
Permitted Development:

Class A - the enlargement, improvement or other alteration of a dwellinghouse.

A.1 Development is not permitted by Class B if—

- (a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of class M, N, P, PA, or Q of Part 3 of this Schedule (change of use).
- (b) As a result of the works, the total area of ground covered by the buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).
- (c) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse.
- (d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse.
- (e) The enlarged part of the dwellinghouse would extend beyond a wall which -
 - (i) forms the principal elevation of the original dwellinghouse; or
 - (ii) fronts a highway and forms a side elevation of the original dwellinghouse.
- (f) Subject to para (g), the enlarged part of the dwellinghouse would have a single storey and -
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
 - (ii) exceeds 4 metres in height.
- (g) For a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
 - (ii) exceeds 4 metres in height.
- (h) The enlarged part of the dwellinghouse would have more than a single storey and -
 - (i) extend beyond the rear of wall of the original dwellinghouse by more than 3 metres, or

Agenda Item 4.4

- (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse.
- (i) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres.
- (j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would -
 - (i) exceed 4 metres in height,
 - (ii) have more than a single storey, or
 - (iii) have a width greater than half the width of the original dwellinghouse;
 - (ja) any total enlargement (the enlarged part together with any existing enlargement of the original dwelling to which it will be joined) exceeds or would exceed the limits set out in paras (e) to (j)
- (k) It would consist of or include -
 - (i) the construction or provision of a veranda, balcony or raised platform,
 - (ii) the installation, alteration or replacement of a microwave antenna,
 - (iii) the installation, alteration or replacement of a chimney, flue or soil vent or pipe, or
 - (iv) an alteration to any part of the roof of the dwellinghouse.

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if (x) -

- (a) It would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles.
- (b) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse.
- (c) The enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.
- (d) Any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c).

A3. Development is permitted by Class A subject to the following conditions (x) -

- (a) The materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.
- (b) Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be -

- (i) obscure-glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed
- (c) Where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

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4.5 19/03320/DETAIL Date expired 22 January 2020

Proposal: Details pursuant to condition 3 (external finishes)
subject to 19/02078/HOUSE

Location: 7 High Street, Shoreham, KENT TN14 7TB

Ward(s): Otford & Shoreham

Item for decision

This application is referred to the Development Control Committee for a decision as the applicant was a member of staff at Sevenoaks District Council at the time when the application was submitted.

RECOMMENDATION: That planning permission be GRANTED

Description of site

- 1 The application site comprises of a modern detached single storey dwelling with living accommodation within the roof space located on Shoreham High Street.

Description of proposal

- 2 This application is seeking to approve details reserved by condition under planning permission 19/02078/HOUSE.
- 3 The original planning permission was granted by the Development Control Committee on 14 November 2019. Permission was granted for a two storey side extension, single storey rear extension, re-roofing, new dormers and steps to the front of the dwelling.
- 4 Condition 3 was attached to the permission stating that:

“Notwithstanding the details provided within the approved plans and revised design and access statement, no work shall be undertaken above the damp proof course prior to further details of the proposed external finishes being submitted to and approved by the local planning authority. The details must include the proposed materials in the construction of the external walls. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development enhances the character and appearance of the Conservation Area as supported by Policy EN4 of the Sevenoaks Allocations and Development Management Plan.”

Relevant Planning History

- 5 19/02078/HOUSE- Planning permission granted by the Development Control Committee for works described as: “Proposed demolition existing garage, proposed ground floor rear extension with rooflight, proposed ground and first floor side extension, proposed new roof, new dormer at the rear along with increase of size and shape of dormers, rooflight at front and new steps of the front of the dwelling.” Granted 19.11.2019

Policies

- 6 National Planning Policy Framework (NPPF)

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

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

- 7 Core Strategy (CS)

- SP1 Design of New Development and Conservation

- 8 Allocations and Development Management Plan (ADMP)

- EN1 Design Principles
- EN4 Heritage Assets
- EN5 Landscape

- 9 Other:

- Sevenoaks Residential Extensions SPD
- Shoreham Conservation Area Appraisal
- Sevenoaks Countryside Character Assessment
- Kent Downs AONB Management Plan
- Kent Downs AONB Landscape Design Handbook

Constraints

- 10 The Following Constraints Apply

- Shoreham Conservation Area
- Kent Downs Area of Outstanding Natural Beauty
- Area of Archaeological Potential

- Biodiversity Opportunity Area
- Tree Preservation Orders

Consultations

- 11 SDC Ward Members: SDC Ward Members were formally consulted on the application at their request. No objections have been received.

Representations

- 12 No representations were received.

Chief Planning Officer's appraisal

- 13 Consideration of the proposed external materials
- 14 The reason the condition was attached was to secure the high quality of the external finishes and to ensure that the external appearance of the dwelling would conserve the character and appearance of the Shoreham Conservation Area as supported by Policy EN4 of the Sevenoaks and Allocations and Development Management Plan.
- 15 Concerns were raised for the proposed external cladding of the original planning permission, which proposed neutral timber weatherboard cladding to all external walls. It was noted that there were no other examples of such cladding in the area. As such it was considered appropriate to request further details of proposed external facing materials to ensure the materials would preserve the character and appearance of the Conservation Area.
- 16 In support of the application the applicant has provided details of the following:
- Cladding of the proposed external walls (white weatherboard timber and clay tiles to the dormers)
 - Roof tiles (clay)
 - Windows and doors (timber)
- 17 A high level of detail has been provided with regard to the specification, finishing and fixing details of the proposed cladding and other materials. The roof tiles and replacement of the existing plastic windows and doors for timber were considered appropriate and acceptable as part of the original application and are therefore considered acceptable in this case.
- 18 The primary issue to be considered here is whether the proposed cladding to the external walls would now be considered acceptable with regard to Policy EN4.
- 19 Weatherboarding
- The proposed horizontal weatherboarding would now be white in appearance. The cladding would be feather-edge pressure treated softwood

Agenda Item 4.5

and finished in Bedec Barn paint with a white satin finish. The applicant has provided examples of other properties in the area which have the same or similar finishes. This also includes an immediate neighbour of the property.

- 20 Part II of the Shoreham Conservation Area Appraisal identifies traditional Kentish vernacular of limited palette and locally sourced materials as the prevailing character of the Conservation Area which reinforces its distinctiveness. Part III of the Conservation Area Appraisal, which sets out the design guidance, recognises the contribution and prevalence of timber weather boarding which traditionally has a white or cream finish.
- 21 The proposed weatherboarding would therefore reflect the existing character of the Conservation Area, would be of a high quality traditional appearance expected for a dwelling within this setting and would accord with the guidance set out within the Shoreham Conservation Area Appraisal.
- 22 The weatherboarding would therefore preserve the character of the Conservation Area and, by replacing a modern brick finish, would secure an enhancement to it, in accordance with Policy EN4 of the ADMP and requirements of the NPPF.
- 23 Hung tiling

The dormers and upper part of the gable are proposed to be clad in natural clay tiles with a weathered finish. The tiles would be vertically hung with a Winchester cut, a traditional finish which is also used elsewhere within the Conservation Area. The applicant has also provided examples of other properties within the area with the same or similar materials and detailing.
- 24 Clay tiles are a traditional material common in the area and are noted as part of the Shoreham Conservation Area Appraisal and accompanying design guidance as a traditional feature of Kentish architecture. The tiles would therefore be considered appropriate for the setting of the Conservation Area, would integrate well reflecting the existing character and architectural detailing of neighbouring properties in accordance with EN4.
- 25 Overall the proposed external materials would reflect the existing character of the area and would result in an improved appearance to the existing external finishes thereby both conserving and enhancing the Shoreham Conservation Area. The scheme remains compliant with regard to Policy EN4.

Other issues and policies

- 26 Details of the materials were requested in order to demonstrate compliance with policy EN4. However other policies apply to the original application and these will be addressed here:
- 27 Policy EN1 - Design and impact to the character of the area
- 28 The materials would be reflective of, and in keeping with, the existing architectural character of the area. The materials would also result in an improvement to the external appearance of the existing dwelling which is

encouraged within SPD design guidance. The details would remain compliant with EN1.

- 29 Policy EN5 - Impact to the AONB
- 30 The materials would comprise of the local Kentish vernacular and would be in keeping with the local rural village setting. The Kent Downs AONB Management Plan and AONB Design Handbook state that in new development materials sympathetic to the locality should be used and imitation materials, such as UPVC and concrete tiles, should be avoided. For this part of the AONB appropriate materials include timber weatherboarding and clay hung tiling.
- 31 The materials would therefore accord with AONB design guidance and, by replacing the existing 1960s face brickwork with materials of the local vernacular, would secure an enhancement to the AONB's appearance in full accordance with Policy EN5 and the requirements of the Countryside and Rights of Way Act 2000.

Community Infrastructure Levy (CIL)

- 32 This application is not CIL liable.

Conclusion

- 33 In light of the above considerations the proposed external materials to be used would both conserve and enhance the appearance of the Shoreham Conservation Area in accordance with Policy EN4 of the ADMP. The details would remain compliant with all other relevant planning policy.

It is therefore recommended that the details are approved and condition 3 discharged.

Background papers

Proposed Plans and Elevations

Contact Officer(s): Hannah Donnellan 01732 227000

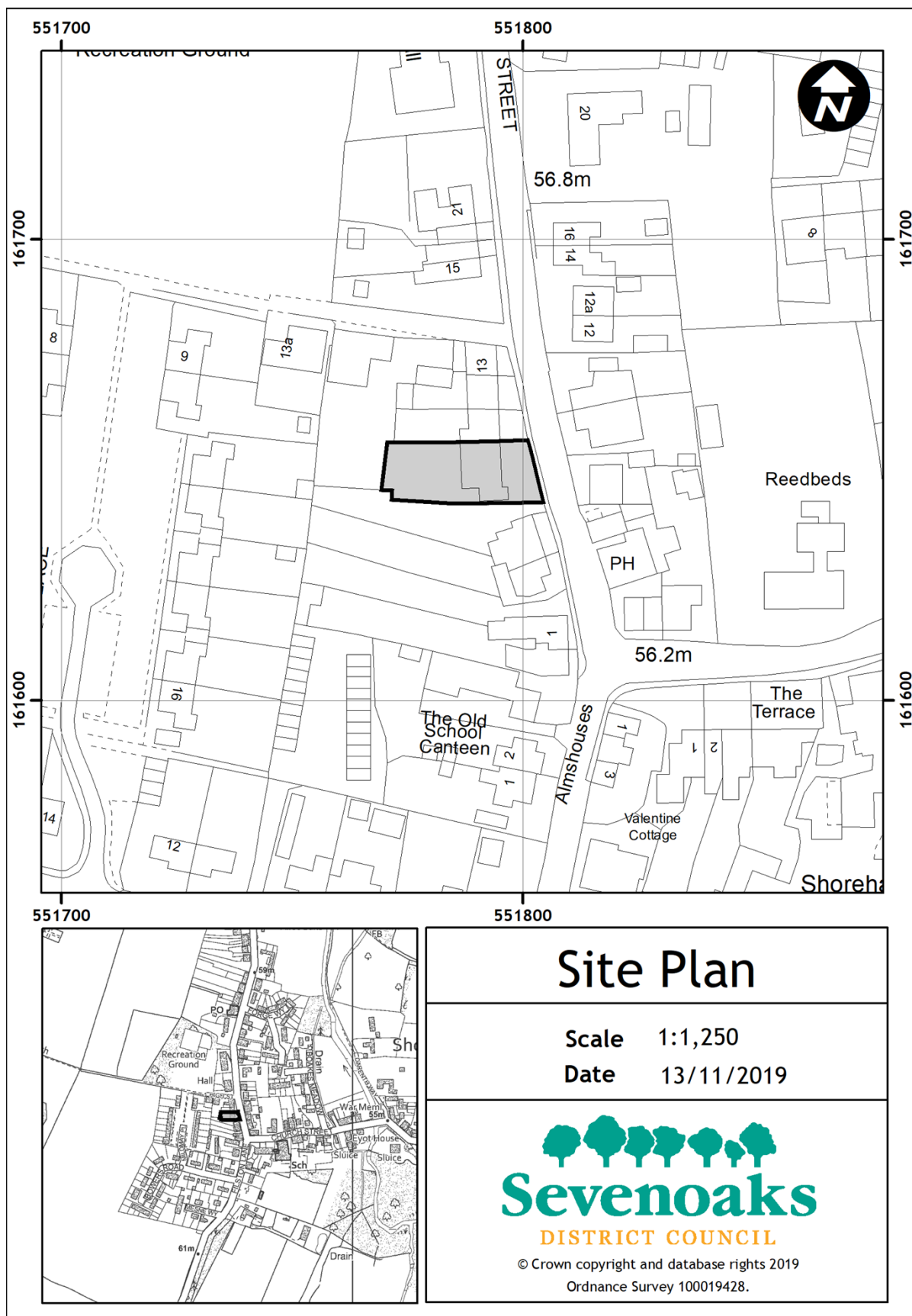
Richard Morris
Chief Planning Officer

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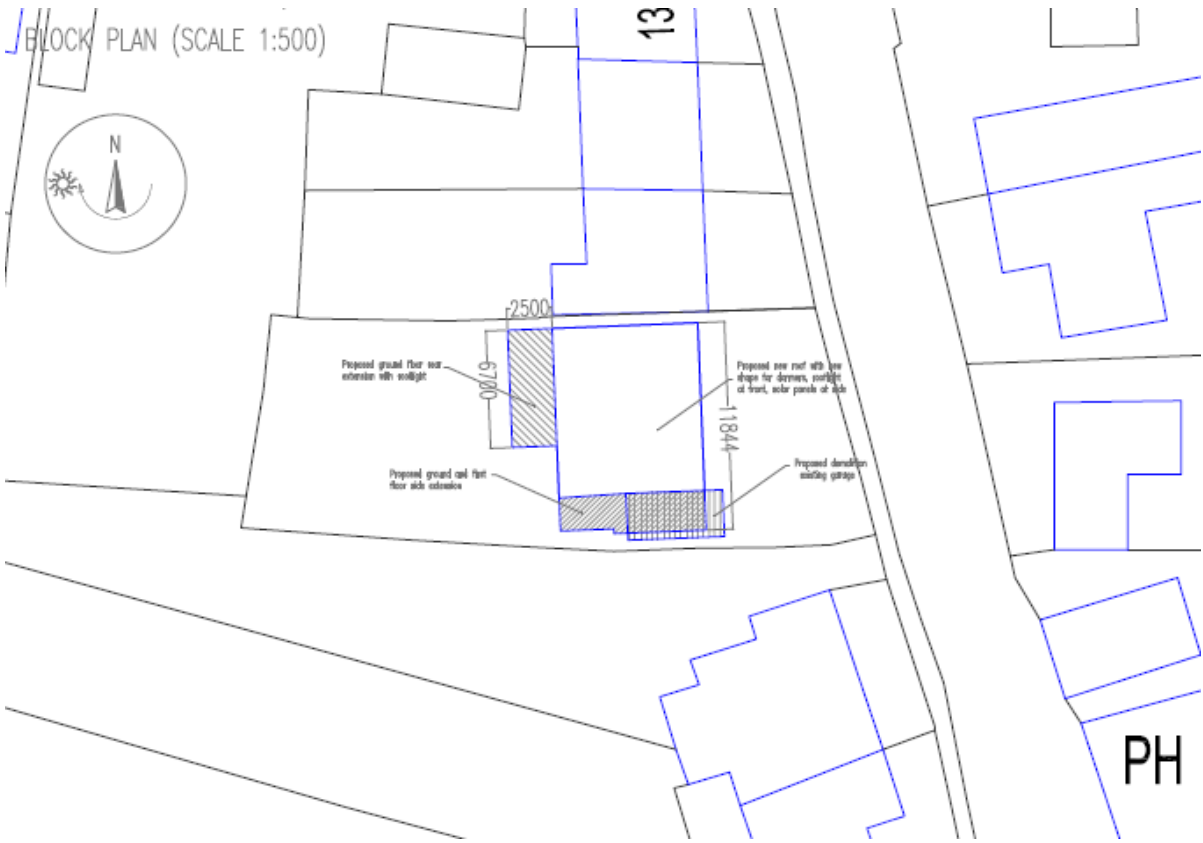
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BLOCK PLAN



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5.1 - TPO 12 OF 2019

PROPOSAL: That TPO 12 of 2019 is confirmed without amendment.

LOCATION: Tollgate Yard, High Street, Farningham, DA4 0DP

WARD(S): Farningham, Horton Kirby & South Darenth

ITEM FOR DECISION

TPO 12 of 2019 has been served in response to 19/02554/WTCA to fell a pine tree within the Farningham Conservation Area

RECOMMENDATION: That TPO 12 of 2019 be CONFIRMED without amendment

Description of Site

- 1 Tollgate Yard is a recent development of four houses fronting the north-western end of Farningham High Street, which is part of the Farningham Mill Site.

Description of Proposal

- 2 That TPO 12 of 2019 is confirmed without amendment.

Policies & Material Considerations

- 3 National Planning Policy Framework (NPPF)
- 4 National Planning Policy Guidance (NPPG).

Constraints

- 5 The following constraints apply:
 - TPO 12 of 2019
 - Farningham Conservation Area
 - Kent Downs A.O.N.B.

Chief Planning Officers Appraisal

- 6 The Pine tree is located in a visually prominent position near to the frontage of the estate, which is clearly visible from the nearby High Street. Its removal would have a negative visual effect on the Farningham Conservation Area.

Details leading to the serving of the TPO

- 7 A notification (19/02554/WTCA) to fell one Scots Pine tree was received in September 2019. It was reported within the notification that the tree was growing at an angle but the main reason given for its removal was bird droppings on cars parked below. The angle of the tree is not acute and has to the officer's knowledge been growing as such for the many years. It is common for trees to grow in anything other than a perpendicular position. The bird droppings are recognised as an issue but removal of a mature tree to resolve it does seem severe. TPO 12 of 2019 was served to halt the felling. Guidance was given at this time to apply for permission to thin the canopy of the tree, which would be looked on favourably. Birds roost in trees for protection from the elements and predators. If the canopy is less dense and opened up, they are less likely to roost. It also has to be considered that the removal of this tree would mean that the birds would then roost in another tree. Options other than felling need to be fully considered.

Objections to the serving of the TPO

- 8 Two objections to the serving of the order have been received, both from immediate residents to the tree. Both have reiterated the leaning issue of the tree and the bird dropping issues. The leaning of the tree can be assessed by a reputable tree company to see if movement at the base is occurring. The lean in itself is not an indication that it will fall. No tree can be considered completely safe but neither can the lean be referred to as an indication that it is unsafe. Further examination by the estates chosen tree professional can explore and advise further on this matter. The bird dropping issues have referred to the nuisance of droppings on cars. The aforementioned pruning would alleviate such issues and discourage the birds using this tree as there roost. Concern has also been raised regarding the health implications of bird droppings. There is a disease caused by birds called Parvovirus. The GOV.UK website on the subject states "*It does not normally affect humans*". It then goes on to say that the infection is spread by direct contact between Pigeons. In an open environment such as this situation it is very unlikely that people are at risk.

Conclusion

- 9 The issues raised by those objecting to the protection of the Pine tree can be dealt with by alternative means to its removal as previously stated.

Recommendation

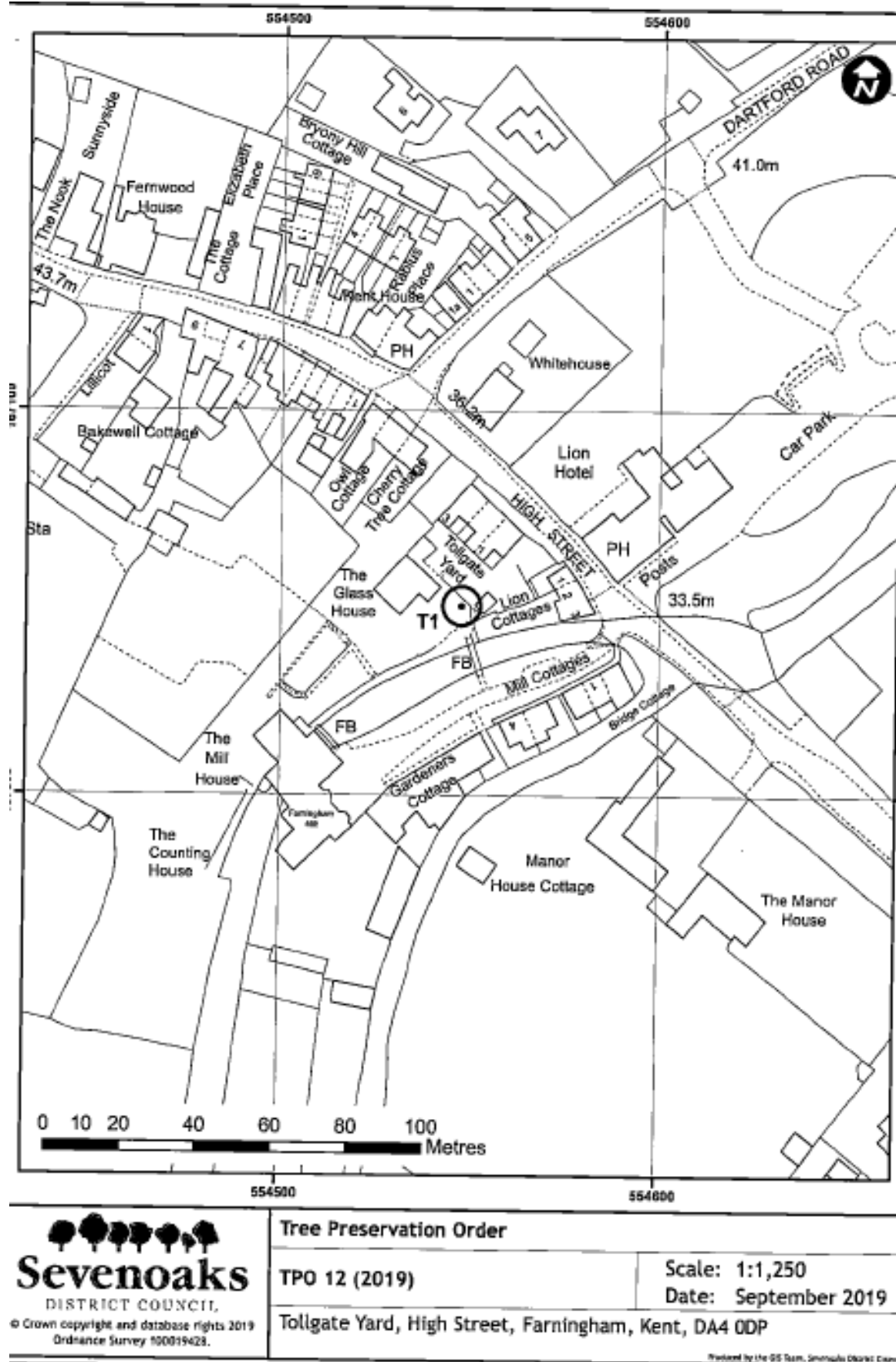
- 10 It is therefore recommended that TPO 12 of 2019 be confirmed without amendment.

Background Papers

TPO plan with Schedule 1 attached as Appendix 1

Contact Officer(s): Les Jones 01732 227000

Richard Morris
Chief Planning Officer



SCHEDULE 1**SPECIFICATION OF TREES****Trees specified individually**
(encircled in black on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
T1	Pine	Situated on the southern boundary of Tollgate Yard, High Street, Framingham, Kent.

Trees specified by reference to an area
(Within a dotted black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
	None	

Groups of trees
(Within a broken black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
	None	

Woodlands
(Within a continuous black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
	None	

* complete if necessary to specify more precisely the position of the trees.

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5.2 - TPO 13 OF 2019

PROPOSAL: That TPO 13 of 2019 is confirmed with an amendment that deletes tree numbers 1, 2 & 4.

LOCATION: The Laurels, Greenlands Road, Kemsing, TN15 6PH

WARD(S): Kemsing

ITEM FOR DECISION

TPO 13 of 2019 has been served in response to a report of mature trees about to be felled.

RECOMMENDATION: It is therefore recommended that TPO 13 of 2019 be AMENDED to remove tree numbers 1, 2 and 4 and that the remaining Oak (T3) be confirmed.

Description of Site

- 1 The Laurels is a detached bungalow located at the southern end of a cul-de-sac accessed from Noah's Ark. The properties at this end of the road enjoy large gardens with The Laurels having one of the largest. The mature trees included within this order are located generally within the north-eastern corner of the rear garden, which is over 25 metres from the rear elevation of the bungalow.

Description of Proposal

- 2 That TPO 13 of 2019 is confirmed with an amendment that deletes tree numbers 1, 2 & 4

Policies & Material Considerations

- 3 National Planning Policy Framework (NPPF)
- 4 National Planning Policy Guidance (NPPG).

Constraints

- 5 The following constraints apply:
 - TPO 13 of 2019
 - Metropolitan Green Belt

Chief Planning Officers Appraisal

- 6 Following the serving and the subsequent comments made to it, officers visited the site to make their own assessment. In general, “The Laurels” and other nearby properties have mature planting marking their boundaries. This offers limited views across the rear gardens of properties. As these addresses are located within a cul-de-sac, there is also a limited presence of passers-by and public viewpoints. Officers therefore agree with the objectors in that tree numbers 1, 2 and 4 should not be protected under the aforementioned order. Tree number 3 is located immediately adjacent to the rear eastern boundary and can, unlike the other internally located trees, be seen from afar.

Details leading to the serving of the TPO.

- 7 It was reported to us by a local resident that the owner of “The Laurels” had recently passed away. We were also informed that a developer was looking to purchase this property as it allowed access to land to the rear. It was also reported that general vegetation removal was proposed throughout. A colleague visited and identified the four trees referred to within the above named order and subsequently served TPO 13 of 2019.

Objections to the serving of the TPO.

- 8 Three objections to the serving of the order have been received. Residents of both immediately adjacent properties have objected on the grounds that tree numbers 1, 2 and 4 offer very limited amenity value as they can only be seen by a small number of residents and only from obscure viewpoints. An objection to the order has also been received from Broad Oak Tree Consultants Ltd who have confirmed the neighbours’ concerns in a more formal manner that the trees offer limited visual amenity value.

Support to the serving of the TPO.

- 9 One letter of support for the serving of the order has been received stating that the trees are mature and refers to the benefits that mature trees offer to the environment.

Conclusion

- 10 The issues raised by those objecting to the protection of trees located internally to the garden of “The Laurels” due to their lack of visual amenity is justified. The continued protection of tree number 3 due to its stature and its location, which can be viewed by residences to the east, is also justified

Recommendation

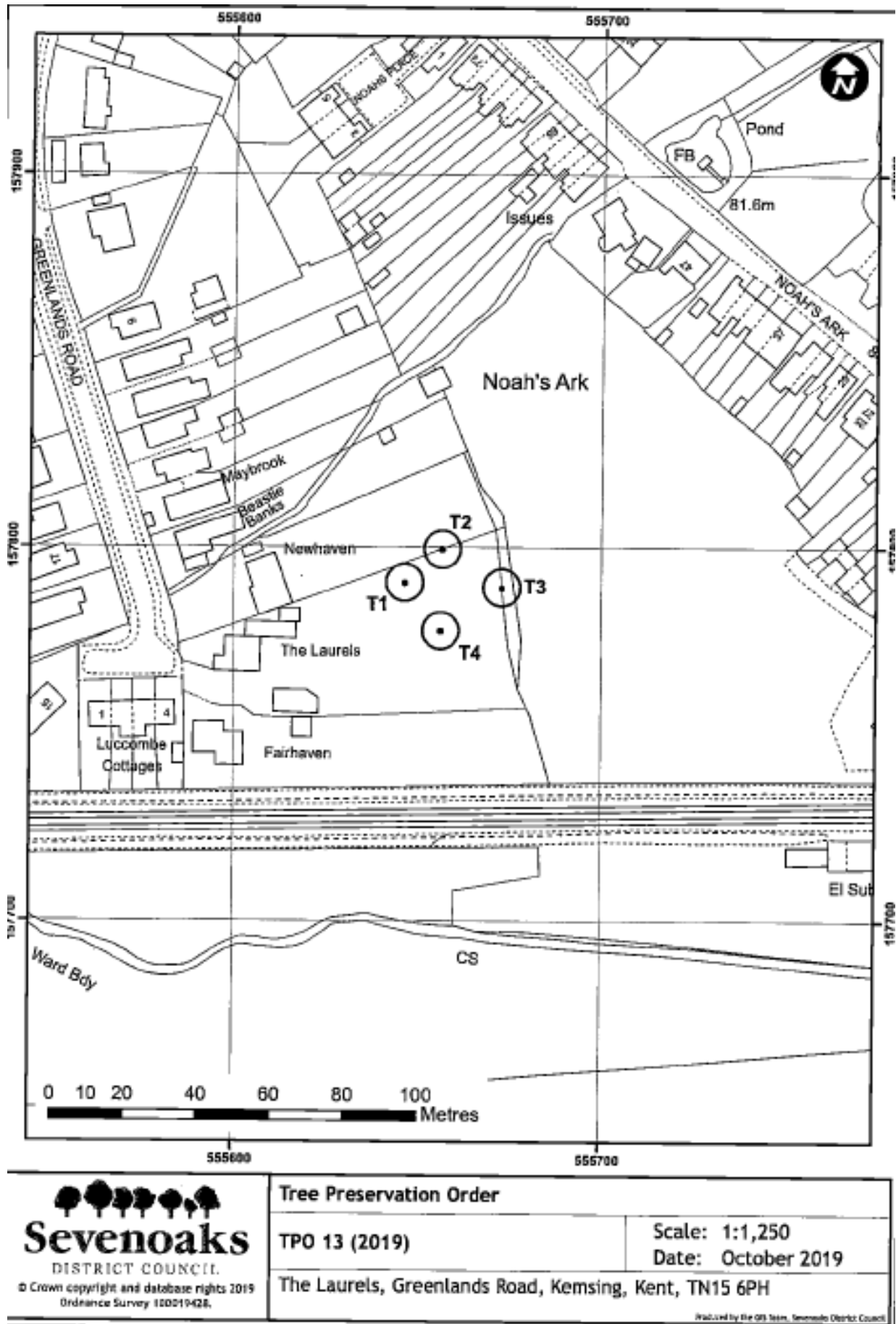
- 11 It is therefore recommended that TPO 13 of 2019 be amended to remove tree numbers 1, 2 and 4 and that the remaining Oak (T3) be confirmed.

Background Papers

TPO plan with Schedule 1 attached as Appendix 1

Contact Officer(s): Les Jones 01732 227000

Richard Morris
Chief Planning Officer



SCHEDULE 1**SPECIFICATION OF TREES****Trees specified individually**
(encircled in black on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
T1	Scots Pine	Situated on the northern boundary of The Laurels, Greenlands Road, Kemsing.
T2	Oak	Situated on the northern boundary of The Laurels, Greenlands Road, Kemsing.
T3	Oak	Situated on the eastern boundary of The Laurels, Greenlands Road, Kemsing.
T4	Oak	Situated within the rear garden of The Laurels, Greenlands Road, Kemsing.

Trees specified by reference to an area
(Within a dotted black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
	None	

Groups of trees
(Within a broken black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
	None	

Woodlands
(Within a continuous black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
	None	

* complete if necessary to specify more precisely the position of the trees.

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Planning Application Information on Public Access - for applications coming to

DC Committee on Thursday 13 February 2020

4.1 19/02951/HYB

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=PZKTZZBKG5E00>

4.2 19/01682/FUL

Link to applications details:

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Link to associated documents:

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4.3 19/02474/FUL

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Link to associated documents:

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4.4 19/03106/LDCPR

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Link to associated documents:

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Supplementary Information

4.5 19/03320/DETAIL

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=Q1N0E3BKJZD00>