

12 March 2020 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks  
Despatched: 04.03.20



## Development Control Committee

### Membership:

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

### Agenda

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

	Pages	Contact
Apologies for Absence		
1. <b>Minutes</b> To approve the minutes of the meeting of the Committee held on 13 February 2020, as a correct record.	(Pages 1 - 34)	
2. <b>Declarations of Interest or Predetermination</b> Including any interests not already registered.		
3. <b>Declarations of Lobbying</b>		
4. <b>Planning Applications - Chief Planning Officer's Report</b>		
4.1 <b>19/03581/HOUSE - 12 Bullfinch Close, Sevenoaks, Kent TN13 2BB</b> Part one part two-storey side and rear extension.	(Pages 35 - 44)	Hayley Nixon 01732 227000
4.2 <b>19/02971/FUL - Summerhill, Seal Hollow Road, Sevenoaks Kent TN13 3SH</b> Demolition of existing garage and erection of two single garages to serve plots 1 and 2, to be constructed and occupied only in connection with the two dwellings approved under consent references SE/18/00158/OUT and SE/18/02903/CONVAR.	(Pages 45 - 56)	Mike Holmes 01732 227000

## EXEMPT INFORMATION

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

Any Member who wishes to request the Chairman to agree a pre-meeting site inspection is asked to email [democratic.services@sevenoaks.gov.uk](mailto:democratic.services@sevenoaks.gov.uk) or speak to a member of the Democratic Services Team on 01732 227000 by 5pm on Monday, 9 March 2020.

The Council's Constitution provides that a site inspection may be determined to be necessary if:

- i. Particular site factors are significant in terms of weight attached to them relative to other factors and it would be difficult to assess those factors without a Site Inspection.
- ii. The characteristics of the site need to be viewed on the ground in order to assess the broader impact of the proposal.
- iii. Objectors to and/or supporters of a proposal raise matters in respect of site characteristics, the importance of which can only reasonably be established by means of a Site Inspection.
- iv. The scale of the proposal is such that a Site Inspection is essential to enable Members to be fully familiar with all site-related matters of fact.
- v. There are very significant policy or precedent issues and where site-specific factors need to be carefully assessed.

When requesting a site inspection, the person making such a request must state under which of the above five criteria the inspection is requested and must also provide supporting justification.

If you wish to obtain further factual information on any of the agenda items listed above, please contact the named officer prior to the day of the meeting.

Should you need this agenda or any of the reports in a different format, or have any other queries concerning this agenda or the meeting please contact Democratic Services on 01732 227000 or [democratic.services@sevenoaks.gov.uk](mailto:democratic.services@sevenoaks.gov.uk).

**DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held on 13 February 2020 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Reay (Vice Chairman)

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

Apologies for absence were received from Cllrs. Hogarth and Roy

Cllrs. Andrews, Barnes, Dr. Canet, Clack, Penny Cole, G. Darrington, Dickins, Dyball, Foster, Fothergill, Griffiths, Harrison, McArthur, Osborne-Jackson and Thornton were also present.

55. Minutes

Resolved: That the Minutes of the Development Control Committee held on 16 January 2020, be signed by the Chairman as a correct record.

56. Declarations of Interest or Predetermination

Councillor Ball declared that for Minute 62 - 19/02951/HYB White Oak Leisure Centre, Hilda May Avenue, Swanley Kent BR8 7BT, he had previously considered the matter when it was discussed by Swanley Town Council, but remained open minded.

Councillor Barnett declared that for Minute 63 - 19/01682/FUL - Land East of Bray Road, Four Elms Road, Edenbridge Kent TN8 6AD, it was in his ward and had previously considered the matter when it was discussed by Swanley Town Council, but remained open minded.

Councillor Coleman declared that for Minute 62 - 19/02951/HYB White Oak Leisure Centre, Hilda May Avenue, Swanley Kent BR8 7BT, she had considered provision at White Oak as a member of the People & Places Advisory Committee, but remained open minded.

Councillor P Darrington declared that for Minute 62 - 19/02951/HYB White Oak Leisure Centre, Hilda May Avenue, Swanley Kent BR8 7BT, it was in his ward and he used the facilities, but remained open minded.

Councillor Layland declared that for Minute 63 - 19/01682/FUL - Land East of Bray Road, Four Elms Road, Edenbridge Kent TN8 6AD, it was in his ward and had

## Agenda Item 1

### Development Control Committee - 13 February 2020

previously considered the matter when it was discussed by Swanley Town Council, but remained open minded.

Councillor Raikes declared that for Minute 60 - 19/03106/LDCPR - 41 Bradbourne Park Road, Sevenoaks, Kent, TN13 3LJ, it was in his ward and had previously considered the matter when it was discussed by Sevenoaks Town Council, but remained open minded.

Councillor Reay declared that for Minute 59 - Objection to Tree Preservation Order (TPO) 13 of 2019 - The Laurels, Greenlands Road, Kemsing, TN15 6PH, it was in his ward, but remained open minded.

#### 57. Declarations of Lobbying

All Councillors declared that they had been lobbied in respect of Minute 62 - 19/02951/HYB White Oak Leisure Centre, Hilda May Avenue, Swanley Kent BR8 7BT.

Councillors Barnett, Cole, Coleman, Layland and Raikes had been lobbied in respect of Minute 64 - 19/02474/FUL Claydene Farm, Hartfield Road, Cowden Kent TN8 7HF.

Councillor Reay had been lobbied in respect of Minute 59 - Objection to Tree Preservation Order (TPO) 13 of 2019 - The Laurels, Greenlands Road, Kemsing, TN15 6PH.

#### CHANGE IN ORDER OF AGENDA ITEMS

With the agreement of the Committee, the Chairman brought forward consideration of the Tree Preservation Orders.

#### TREE PRESERVATION ORDERS

#### 58. Objection to Tree Preservation Order (TPO) 12 of 2019 - Tollgate Yard, High Street, Farningham, DA4 0DP

The Arboricultural and Landscape Officer brought Members' attention to the main agenda papers. TPO 12 of 2019 has been served in response to 19/02554/WTCA to fell a pine tree within the Farningham Conservation Area. Two objections had been received however the issues raised could be dealt with by alternative means to removal and the report therefore sought to confirm the TPO without amendment.

Resolved: That TPO 12 of 2019 be confirmed without amendment.

#### 59. Objection to Tree Preservation Order (TPO) 13 of 2019 - The Laurels, Greenlands Road, Kemsing, TN15 6PH

The Arboricultural and Landscape Officer brought Members' attention to the main agenda papers and late observations. TPO 13 of 2019 had been served in response

to a report of mature trees about to be felled. Following objections received the report sought to amend TPO 13 of 2019 to remove tree numbers 1,2 and 4 and that the remaining Oak (T3) be confirmed.

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

Members discussed visual amenity and other types of amenity such as ecological amenity and the ecological benefits of the trees.

Councillor Hunter moved an amendment to only remove tree number 1 and confirm tree numbers 2, 3 and 4.

The amendment was put to the vote and was won.

The substantive motion was then put to the vote and it was

Resolved: That TPO 13 of 2019 be amended to remove tree number 1 and that the remaining trees 2, 3 and 4 be confirmed.

#### UNRESERVED PLANNING APPLICATIONS

There were no public speakers against the following items and no Member reserved the item for debate, therefore, in accordance with Part 7.3(e) of the constitution, the following matters were considered without debate:

60. 19/03106/LDCPR - 41 Bradbourne Park Road, Sevenoaks, Kent TN13 3LJ

The proposal sought the Lawful Development Certificate for replacement windows and doors at 41 Bradbourne Park Road, Sevenoaks, Kent TN13 3LJ. The application had been referred to Development Control Committee as the applicant was a member of staff.

Resolved: 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.’

61. 19/03320/DETAIL - 7 High Street, Shoreham, Kent TN14 7TB

The proposal sought approval of details reserved by condition under planning permission 19/02078/HOUSE. The application had been referred to Development Control Committee as the applicant was a member of staff at Sevenoaks District Council at the time the application was submitted.

## Agenda Item 1

### Development Control Committee - 13 February 2020

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

Resolved: That the details are approved and condition 3 discharged.

#### RESERVED PLANNING APPLICATIONS

The Committee considered the following planning applications:

62. 19/02951/HYB White Oak Leisure Centre, Hilda May Avenue, Swanley Kent BR8 7BT

The hybrid application sought: outline planning permission for the 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; and planning permission for the demolition of the existing leisure centre building and the erection of replacement leisure centre and associated car park.

The application had been referred to Development Control Committee because Sevenoaks District Council was the applicant.

Members' attention was brought to the main agenda papers and late observations sheet which advised of further letters of representation and a statement from the applicant with an assessment of alternative provision for sports provision the site would no longer be able to accommodate and an amendment to condition 24.

The Committee was addressed by the following speakers:

Against the Application: Paul Nicholls  
For the Application: Paul Cluett  
Parish Representative: Parish Cllr Valerie Letchford  
Local Members: Cllrs Andrews and G Darrington

Members asked questions of clarification from the speakers and officers which included whether certain clubs would be able to relocate or have to close; whether those clubs were local to the district or were external clubs displaced by their own areas losing such provision; what was demonstrably the better quality provision as quantity was not equivalent, and loss of open space. Members were signposted to the relevant paragraphs of the report and the late observations. The main clubs that would suffer were the ones that wanted deep water the loss of which was an economic viability consideration. The late observations referred to the arrangements underway for alternative provision for other sports affected. Proposed provision was not like for like but would be newer, enhanced and more up to date, with greater accessibility amongst other benefits, and the old facilities required replacement. With regard to Sport England's objections Members were advised that alternative provisions could not be required under planning policies and that Sport England had not been re-consulted since the new information

supplied in the late observations. They were not a statutory consultee but their views should be considered along with all other bodies and individuals that were consulted. When making a judgement on Policy SP10 it was not just a question of what could or could not be provided and the facilities were not like for like, however as set out in paragraph 96 the current facilities were unsustainable and therefore the policy would support the need for replacement. Thus with the current position as unsustainable and replacement required, it became a question of looking at the enhanced provision of what would be offered. With regard to access to the alternative Sports Hall provision, the Sevenoaks Sports Facility Strategy evidential base showed peak hours of use as 9-10am and 5-10pm, whilst information provided by the applicant was silent on the proposed times of use, the evidence would suggest that the peak evening hours would not interfere with school use. An alternative plan was mentioned by a speaker but Members could only consider the proposal before them. If Members refused planning permission, the applicant could not appeal but in theory could be permitted to make another application containing more information.

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

Members discussed the application, particularly pertaining to the balance of considerations to be made with regard to: CF2 of the Allocations and Development Management Plan (ADMP); the National Planning Policy Framework (NPPF) para.97; Policy SP10 of the Core Strategy; and Policy GI2 of the ADMP, as clearly defined within the report and the new information provided in the late observations.

The motion was put to the vote and it was

Resolved: 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

## Agenda Item 1

### Development Control Committee - 13 February 2020

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-101D, 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

## Agenda Item 1

### Development Control Committee - 13 February 2020

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).

## Agenda Item 1

### Development Control Committee - 13 February 2020

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) Prior to the commencement of the works to erect the new leisure centre, 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 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.

- 25) Prior to the commencement of the works to erect the new residential development, 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 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.

- 26) 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.

- 27) 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.

- 28) 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.

- 29) 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.

- 30) 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.

- 31) 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.

- 32) 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.

- 33) 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.

- 34) 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.

- 35) 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.

- 36) 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.

- 37) Prior to the first occupation of the new leisure centre building a scheme for crime prevention shall be submitted to and approved in

## Agenda Item 1

### Development Control Committee - 13 February 2020

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) 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.

- 39) 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.

- 40) 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.



- 3) 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>
- 4) 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.
- 5) 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.
- 6) 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](mailto: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
- 7) 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](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

- 8) 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>.
- 9) 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.
- 10) 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](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.
- 11) 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>
- 12) 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>

13) 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](https://thameswater.co.uk/buildingwater).

14) 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.

At 9.10 p.m. the Chairman adjourned the Committee for the convenience of Members and Officers. The meeting resumed at 9.23 p.m.

63. 19/01682/FUL - Land East of Bray Road, Four Elms Road, Edenbridge Kent TN8 6AD

The proposal sought planning permission for a health and wellbeing centre on land to the south of Four Elms Road, Edenbridge, with appropriate car parking and landscaping. The application had been referred to Development Control Committee by the Chief Planning & Regulatory Services Officer due to the significance of the proposal as major development within the Green Belt.

Members' attention was brought to the main agenda papers and late observation sheet which amended the recommendations and condition 23 as set out in the main agenda papers.

The Committee was addressed by the following speakers:

Against the Application: -  
For the Application: Sarah Grady  
Parish Representative: Town Cllr Margot McArthur  
Local Member: -

Members asked questions of clarification from the speakers.

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

Resolved: That

A) 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. 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.

## Agenda Item 1

### Development Control Committee - 13 February 2020

- 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

Development Control Committee - 13 February 2020

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

## Agenda Item 1

### Development Control Committee - 13 February 2020

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 G11 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 G11 of 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. In event of the opening of the eastern boundary to provide through road traffic from future development of adjacent land to the east, prior to this event, further details of the permanent closure of the existing northern turning head and alternative provision and timing of a new turning head, cycle storage and bin store and linking of pedestrian footways, the extension of the proposed through road to the eastern boundary of the site as shown on approved plan no. 18209-LSI-AA-XX-DR-A-1180, together with a scheme of restoration for the land shall be submitted to and approved by in writing by the local planning authority. The development shall accord with the approved details and maintained thereafter.

Development Control Committee - 13 February 2020

Reason: 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 Aborigicultural 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

## Agenda Item 1

### Development Control Committee - 13 February 2020

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).

OR

- B) provided the application was not recovered by the Secretary of State and an acceptable legal agreement securing a financial contribution to monitor the travel plan has not been completed within four months, that planning permission be granted subject to the above conditions and the inclusion of the following additional condition -

- 25) 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.

Reason: To encourage travel by means other than private motor vehicles in accordance with Policy T1 of the Sevenoaks Allocations and Development Management Plan.

64. 19/02474/FUL - Claydene Farm, Hartfield Road, Cowden Kent TN8 7HF

The proposal sought planning permission for conversion of redundant agricultural Buildings to form 9 new residential units; demolition of outbuildings; and landscaping works with new access and access alterations. The application had been referred to Development Control Committee by Councillor Dickins so Members could assess the impact of the development on the High Weald Area of Outstanding Natural Beauty.

Members' attention was brought to the main agenda papers.

The Committee was addressed by the following speakers:

Against the Application: -  
For the Application: Susanna Miller  
Parish Representative: -  
Local Member: Cllr Dickins

Members asked questions of clarification from the officer.

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

Members discussed the application and it was

Resolved: That

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.

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

## Agenda Item 1

### Development Control Committee - 13 February 2020

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

Development Control Committee - 13 February 2020

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.

## Agenda Item 1

### Development Control Committee - 13 February 2020

- 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.

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.

THE MEETING WAS CONCLUDED AT 10.12 PM

CHAIRMAN

4.1 19/03581/HOUSE Date expired 6 March 2020

Proposal: Part one part two-storey side and rear extension.

Location: 12 Bullfinch Close, Sevenoaks, KENT TN13 2BB

Ward(s): Brasted, Chevening And Sundridge

**Item for decision**

This application has been called to Committee by Councillor London due to overdevelopment, loss of light and overlooking neighbours.

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

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

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

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

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

- 3) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 2019/38(6)-01

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

- 4) The first floor window, in the eastern flank elevation of the two storey side extension, shall be obscure glazed and fixed shut below a height of 1.7m measured above internal floor level and shall be maintained as such thereafter.

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

## Agenda Item 4.1

application in light of our statutory policies in our development plan as set out in the officer's report.

### Description of site

- 1 The site comprises of a two storey semi-detached dwelling located within the urban confines of Sevenoaks. The dwelling is set back from the square to the west of Bullfinch Close with neighbouring properties situated to the front, side and rear of the dwelling.
- 2 Bullfinch Close is primarily residential in character and is identified in the Sevenoaks Residential Character Assessment as recently being redeveloped.

### Description of proposal

- 3 The applicant has proposed a part one part two storey side and rear extension.
- 4 The two storey side extension would have a depth equal to that of the main house with a small front projection at ground floor level and a rear projection to match the depth of the proposed single storey rear extension.
- 5 The single storey rear extension would be modest in depth and would span the width of the existing house.

### Relevant planning history

- 6 00/01801/FUL 26 No. two storey houses - GRANTED.

### Policies

- 7 National Planning Policy Framework (NPPF)
- 8 Core Strategy (CS)
  - LO1 Distribution of Development
  - LO7 Development in Rural Settlements
  - SP1 Design of New Development and Conservation
- 9 Allocations and Development Management Plan (ADMP)
  - SC1 Presumption in Favour of Sustainable Development
  - EN1 Design Principles
  - EN2 Amenity Protection
  - EN4 Heritage Assets

10 Other:

- Sevenoaks Residential Extensions Supplementary Planning Document (SPD)
- Sevenoaks Residential Character Area Assessment Supplementary Planning Document (SPD)

**Constraints**

11 The site lies within the following constraints:

- Built urban confines of Sevenoaks
- Area of Archaeological Potential

**Consultations**

12 Chevening Parish Council - "Objection. Over bearing nature of proposal. Loss of light to neighbours. Overlooking/loss of privacy for neighbours."

**Representations**

13 Two letters of objection have been received relating to the following issues:

- Loss of light
- Noise and traffic caused by building/internal work

**Chief Planning Officer's appraisal**

14 The main planning considerations are:

- Impact on the street scene
- Impact on neighbouring amenity
- Area of Archaeological Potential

**Impact on the character of the area**

15 The proposed two-storey side extension would project off the side elevation of the original dwelling by 3.3 metres and would project off the front elevation by 0.9 metres. The side extension would have a depth of approximately 9 metres to the rear elevation and would include a garage door on the front elevation. The part single, part two-storey rear extension would extend beyond the rear elevation of the original dwelling by approximately 2.4 metres.

16 The materials used in the construction of the development would match those of the original dwelling. For example, the external walls would be constructed of red facing bricks and yellow detailing bricks and the roof tiles would be red. The windows and doors of the extension would also be UPVC. The use of matching materials would help to integrate the

## Agenda Item 4.1

development into the existing dwelling and, therefore, would not harm its character.

- 17 With regards to the impact of the development on the character of the area, Bullfinch Close is characterised in the Sevenoaks Residential Character Assessment, as an area of several pairs of dwellings which are set around a grassed square. The dwellings are of a symmetrical design and are characterised by brick and render. Furthermore, the dwellings are set back from the road with a regular building line, which creates a uniform appearance. The close has no garages and parking is found around the green and on individual driveways.
- 18 The application property, along with 3, 4 and 11 Bullfinch Close, was not built as part of the original 1950s development, but in the early 2000s and is consequently of a different form and architectural design to the rest of the properties in the close. For example, the property is constructed of red and yellow brick with red roof tiles as opposed to brick and render. The property is also set further back from the road than the rest of the properties within the close. As such, the property is considered visually separate from the properties built in the 1950s and therefore does not contribute to the overall character of the street scene. The property instead bears similarities to the 1990s development of Bullfinch Close situated to the rear of 12 Bullfinch Close.
- 19 In light of the above, the development is not considered to have a harmful impact on the character of the surrounding area. The symmetry between 11 Bullfinch Close and 12 Bullfinch Close would be retained as the two storey side extension would maintain the rectangular appearance of the properties when viewed from the street. The side extension would also be set back from the road and, when viewed from the entrance to the close, would be concealed by 13 Bullfinch Close, which sits further forward. As a result, the two-storey side extension would not have an overbearing appearance within the street scene.
- 20 Additionally, the part single, part-two storey rear extension would not be visible within the street scene. Therefore, it would not have an impact on the character of the area.
- 21 It is also important to note that the 1950s development of Bullfinch Close has been subject to redevelopment in recent years and that there have been applications for alterations and extensions to properties within the close. This has altered the unitary appearance of the close. For example, 10 Bullfinch Close has recently been granted permission for a front, side and rear extension, which would alter the rectangular appearance of the property. As such, a precedent has already been set within the close and the development proposed under this application would not cause further harm to the character of the area beyond that which already exists.
- 22 Finally, the property would retain a gap to the eastern boundary of the site and generous spacing to both the front and rear boundaries of the site. It is therefore the case that the development would not result in an overdevelopment of the site.



- 23 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 EN1 of the ADMP.

#### Impact on neighbouring amenity

##### Light

- 24 Both the Parish Council and neighbouring properties 11 Bullfinch Dene and 13 Bullfinch Dene have raised concern over loss of light.
- 25 The Sevenoaks Residential Extensions SPD seeks to ensure that a significant loss of daylight should not occur and the 45 degree test is used, whereby a significant loss of light would only occur if the proposal fails in both plan and elevation. In terms of the loss of sunlight, the Residential Extensions SPD seeks to ensure that the proposed will not result in the cutting out of sunlight for a significant part of the day to habitable rooms in neighbouring properties or private amenity space.

##### 11 Bullfinch Close

- 26 The proposed rear extension fails the 45 degree test on its plan, but passes on elevation, therefore the proposal will not result in a significant loss of daylight to this neighbouring property.
- 27 In terms of sunlight, the proposed extension is sited to the north and east of 11 Bullfinch Close and will not result in any loss of sunlight to the neighbouring habitable windows given its orientation. The proposal will have a very marginal impact upon the sunlight on the neighbour's private amenity space at the very beginning of the day, which does not result in loss of sunlight for a significant part of the day.

##### 13 Bullfinch Close

- 28 The proposed rear extension fails the 45 degree test on its plan, but passes on elevation, therefore the proposal will not result in a significant loss of daylight to this neighbouring property.
- 29 In terms of sunlight, the proposed extension is sited to the northwest 13 Bullfinch Close and will not result in any loss of sunlight to the neighbouring habitable windows.
- 30 Overall, the potential loss of background daylight or sunlight caused by the development would not result in inadequate living conditions to the neighbouring properties.

##### Privacy

- 31 There are no proposed windows situated on the side elevation of the rear extension, which would look directly onto the adjoining property 11 Bullfinch Close.
- 32 The proposal does include a first floor bathroom window in the side elevation facing towards 13 Bullfinch Close, which with views into the private amenity area of this neighbouring property. However this window is

## Agenda Item 4.1

marked to be obscure glazed, which can be conditioned to be obscure glazed and non-openable to ensure the privacy of the 13 Bullfinch Close is protected.

33 The proposed windows in the front and rear elevations will not result in any loss of privacy, as there are already windows in these elevations.

34 Therefore the proposal will not result in loss of privacy to the neighbouring properties.

### Visual Intrusion and outlook

35 The proposal will not result in visual intrusion or loss of outlook from the neighbouring properties, as the normal outlook from their main windows will not be significantly changed. None of the main windows located on the properties 11 Bullfinch Dene and 13 Bullfinch Dene would look directly onto the extensions.

36 It is important to note that, as per the Residential Extensions SPD, the planning process cannot protect a view from a private property.

37 Overall, the development would safeguard the amenities of existing and future occupants of nearby properties and would provide adequate residential amenities for existing and future occupiers of 12 Bullfinch Close in compliance with the NPPF and policy EN2 of the ADMP.

### Area of Archaeological Potential

38 The property is situated in an Area of Archaeological Potential. However, since the ground has already been previously disturbed, the modest extensions to the house would not cause harm to the Area of Archaeological Potential.

## **Other issues**

### Noise and disturbance

39 One neighbouring property has raised concern over noise and disturbance caused by building/internal work and traffic associated with the development. Any disturbance caused by the development would be limited to the construction process and therefore would not have a prolonged impact.

40 There is separate Environmental Health legislation that deals with noise and disturbance.

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

41 The proposal is not CIL liable.

## **Conclusion**

42 The proposed part one part two storey side and rear extension would be an acceptable form of development because it would not have a detrimental impact on the character on the original property or the surrounding area.

Furthermore, it would not have a harmful impact on neighbouring amenity. As a result, the proposal complies with our policies.

43 It is therefore recommended that this application be APPROVED.

**Background papers**

Site and block plan

Contact Officer(s): Hayley Nixon

Contact: 01732 227000

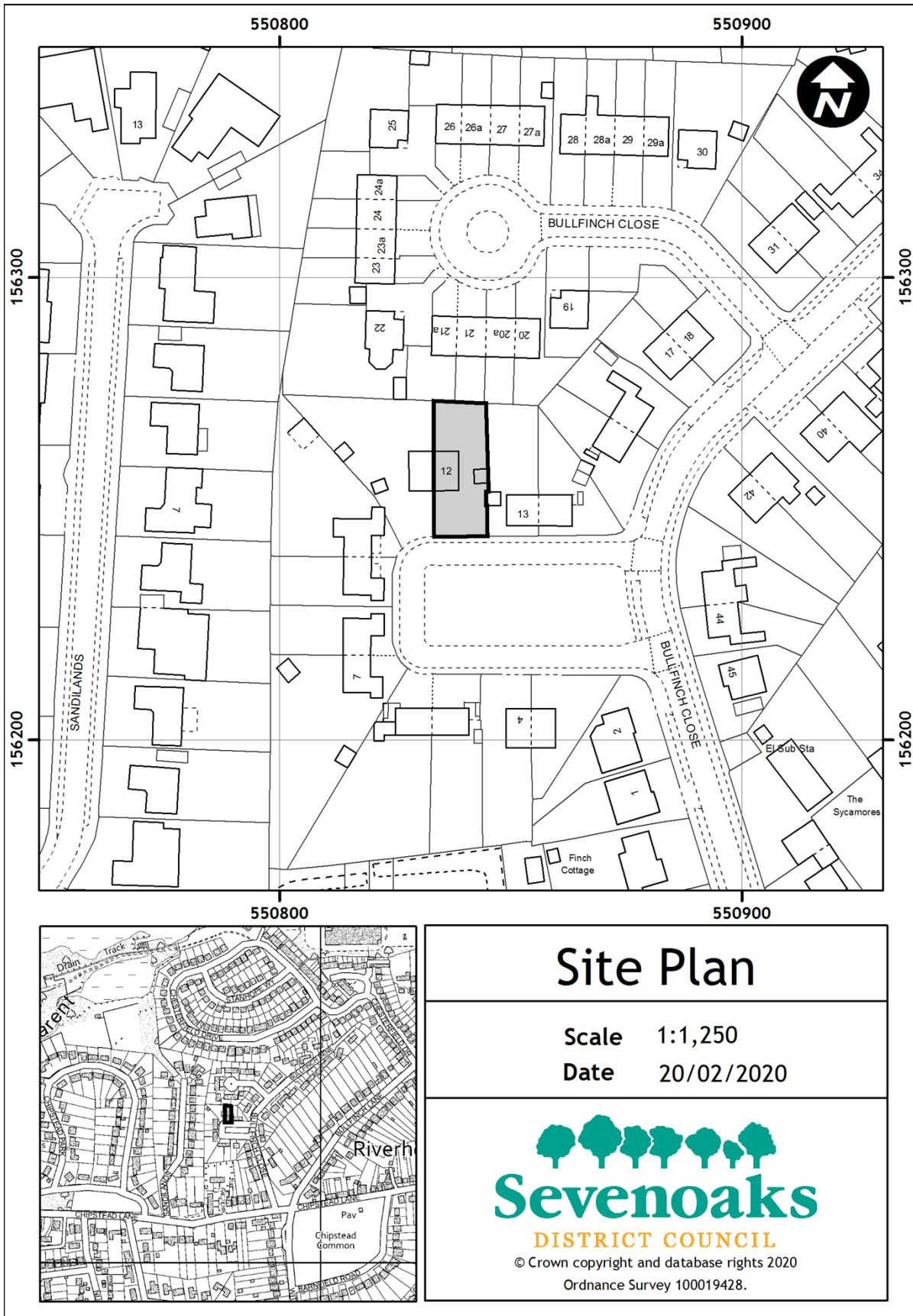
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

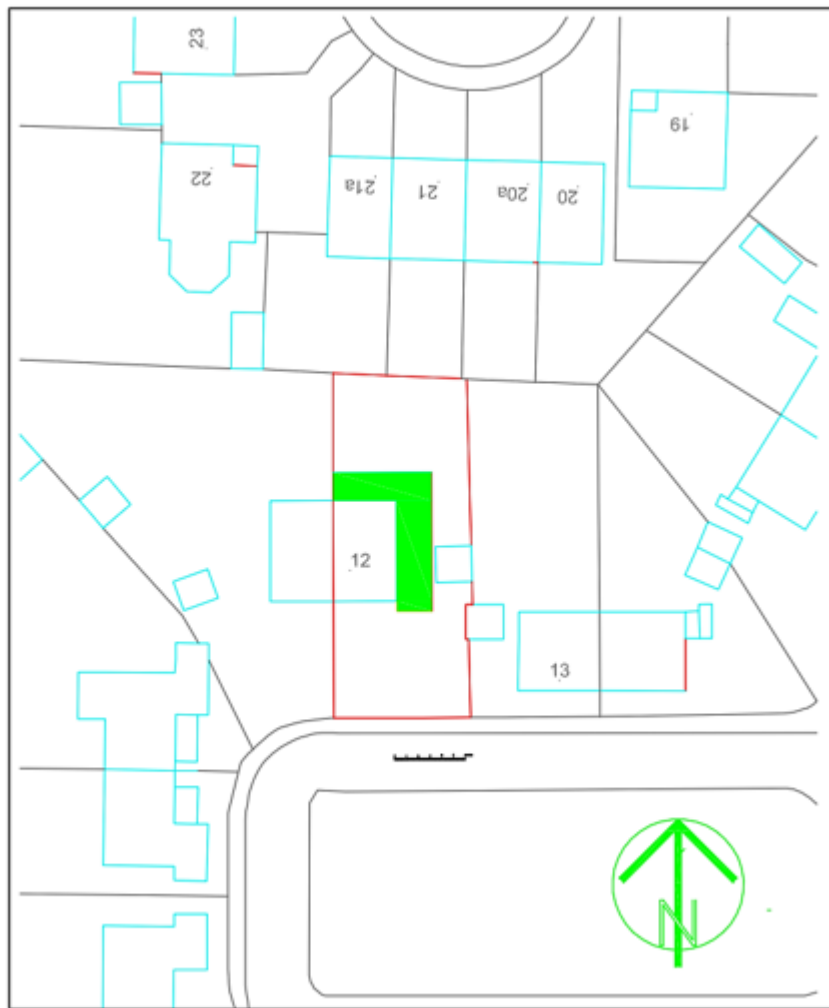
<https://pa.sevenoaks.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q3DAV4BK0RX00>



**BLOCK PLAN**



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4.2 19/02971/FUL Date expired 26 December 2019

Proposal: Demolition of existing garage and erection of two single garages to serve plots 1 and 2, to be constructed and occupied only in connection with the two dwellings approved under consent references SE/18/00158/OUT and SE/18/02903/CONVAR.

Location: Summerhill, Seal Hollow Road, Sevenoaks KENT TN13 3SH

Ward(s): Sevenoaks Eastern

### Item for decision

This application has been called to the Development Control Committee by Councillor Clayton on the grounds that that the proposal would impact the adjacent protected Oak tree.

RECOMMENDATION: That had Members decided the application they would have resolved to GRANT planning permission subject to the following conditions since the application has been appealed on non-determination:

- 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: PL/552/10 Rev.B, PL/552/11 Rev.B, PL/552/12 Rev.B, PL/552/13 Rev.A and SH/TPP/1580-02-A.

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

- 3) The materials to be used in the construction of the development shall be those indicated on the approved plan PL/552/11 Rev.B and PL/552/12 Rev.B.

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

- 4) The development shall be carried out wholly in accordance with the Arboricultural Report produced by Sylanarb, dated 21 October 2019 and the Tree Protection Plan SH/TPP/1580-02-A.

To ensure the long term retention of the adjacent protected Oak tree in accordance with the National Planning Policy Framework.

- 5) Prior to the commencement of the development, a detailed method statement relating to the demolition of the existing garage and the erection of the new garage building to the south-west corner of the site shall be submitted to and approved in writing by the local planning authority. The statement shall detail how the existing garage might be used during the course of the development of

## Agenda Item 4.2

the wider site, how the demolition of the garage and removal of the existing slab would be carried out, how the additional excavation works would be carried out, how the new slab would be formed, how the new garage would be constructed, how the raised ground to the front and rear of the garage would be treated and how the whole process would be monitored. The development shall be carried out in accordance with the approved method statement.

To ensure the long term retention of the adjacent protected Oak tree in accordance with the National Planning Policy Framework.

### **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.

### **Appeal Background**

- 1 Members will note the applicant has lodged an appeal against non-determination of this application. Therefore it removes our powers to determine this planning application. The purpose of this committee report, is to inform the Planning Inspectorate of what our views are on the proposed scheme.

### **Description of site**

- 2 The site comprises a large detached dwelling and detached garage building, set back a significant distance from Seal Hollow Road. The site is located just to the north-west of the junction with Blackhall Lane and shares boundaries with properties on Hillborough Avenue and Wildernesse Mount.
- 3 The dwelling is set within a spacious plot that generally reflects the pattern of development in the locality. The land generally rises up beyond to the site and beyond and a shared driveway access serves the site and Salterns to the south of the application site, which runs between Levenhurst and Sealcot.
- 4 There is an existing mature oak tree located within the boundary of Salterns, the canopy of which overhangs the boundary with the application site.

### **Description of proposal**

- 5 The application seeks approval for the erection of two detached garages to serve the two new dwellings granted planning permission under 18/00158/OUT and 18/02903/CONVAR.



- 6 The garages would be single bay and single storey in height. One garage would replace the existing garage building to the south-west corner of the site to serve Plot 2 and the other would be situated towards the eastern boundary of the site, serving Plot 1

**Relevant planning history**

- 7 19/01237/REM - Reserved matters (Appearance, Landscaping) pursuant to condition 1 of application 18/02903/CONVAR - demolition of existing dwelling and construction of 2 replacement dwellings - Granted.
- 8 18/02903/CONVAR - Variation of condition 5 (scale parameters) and 13 (approved plans) of 18/00158/OUT for demolition of existing dwelling and construction of 2 replacement dwellings with some matters reserved - GRANTED.
- 9 18/02277/CONVAR - Removal of condition 5 (scale parameters) and variation of condition 13 (approved plans) of 18/00158/OUT for demolition two detached dwellings and garaging facilities; erection of 4 detached dwellings, garages and associated works with amendment to the requirement that development shall be carried out in accordance with the following approved plans: 4658-PD4-03, 4658-PD4-06 and 4658-PD4-07 - REFUSED.
- 10 18/00158/OUT - Outline application for access, layout and scale for the demolition of existing dwelling and construction of 2 replacement dwellings with some matters reserved - GRANTED.

**Policies**

- 11 National Planning Policy Framework (NPPF)
- 12 Core Strategy (CS)
- LO1 Distribution of Development
  - LO2 Development in Sevenoaks Urban Area
  - SP1 Design of New Development
- 13 Allocations and Development Management Plan (ADMP)
- SC1 Presumption in Favour of Sustainable Development
  - EN1 Design Principles
  - EN2 Amenity Protection
  - T2 Vehicle Parking
- 14 Other:
- Residential Extensions Supplementary Planning Document (SPD)
  - Sevenoaks Residential Character Area Assessment Supplementary Planning Document (SPD)

## Agenda Item 4.2

### Constraints

15 The following constraints apply to the site:

- Built urban confines of Sevenoaks
- Partially within an Area of Archaeological Potential (western portion of the site)
- Adjacent protected Oak tree
- Source Protection Zone

### Consultations

16 Sevenoaks Town Council

“Sevenoaks District Council recommended REFUSAL, on the following grounds:

- The continued additional risk posed to the mature Oak Tree which has a TPO in place, given that the most recent documentation provided by the applicant is unclear with regards to the exact nature and thickness of the concrete stand of the garage to Plot 2, which is situated within the Root Protection Area.
- Overdevelopment of the site and density issues.
- The proposal is not consistent with guidance contained within the Residential Character Area Assessment SPD.”

17 Tree Officer

“I have read the additional comments provided by the developer and those submitted by the Arboriculturist. I would have preferred the replacement garage to be installed outside of the RPA of the adjacent Oak tree. However, if this no longer viable I request that the replacement be constructed in accordance with the proposals as specified by the Arboriculturist and that the excavation and construction processes be adequately monitored.”

### Representations

18 We received 4 letters of objection relating to the following issues:

- Size of the proposed slab for the garage adjacent to the protected Oak tree and the impact on the root protection area for the tree
- Monitoring of work during the construction phase
- Use of the garage as the site office and welfare facilities during the construction phase
- Over development of the site
- The phased increase in development across the site
- The tree is less adaptable today compared with when the exiting garage was erected, given its age
- An alternative design solution exists

- Failure to comply with BS 5837:2012 (Trees in Relation to Design, Demolition and Construction - Recommendations)
- How the raised ground level would be treated
- Proposed position of the protective fencing to be erected on the site

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

19 The main planning consideration are:

- Principle of the development
- Impact on the adjacent protected tree
- Impact on the street scene and character and appearance of the area
- Impact upon the residential amenity of neighbouring properties
- Impact upon highway safety

### **Principle of the development**

20 The site falls within the built confines of Sevenoaks and so policy LO2 of the Core Strategy applies. This policy seeks to protect the setting of the urban area and the distinctive character of the local environment.

21 It is considered that the site is suitable for ancillary residential development, given that it currently has a residential use, has permission for the erection of two new dwellings, located close to the services offered within Sevenoaks Town Centre, and would protect the setting of the urban area and the distinctive character of the local environment.

22 The proposal therefore wholly complies with policy LO2 and the principle of the development of the site is one that the Council could accept provided the scheme complies with all other relevant development plan policies.

### **Impact on the adjacent protected tree**

23 The NPPF, at paragraph 175, states that when determining planning applications, local planning authorities should apply a number of principles. These include the fact that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

24 As part of their assessment of the scheme as it was originally submitted, our Arboricultural and Landscape Officer raised a number of queries. These related to the detailing of the proposals and the potential impact that the replacement garage, proposed to serve Plot 2, could have on the root protection area of the protected Oak tree, which stands within Salterns.

25 In response to the above, the applicant has confirmed that the replacement garage would be constructed under the arboricultural advice provided and in accordance with construction methods under BS 5837:2012.

## Agenda Item 4.2

- 26 The proposed garage is to be built off a reinforced concrete slab, constructed within the depth of the existing garage floor slab, resulting in no further excavation within this area.
- 27 In terms of the increase in the size of the slab to accommodate the larger building, the applicant explains that the enlargement of the slab would total an additional 4m<sup>2</sup>, which it is claimed is less than 1% of the total root protection area of the adjacent Oak tree.
- 28 The application also details that the new sub base would be laid with no dig restrictions. This means that the excavation of any soil would only be carried out by hand. Finally, the applicant proposes to use an impermeable membrane beneath the new concrete slab to avoid any soil contamination.
- 29 Our Arboricultural and Landscape Officer has indicated that his preference would be for the replacement garage to be installed outside of the root protection area of the adjacent Oak tree.
- 30 However, we are presented with an application to assess the acceptability of the replacement of the existing garage within the RPA of a protected oak tree. Our Arboricultural and Landscape Officer has indicated that the replacement garage in the same location can be carried out subject being constructed in accordance with the proposals as specified by the arboricultural advice received by the applicant and that the excavation and construction processes be adequately monitored.
- 31 In order to do this a condition has been recommended, which requires the submission of a detailed method statement that includes how the development would be carried out, including monitoring of the groundworks, to safeguard the health of the adjacent protected tree. This would be pre commencement condition.
- 32 In light of all the information submitted as part of the application and the recommended conditions proposed, this would ensure the long term retention of the adjacent protected Oak tree in accordance with the NPPF.

### **Impact on the street scene and character and appearance of the area**

- 33 The NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities (para. 124).
- 34 Policy SP1 of the Core Strategy and policy EN1 of the ADMP state that all new development should be designed to a high quality and should respond to and respect the character of the area in which it is situated.
- 35 The Sevenoaks Residential Character Area Assessment SPD highlights several locally distinctive positive features for the Wildernesse Mount Area. This includes individually designed, mostly two storey detached houses that are set back from the road with gaps between buildings, and hedged and tree boundaries. In proposing new development within the Wildernesse Mount Area the SPD states that development should be set back from the road and

retain space between buildings, and mature trees and hedged boundaries which contribute to the character of the area should be retained.

- 36 As noted above, the site is set back a significant distance from Seal Hollow Road. There is, however, a limited view into the site along the shared access driveway that serves the existing property and Salterns.
- 37 This view is mainly of the existing garage that stands in the south-western corner of the site. The proposed garage building would therefore be equally visible, with the second garage screened by Levenhurst.
- 38 The proposed buildings would be modest sized, single storey, single bay garages. As seen within the street scene these would therefore continue to appear well set back from the street and the landscaping that would surround the buildings would be unaffected.
- 39 Due to the modest size of the buildings, including their footprint, the proposed cumulative built form on the site would not result in an over development or a cramped form of development.
- 40 The proposal would, therefore, respect the street scene and preserve the character and appearance of the area in compliance with the NPPF, policy SP1 of the Core Strategy, policy EN1 of the ADMP and the Sevenoaks Residential Character Area Assessment SPD.

#### **Impact upon the residential amenity of neighbouring properties**

- 41 Paragraph 127 of the NPPF states that planning decisions should ensure that developments create a high standard of amenity for existing and future users.
- 42 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. This policy also states that proposals will be permitted where they would provide adequate residential amenities for existing and future occupiers of the development.
- 43 The garage building proposed to serve Plot 1 would be situated a minimum of approximately 23m from the rear wall of Levenhurst and Dawning House to the east of the site.
- 44 The garage proposed to serve Plot 2 would be a minimum of approximately 13m from Salterns to the south of the site.
- 45 Given the proposed relationships and the distances of separation retained, the development would safeguard the amenities of the existing and future occupiers of nearby properties.
- 46 The garage proposed to serve Plot 2 would be a minimum of approximately 9m from the front of both approved units. The outbuilding to serve Plot 1 would be to the eastern flank of the approved dwelling.

## Agenda Item 4.2

- 47 Due to these proposed relationships it is also the case that the development would provide adequate residential amenities for future occupiers of Plots 1 and 2.
- 48 Overall, the development would be in accordance with the NPPF and policy EN2 of the ADMP.

### Impact upon highway safety

- 49 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.
- 50 Policy EN1 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking. Policy T2 of the ADMP states that vehicle parking provision should be made in accordance with the current KCC vehicle parking standards in Interim Guidance Note 3 to the Kent Design Guide (or any subsequent replacement).
- 51 The proposed garages buildings would not alter the access to the site for vehicles or pedestrians.
- 52 The proposed buildings would not affect the layout of the approved development for the two new dwellings in such a way as to preclude access to the parking proposed for the development.
- 53 The development would therefore be in compliance with the NPPF and policies EN1 and T2 of the ADMP.

### Other issues

- 54 In response to the matters raised by the representations received, which are not covered in the main body of the report above, it is considered that conditions requiring adherence to the submitted arboricultural report and a detailed method statement are sufficient to ensure that the protected tree would not be damaged by the works to complete the proposed development.
- 55 The method statement would also identify any use of the existing garage as a site office and welfare facilities during the construction phase and how the raised ground levels would be treated.
- 56 Any phased approach to gaining planning permission for development on the site is not a material consideration to the assessment of this planning application.
- 57 Our Arboricultural and Landscape Officer has assessed the scheme and found it to be acceptable. This assessment would take account of all aspects of the health of the tree including its adaptability and the appropriateness of the positioning of the protective fencing to be erected during construction works.

- 58 The British Standard for trees comprises recommendations in relation to design, demolition and construction. This document does not, therefore, form part of the development plan, against which planning applications are considered. The proposed development is deemed to be acceptable when assessed against the development plan.

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

- 59 This proposal is not CIL liable.

#### **Conclusion**

- 60 The proposal complies with the development plan.
- 61 It is therefore recommended that the Council resolves to inform the Inspector that had we made a decision on the application it would have been to GRANT planning permission for the proposed development.

#### **Background papers**

Site and block plan

Contact Officer(s): Mike Holmes

Contact : 01732 227000

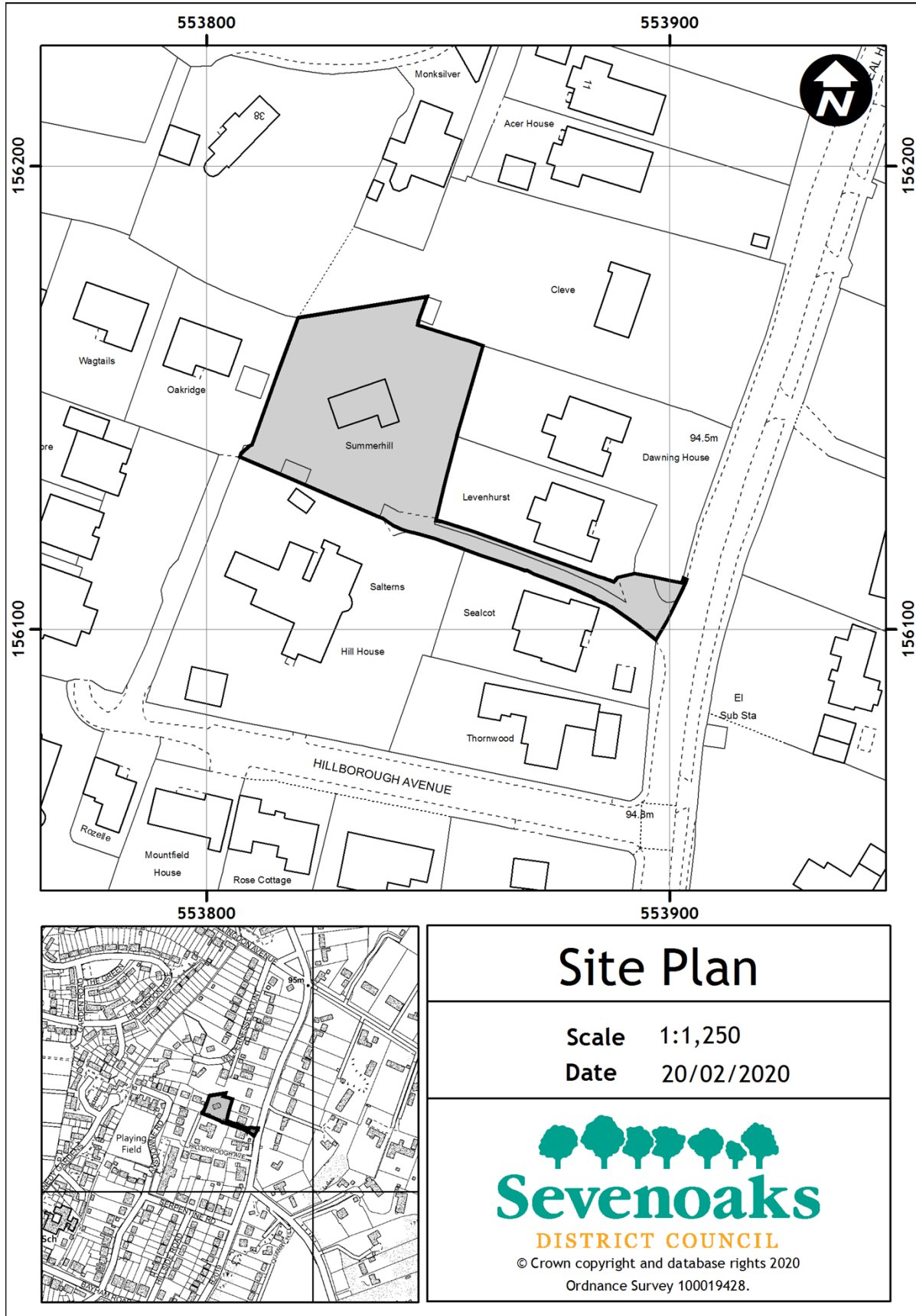
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

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

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PZS9LKBKGGR00>







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Planning Application Information on Public Access - for applications coming to

DC Committee on Thursday 12 March 2020

**4.1 19/03581/HOUSE - 12 Bullfinch Close, Sevenoaks**

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=Q3DAV4BK0RX00>

**4.2 19/02971/FUL - Summerhill, Seal Hollow Road, Sevenoaks**

Link to applications details:

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

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PZS9LKBKGGR00>

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