

02 July 2020 at 3.00 pm

This meeting will be held virtually via Zoom
and livestreamed here:

https://www.youtube.com/channel/UCIT1f_F5OfvTzxjZk6Zqn6g

Despatched: 24.06.20



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. Minutes To approve the minutes of the meeting of the Committee held on 11 June 2020, as a correct record.	(Pages 1 - 10)	
2. Declarations of Interest or Predetermination Including any interests not already registered		
3. Declarations of Lobbying		
4. Planning Applications - Chief Officer Planning and Regulatory Services' Report		
4.1 20/00329/FUL - Mills Family Ltd, Axel House, 3 London Road Farningham KENT DA4 0JP Change of use from former telephone exchange B1 to place of worship D1.	(Pages 11 - 26)	Claire Shearing 01732 227000
4.2 20/00266/FUL - Land To The East Of The Cottage, Badgers Road, Badgers Mount KENT TN14 7AY Erection of single storey detached 4 bedroom dwelling with basement, sedum green roof incorporating excavation of land along with secure bin, cycle storage and bio solar panels, landscaping and vehicle parking.	(Pages 27 - 48)	Guy Martin 01732 227000

**4.3 20/00922/HOUSE - Halehurst, Fawkham
Green Road, Fawkham KENT DA3 8NW**

(Pages 49 - 60)

Hayley Nixon
01732 227000

Loft conversion with two front dormer and one rear dormer.

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.

At this time of national emergency it is necessary to observe social distancing to limit the spread of Covid-19. For this reason the Council is unable to arrange site visits in the established manner and therefore requests for site visits will not be taken.

Please note that due to the earlier time of the meeting, speakers should register by 1pm on the day of the meeting.

Any slides speakers may wish to have displayed at the meeting should be emailed to dc.committee@sevenoaks.gov.uk , by 1pm the day before the meeting.

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

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

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 11 June 2020 commencing at 3.00 pm

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

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

Apologies for absence were received from Cllrs. Firth and Williamson

Cllrs. G. Darrington and Thornton were also present.

75. Minutes

Resolved: That the Minutes of the Development Control Committee held on 21 May 2020, be signed by the Chairman as a correct record.

76. Declarations of Interest or Predetermination

Councillor Ball declared that for Minute 78 - 19/01338/FUL 20 Kettlewell Court, Swanley, KENT BR8 7BP, and Minute 79 - 19/01339/FUL Garages North Of, 40 - 48 Northview, Swanley KENT BR8 7BQ, he had previously considered the matters when they were discussed by Swanley Town Council, but remained open minded.

Councillor P Darrington declared that for Minute 78 - 19/01338/FUL 20 Kettlewell Court, Swanley, KENT BR8 7BP, and Minute 79 - 19/01339/FUL Garages North Of, 40 - 48 Northview, Swanley KENT BR8 7BQ, the applications were within his ward, but he remained open minded.

77. Declarations of Lobbying

Councillors Ball, Barnett, Cheeseman, Perry Cole, Coleman, P Darrington, Hudson, Hunter, McGarvey, Pett, Purves, Raikes and Reay declared that they had been lobbied in respect of Minute 78 - 19/01338/FUL 20 Kettlewell Court, Swanley, KENT BR8 7BP, and Minute 79 - 19/01339/FUL Garages North Of, 40 - 48 Northview, Swanley KENT BR8 7BQ.

Councillor Brown declared that he was aware of emails but had not read them.

RESERVED PLANNING APPLICATIONS

The Committee considered the following planning applications:

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78. 19/01338/FUL - 20 Kettlewell Court, Swanley, Kent BR8 7BP

The proposal sought planning permission for demolition of garages to provide 4 no. 2 bedroom houses. The application had been referred to Development Control Committee by Councillor G. Darrington on the grounds that the proposal would impact the character and appearance of the area, parking provision, highways safety, residential amenity and access for those with disabilities.

Members' attention was brought to the main agenda.

The Committee was addressed by the following speakers:

Against the Application:	Rita Wood
For the Application:	Charlie Buckley
Parish Representative:	-
Local Member:	Cllr G Darrington

Members asked questions of clarification from the speakers and officers. Members' attention was brought to condition 11 for ramp access, and condition 9 with regards to refuse storage.

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 planning permission be granted subject to the following conditions

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

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

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 18863-PL-00, 18863-PL-01 Rev.A, 18863-PL-02, 18863-PL-03 and 18863-PL-S-01 Rev.D.

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

- 3) Prior to the commencement of the works to erect the new dwellings hereby approved, full details of the materials to be used in the construction of the external surfaces of the dwellings 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 is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 4) Prior to the completion of the development, full details of hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Those details shall include:- hard landscaping plans (identifying the finishing materials of areas of hard landscaping and details of all fencing);-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);- full details of all proposed boundary treatment; and- measures incorporated into the development to enhance the biodiversity of the site. The approved details shall be carried out prior to the first occupation of the development hereby granted. 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, 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.

- 5) The window(s) in the first floor side facing elevation(s) of the development hereby permitted shall be glazed with obscure glass of no less than obscurity level 3 and permanently fixed shut, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall thereafter be permanently retained as such.

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

- 6) The proposed communal parking area shall be provided in accordance with the approved plan 18863-PL-S-01 Rev.D and retained thereafter without obstruction to vehicular access to the parking area. The parking spaces shall be unallocated for use by both new residents of the development and existing residents.

To ensure a permanent retention of vehicle parking for the development and in the interest of highway safety as supported by policies EN1 and T2 of the Sevenoaks Allocations and Development Management Plan.

- 7) Prior to first occupation of the new dwellings hereby approved, at least one electrical charging point for the safe charging of electric vehicles shall be provided and maintained within the communal parking area for the development.

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

- 8) Prior to the commencement of development on the site, a detailed construction management plan shall be submitted to and approved in

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writing by the local planning authority. The construction management plan shall include such matters as storage of materials, turning of delivery vehicles, parking for operatives, wheel washing, times of operation/construction works and details of delivery arrangements. The development shall be carried out in accordance with the approved construction management plan.

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

- 9) Prior to the completion of the development, full details of refuse storage 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 retained thereafter.

To safeguard the character and appearance of the area and to preserve highway safety in accordance with policy EN1 of the Sevenoaks District Allocations and Development Management Plan.

- 10) Prior to the completion of the development full details of the shed/cycle stores indicated on the approved plan 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 safeguard the residential amenity of nearby residents in accordance with policy EN2 of the Sevenoaks District Allocations and Development Management Plan.

- 11) Notwithstanding the details on the approved plans, prior to the completion of the development full details of a ramp to provide access for all to the south-east corner of 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 prior to the first occupation of the development and retained thereafter.

To ensure that the development provides access for all in accordance with policy EN1 of the Sevenoaks District allocations and Development Management Plan.

- 12) Prior to the installation of external lighting within the application site, full details of the external lighting 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 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) New build developments or converted properties may require street naming and property numbering. You are advised, prior to commencement, to contact the Council's Street Naming and Numbering team on 01732 227328 or visit www.sevenoaks.gov.uk for further details.
- 3) It appears that the proposal involves works that affect the highway and / or its verge. Before commencing such works, you must obtain the separate consent of the Highway Authority. Please contact Kent Highway Services, Network Operations on 01474 544068.

79. 4.2 19/01339/FUL - Garages North of, 40 - 48 Northview, Swanley, Kent, BR8 7BQ

The proposal sought planning permission for demolition of garages to provide 6 no. 1 bedroom flats. The application had been referred to Development Control Committee by Cllr G Darrington and Councillor Andrews on the grounds that the proposal would impact the character and appearance of the area, parking provision, highways safety, residential amenity and access for those with disabilities.

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

The Committee was addressed by the following speakers:

Against the Application:	Peter Brown
For the Application:	Charlie Buckley
Parish Representative:	-
Local Member:	Cllr G Darrington

Members asked questions of clarification from the speakers and officers. It was confirmed that current footpaths were being retained with clear routes. Some question arose with regards to the width of a footpath being used by residents (to access the rear of 1-4 Kettlewell Court) and it was clarified that the footpath in question was outside of the application boundary and therefore could not be a consideration. It was confirmed that the usual tests had been applied with regards to loss of light and had been satisfied, and that the one balcony was conditioned to have a screen imposed.

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

Members discussed the application, in particular the questions being raised by the speaker on access.

In order to move the debate on and continue with planning considerations for the site in question, and after seeking officer advice and willingness from the speaker representing the applicant: an amendment was moved by Councillor Hunter and duly seconded that an additional informative (4) be added requesting the applicant be encouraged to look at widening the footways outside of the application site within their ownership and control, which linked the surrounding properties; and that they engage with the local ward members and local residents in drawing up such widening improvements.

The amendment was put to the vote and was carried.

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

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

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

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

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 18862-PL-00, 18862-PL-01, 18862-PL-02, 18862-P-03 Rev.A, 18862-P-04 and 18862-PL-S-01 Rev.D.

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

- 3) The materials to be used in the construction of the external surfaces of the development hereby approved shall be those indicated on the approved plans 18862-P-03 Rev.A and 18862-P-04 or alternative materials, details of which shall be submitted to and approved in writing by the local planning authority prior to the construction of the building above the damp proof course.

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) Prior to the completion of the development, full details of hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Those details shall include: - hard landscaping plans (identifying the finishing materials of areas of hard landscaping and details of all fencing); - 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); - full details of all proposed boundary treatment;

and- measures incorporated into the development to enhance the biodiversity of the site. The approved details shall be carried out prior to the first occupation of the development hereby granted. 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, 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.

- 5) The window(s) in the first floor southwest facing elevation(s) of the development hereby permitted shall be glazed with obscure glass of no less than obscurity level 3 and permanently fixed shut, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall thereafter be permanently retained as such.

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

- 6) Prior to the completion of the development, details of a privacy screen to be erected on the southern edge of the rear facing balcony serving Flat 6 as shown on approved plan no. 18862-PL-01 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 the screen shall be maintained thereafter.

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

- 7) The proposed communal parking area shall be provided in accordance with the approved plan 18863-PL-S-01 Rev.D and retained thereafter without obstruction to vehicular access to the parking area. The parking spaces shall be unallocated for use by both new residents of the development and existing residents.

To ensure a permanent retention of vehicle parking for the development and in the interest of highway safety as supported by policies EN1 and T2 of the Sevenoaks Allocations and Development Management Plan.

- 8) Prior to first occupation of the new dwellings hereby approved, at least one electrical charging point for the safe charging of electric vehicles shall be provided and maintained within the communal parking area for the development.

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

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- 9) Prior to the commencement of development on the site, a detailed construction management plan shall be submitted to and approved in writing by the local planning authority. The construction management plan shall include such matters as storage of materials, turning of delivery vehicles, parking for operatives, wheel washing, and times of operation/construction works and details of delivery arrangements. The development shall be carried out in accordance with the approved construction management plan.

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

- 10) Prior to the completion of the development, full details of refuse storage for the development shall be submitted to and approved in writing by the local planning authority. The capacity of the bins to be provided shall be 1100 litre bins and the development shall be carried out in accordance with the approved details and retained thereafter.

To safeguard the character and appearance of the area and to preserve highway safety in accordance with policy EN1 of the Sevenoaks District Allocations and Development Management Plan.

- 11) Prior to the completion of the development full details of the cycle store indicated on the approved plan 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 safeguard the character and appearance of the area in accordance with policy EN1 of the Sevenoaks District Allocations and Development Management Plan.

- 12) Prior to the installation of external lighting within the application site, full details of the lighting 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 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) New build developments or converted properties may require street naming and property numbering. You are advised, prior to commencement, to contact the Council's Street Naming and Numbering

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team on 01732 227328 or visit www.sevenoaks.gov.uk for further details.

- 3) It appears that the proposal involves works that affect the highway and / or its verge. Before commencing such works, you must obtain the separate consent of the Highway Authority. Please contact Kent Highway Services, Network Operations on 01474 544068.
- 4) The applicant is encouraged to look to widen the footways outside of the application site, but within their ownership and control, which link the surrounding properties. The applicant is advised to engage with the local ward members and local residents in drawing up such widening improvements.

THE MEETING WAS CONCLUDED AT 5.20 PM

CHAIRMAN

- 4.1 20/00329/FUL Revised expiry date 6 July 2020
- Proposal: Change of use from former telephone exchange B1 to place of worship D1.
- Location: Mills Family Ltd, Axel House, 3 London Road Farningham
KENT DA4 0JP
- Ward(s): Farningham, Horton Kirby & South Darent

Item for decision

The application has been referred to Committee by Councillor McGarvey for reasons including: adverse impact on neighbours in a residential area; the lack of benefit to the existing community; insufficient parking provision; flawed marketing for continued office use; and unproven need.

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

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

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: Location Plan; 679-02/A, 679-03.

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

3) The building shall be used only as a place of worship and shall not be used for any other use falling within the D1 use class of the Town and Country Planning (Use Classes) Order 1987 (as amended).

To preserve the amenities of nearby residents and to protect highway safety, to comply with policies EN1, EN7 and T2 of the ADMP.

4) No more than 25 people shall attend the building at any one time.

To preserve the amenities of nearby residents and to protect highway safety, to comply with policies EN1, EN7 and T2 of the ADMP.

5) The building shall only be used for services carried out between the hours of 07:00 and 08:30 on Sundays and 18:15 and 20:15 on Mondays. There shall be no use of the building prior to 06:45 on Sundays and after 20:30 on Mondays or at any other times.

To preserve the amenities of nearby residents and to comply with policies EN2 and EN7 of the ADMP.

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6) There shall be no amplified sound or amplified music generated at the site at any time.

To protect the amenities of nearby residents, to comply with policies EN2 and EN7 of the ADMP.

7) Prior to the first use of the building, secure cycle parking facilities shall be provided for a minimum of two cycles and these shall be maintained and available for use at all times.

To ensure that facilities are provided to encourage sustainable transport to the site, to comply with policy SP2 of the Core Strategy.

8) The hardstanding to the front of the building shall remain available for parking and free of obstruction at all times.

To ensure that the parking area remains available for use as such at all times and to ensure compliance with policies EN1 and T2 of the ADMP.

Informatives

1) The applicant is reminded that new gates to the front of the site do not form part of this planning permission.

National Planning Policy Framework

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

Description of Site

- 1 The application site is located on the north eastern side of London Road, within the confines of Farningham.
- 2 The site contains a detached single storey brick building with pitched roof. The building is set back from the street with an area of hard surfacing and vehicular access at the front.
- 3 To the north the site directly adjoins the access to the BT Exchange building, which sits behind the site. No.5 London Road sits to the other side of that access. To the south the site neighbours No.1 London Road. Both are residential properties and this part of London Road is characterised predominantly by residential uses.

Description of Proposal

- 4 Planning permission is sought for the change of use of the site to a place of worship.
- 5 Additional information was received during the course of the application. This included additional information regarding noise disturbance and confirmation of a change in the time for Sunday services to commence.

Relevant Planning History

- 6 15/0550/PAC- Application for prior approval for the change of use of the site from B1 to a C3 (residential) use. The Council confirmed that prior approval was not required, in line with Class O, Part 3 of the General Permitted Development Order. Not implemented.
- 7 06/03033/FUL- Planning permission granted at appeal for alterations to windows and roof lights to facilitate creation of additional office floor space.
- 8 98/01523/HIST- Planning permission refused for change of use to 3 dwellings with extensions.
- 9 79/01430/HIST- Planning permission refused for use of the building for storage.
- 10 SE/79/1313- Planning permission granted for change of use to offices, specifically for 'micro electric systems and the assembly of prototype units'. Condition 5 (restricting the permission to personal use) was removed by application 02/02004/CONVAR.

Policies

- 11 Core Strategy (CS)
 - SP1 Design of New Development and Conservation
 - SP2 Sustainable Development
 - SP8 Economic Development and Land for Business
 - L07 Development in Rural Settlements
- 12 Allocations and Development Management (ADMP)
 - SC1 Presumption in Favour of Sustainable Development
 - EN1 Design Principles
 - EN2 Amenity Protection
 - EN4 Heritage Assets
 - EN5 Landscape
 - EN7 Noise Pollution
 - EMP5 Non Allocated Employment Sites

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13 Other:

NPPF and Planning Practice Guidance

Kent County Council Parking Standards

Constraints

14 The site lies within the following constraints:

- Farningham Conservation Area
- AONB
- Area of archaeological potential
- Tree preservation order (within the front garden of 1 London Road)

Consultations

15 Farningham Parish Council - Objection:

“It is inappropriate development and unsympathetic use in a residential setting; insufficient parking provision; not providing any benefit to the local community; loss of employment opportunities and failure to properly market the premises for employment/ offices; misleading/ untrue assertions in the application and supporting documentation.”

16 Additional comments have been provided by the Parish which can be summarised as follows:

- Inadequate parking on the frontage;
- There are 6 churches in Farningham and Eynsford already;
- Unlikely to serve the local population;
- Concerns for users travelling from south east London;
- Concerns for the marketing undertaken;
- The site has been used as offices for many years, not a telephone exchange;
- Concerns for operating/ opening hours;
- Concerns for lack of public transport, particularly on Sundays and inaccuracies/ contradictions in the applicant’s documents;
- Enforcement issues with other uses in the area.

17 Environmental Health:

18 First Consultation (summary):

- Agree that the use with unamplified voices and unaccompanied with music on 2 days would only have a minor impact on the nearest sensitive dwellings.
- Concern for potential other uses or activities.

- Concern for noise generated by vehicles, particularly in the early morning rising above background noise levels. Questioned whether conditions could restrict vehicle access or numbers.
- In summary at this time, not fully accepted that there would be no impact on local residents especially for the early Sunday activity.

19 Second Consultation:

“Having reviewed the additional submissions I am satisfied that the proposed use is unlikely to have an adverse effect on nearby residents and therefore I am happy to support this application.”

20 KCC Highways and Transportation:

21 First Consultation (summary):

- According to the Planning Statement the maximum numbers would be 25.
- Parking standards require 1 parking space per 5 seats for a place of worship, equating to 5 spaces.
- Those travelling from locally may use sustainable transport means.
- The minimum number of cycle parking spaces in line with SPG4 would be 1 per 100sqm GFA. The proposal for 2 cycle parking spaces is adequate.
- According to the documents, traffic generation would be limited to Monday evening and Sunday morning, both at off-peak times. It is accepted that traffic generation would be less than the existing office use at peak times and therefore it would not justify any objection on the grounds of traffic generation.
- The above is reliant on the stated restrictions on the number of attendees and hours of house. Recommend conditions.
- Possibly a temporary permission may be appropriate to allow the situation to be assessed again after that period, eg 3 years.
- A condition is recommended to ensure that any gates across the access open away from the carriageway and a minimum of 5m from the edge of the carriageway so not to obstruct the road.

22 Second Consultation:

“I refer to my previous response dated 24th March 2020 and confirm that the additional information submitted does not appear to concern any highway issues associated with the application.”

23 SDC Tree Officer

“This proposal appears to just be a change of use with no alterations to the grounds or vegetation referred to. This being the case I have no further comments.”

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Representations

- 24 Two rounds of public consultation have been undertaken. The second followed the submission of additional information by the applicant.
- 25 Objections have been received from 27 addresses and in some instances addresses have commented more than once. The issues raised may be summarised as follows:
- No demand for a place of worship above the existing ones;
 - Significant existing parking pressures and parking restrictions;
 - Lack of public transport;
 - Off street parking area would fail to meet demand;
 - Many existing properties do not have existing off street parking so rely on the street;
 - Decrease in road safety- London Road is a busy cut-through;
 - Pollution;
 - Question of fire safety of so many users in one building;
 - Harm to living conditions of residential properties- noise disturbance, particularly on a Sunday;
 - Increased pressure to alter the existing building and harm to the Conservation Area;
 - Crowds in Swanley from this organisation would cause detriment;
 - Congregation may not be local;
 - The building is an opportunity for a use that would serve the village;
 - Lack of public benefit;
 - Lack of consultation;
 - Concerns for monitoring and enforcement;
 - Effects on property value;
 - Nearby alternatives;
 - Potential crime and cultural differences
 - Covid-19 and associated restrictions on gatherings would make this use a risk to the village;
 - In light of Covid-19 people have to walk in the road for social distancing- further risk to pedestrians
- 26 An objection is also noted from Councillor Carroll.
- 27 Comments in support of the application have been received from 6 addresses, including those from the potential congregation. The planning issues raised in support of the application can be summarised as follows:
- The proposed congregation
 - Would be within walking and cycling distance;
 - The existing use could be used more intensively with more traffic and deliveries;
 - Users would park in the existing parking area;
 - The use would only operate at quiet times;
 - Existing building is kept as it is;
 - Other options would have a worse impact

Chief Officer Planning and Regulatory Services' Appraisal

Principle Issues

- 28 The main planning considerations are:
- The principle of the change of use and loss of existing use;
 - Impact on residential amenity;
 - Impact on highways and parking;
 - Impact on the Conservation Area and AONB.

The principle of the change of use and loss of existing use

- 29 The previous use of the site is understood to have been offices (B1) and this use is unrestricted due to the permission granted in 2002 which removed restrictions on the occupants.
- 30 ADMP policy EMP5 refers to non-allocated employment sites and states that when considering proposals for the creation or loss of business uses on unallocated sites, the Council will assess the impact of the proposals on the environment, local economy and local community. It goes on to state "The Council will permit the loss of non-allocated lawful business premises and sites to other uses provided it can be demonstrated, to the satisfaction of the Council, that the site has been unsuccessfully marketed for the re-use in employment for a period of at least 6 months and that there is no reasonable prospect of their take up or continued use for business use at the site/ premises in the longer term."
- 31 The applicant's Planning Statement states at para 5.19 that "appropriate marketing by Linays did not reveal an interest in the property other than that expressed by the applicant". The applicant has submitted details of some of the marketing material for the building, however this is undated and does not detail the price sought for the use of the building. There is no commentary provided by the applicant to satisfy Officers that the building was marketed for a reasonable period of time or for a reasonable price. As such I am not satisfied that there is no prospect of the building being used again for B1 purposes.
- 32 Concern has also been expressed through the public consultation process for the robustness of the marketing strategy.
- 33 Despite this, it is relevant that in 2015 the Council confirmed that prior approval was not required for the change of use of the existing building to a residential dwelling. It is still the case that provisions for the change of use of offices to dwellings still exist within the Town and Country Planning (General Permitted Development) Order, within Class O. The existing office use could therefore be lost without the need for planning permission.

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- 34 Policy TLC4 of the ADMP refers to the range of uses within those neighbourhood and village centres defined by Appendix 8 of the ADMP. Farningham does not appear as one of those centres defined by Appendix 8, and therefore this policy is not considered directly applicable to these proposals.
- 35 The proposals seek to provide a place of worship which is widely considered to be a social and community use. The provision of such uses in rural settlements such as Farningham is supported by policy L07 of the Core Strategy.
- 36 Overall, while it has not been demonstrated that the site has been robustly marketed or could not be occupied for a B1 use again, it is relevant that the government give provisions for the change of use of the building away from office use without the need for planning permission. The proposed use in this instance is also one which is supported by policy and for these reasons, the proposed change of use is acceptable.

Impact on residential amenity

- 37 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing residents. The site is located within a predominantly residential area and there is potential for the proposals to cause noise disturbance to local residents through the use of the building and also by the associated vehicle movements.
- 38 The Planning Statement and additional information, details the following:
- that the use would only take place on two days of the week;
 - services would be 90 minutes on Sunday morning (from 7am) and 2 hours on Monday evening (18.15 to 20.15);
 - the building limits users to 25 people;
 - no electronic music would be used.
- 39 The views of Environmental Health have been sought and the Environmental Health Officer considers that the use of the premises with unamplified voices and unaccompanied with music on the two days specified would only have a minor impact on the nearest sensitive dwellings.
- 40 Given the potential for a group to cause noise disturbance and the sensitivity of the site, it is considered reasonable that planning conditions are used to restrict: the times and lengths of the use; the number of users at any one time, and; to prevent the use of amplifying equipment within the building. By imposing these conditions would ensure that the applicant required further planning permission should they wish to intensify the use of the building.
- 41 A condition can also be used to ensure the building is used only as a place of worship and not as any other use within the D1 use class. Other uses may have a very different impact on local amenity and also the highway and should have reassessment through a new planning application.

- 42 The Government's Planning Practice Guidance highlights that "As noise is a complex technical issue, it may be appropriate to seek experienced specialist assistance when applying this policy." This has occurred in this instance and the Noise and Nuisance team within Environmental Health have been consulted on the application to help establish whether the new use is likely to cause significant noise disturbance.
- 43 The planning application was initially accompanied by a Noise Impact Assessment which considered the impact of the development on the nearest residential properties, in particular 1 London Road (neighbouring to the south east) and 5 London Road (to the north west, separated by the access to the BT building behind). The Assessment is informed by two noise surveys that were undertaken at the site over periods of 15 minutes to establish the background noise levels at different times of day. The Assessment concludes that the use of the building would not exceed the background noise level. The Environmental Health Officer has accepted that the use of the building itself, assuming unamplified voices and music, would only have a minor impact on the nearest sensitive dwellings.
- 44 The Environmental Health Officer has raised concerns for the potential disturbance from cars and further information was submitted by the applicant to consider engine sound arising from vehicles using the car park. The further information concludes:
- 45 "In the event all peak period activity took place at the same time, the total level at the worst affected premises could be as much as 19dB. This is lower than the lowest individual LA90 measurement from the entire course of the relevant period. It is further noted that an external level of 19dB would correspond to 6dB internally"
- 46 The Noise and Nuisance team in Environmental Health have responded to the technical information, confirming their view that the development would not have an adverse impact on the amenities of nearby occupants.
- 47 Overall, it is likely that the use of the building would be perceived to some degree by nearby residents, particularly in early hours when users are arriving at the site. However any noise disturbance would not rise significantly above the ambient background noise levels in the area and would not cause significant harm to the living conditions of the nearby properties.
- 48 In this case, in light of the above support of the Council's Environmental Health team, and as conditions could reasonably be imposed to control the number of users and hours of use, it is not considered that significant harm would occur to the amenities of nearby properties.
- 49 It is also relevant that the site currently benefits from an unrestricted B1 (office) use without restrictions on operating hours, numbers of staff or servicing arrangements.

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50 The proposals comply with the aims of policy EN2.

Impact on Highways and Parking

- 51 Kent County Council's parking standards require that a place of worship accommodating 25 users should provide 5 off street parking spaces (based on 1 space for 5 seats).
- 52 The site includes an existing area of hard surfacing in front of the building which would provide off street parking for users of the building. The front parking area is not square, but measures approximately 11m at its narrowest point between the front of the building and the front boundary wall. This could therefore accommodate 4 parking spaces parallel to the northern site boundary, with a further parking space provided to the southern side of the building, in a similar position as shown on the proposed plans. It is therefore considered that the site could accommodate the extent of parking spaces required to meet KCC standards within the existing car park. Based on KCC standards the proposals would therefore not impact significantly upon existing on street parking.
- 53 It is recognised that the site is not easily accessible by public transport during the proposed service times, however as described above, the site is still able to achieve the parking standards required by the Highways Authority.
- 54 Provision is also shown for cycle parking, which is welcome and would encourage sustainable means of transport to the site.
- 55 In terms of traffic generation, given that services are proposed only twice a week and at off-peak times, it is very likely that the levels of traffic generation would be less than the existing unrestricted office use. This view is shared by the Highways Authority who have commented that the proposed levels would not justify an objection on the grounds of traffic generation.
- 56 It is relevant that the National Planning Policy Framework at paragraph 109 states: "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."
- 57 Subject to conditions restricting the use of the building and its hours, the impact on the road network and on local highway safety, is considered acceptable.
- 58 The Transport Statement submitted by the applicant suggests that new gates would be provided to the front of the site at the point of access. However no details of those gates have been included in the application drawings or application forms and the gates have not formed part of public consultation exercise. For these reasons an informative is recommended to remind the applicant that the gates do not form part of the approved plans. It is relevant however that the applicant may be able to install gates without the need for planning permission, depending on their height.

Impact on the Conservation Area and Area of Outstanding Natural Beauty (AONB):

Conservation Area

- 59 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 60 Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.
- 61 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.
- 62 In this instance no external alterations are proposed to the building itself. Planning permission is likely to be required if the applicant wished to make external changes. On this basis the contribution of the building to the character and appearance of the Conservation Area would be unchanged. The proposals would introduce a social use to the building and would preserve the character and appearance of the conservation area, compliant with policy.

Area of Outstanding Natural Beauty

- 63 The Countryside and Rights of Way Act 2000 states that the Local Planning Authority should conserve and enhance Areas of Outstanding Natural Beauty. Designating an Area of Outstanding Natural Beauty protects its distinctive character and natural beauty and can include human settlement and development.
- 64 There are therefore two considerations directly related to a site's AONB status when determining a planning application. Firstly, does the application conserve the AONB and secondly, if it does conserve the AONB does it result in an enhancement. A failure to achieve both of these points will result in a conflict with the requirements of the Act.
- 65 Policy EN5 of the ADMP states that the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings will be given the highest status of protection in relation to landscape and scenic beauty. Proposals within the AONB will be permitted where the form, scale, materials and design will conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance.

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- 66 As above, these proposals do not entail alterations to the outside of the building and its visual contribution to the landscape character would remain unchanged. The proposals would introduce a use into a currently vacant building and serve a community purpose. It can be concluded that the proposals conserve and enhance the AONB, compliant with policy.

Other Issues

- 67 Other issues which have been raised within public consultation, but not considered above, include:

Fire regulations and Safety

- 68 These issues fall outside the remit of planning policy. It would be the responsibility of the applicant to ensure that other areas of legislation, including Building Regulations, have been met.

Monitoring and enforcement

- 69 The Council have a Planning Enforcement Team whose role it is to investigate any breaches of Planning Control. If at any time local residents were concerned that the conditions of the permission were being breached, this matter should be reported to the Planning Enforcement team for investigation.

Pollution

- 70 Given the number of vehicles likely to be involved with the use of the building, compared to those that could arise from the lawful existing use of the building, it is not considered necessary that further restrictions or mitigations are secured in terms of pollution.

Effects on property value

- 71 This is not a matter for consideration in the planning process and the government advises that a negative effect on property values is not a material planning consideration.

Increased risk to the village at the time of Covid-19

- 72 Restrictions on social distancing are a temporary measure and current government restrictions do not give reason to withhold or delay a planning decision such as this. The applicant would be responsible for ensuring compliance with other government guidance and restrictions in this regard.

Alternatives are available nearby

- 73 It may be the case that other alternatives exist to the applicant, however there is not a planning policy requirement to demonstrate that this is the only reasonable alternative available to them. The Council are required to assess the acceptability of the proposals on their own merits.

Alternative uses for the building

- 74 While there are views about alternative uses for the building which would better serve the local community, the Council are required to consider the current application as it stands and on its own merits.

Community Infrastructure Levy (CIL)

- 75 This proposal is not CIL liable.

Conclusion

- 76 The proposed loss of the existing employment use is, on balance, considered to be acceptable. The proposals are able to provide a level of off street car parking which meets adopted parking standards and would not generate a significant level of traffic generation. Subject to restrictive conditions on the use, the amenities of local residents could be preserved, compliant with local and national policy.

Background Papers

Site and Block Plan

Contact Officer(s): Claire Shearing Extension: 01732 227000

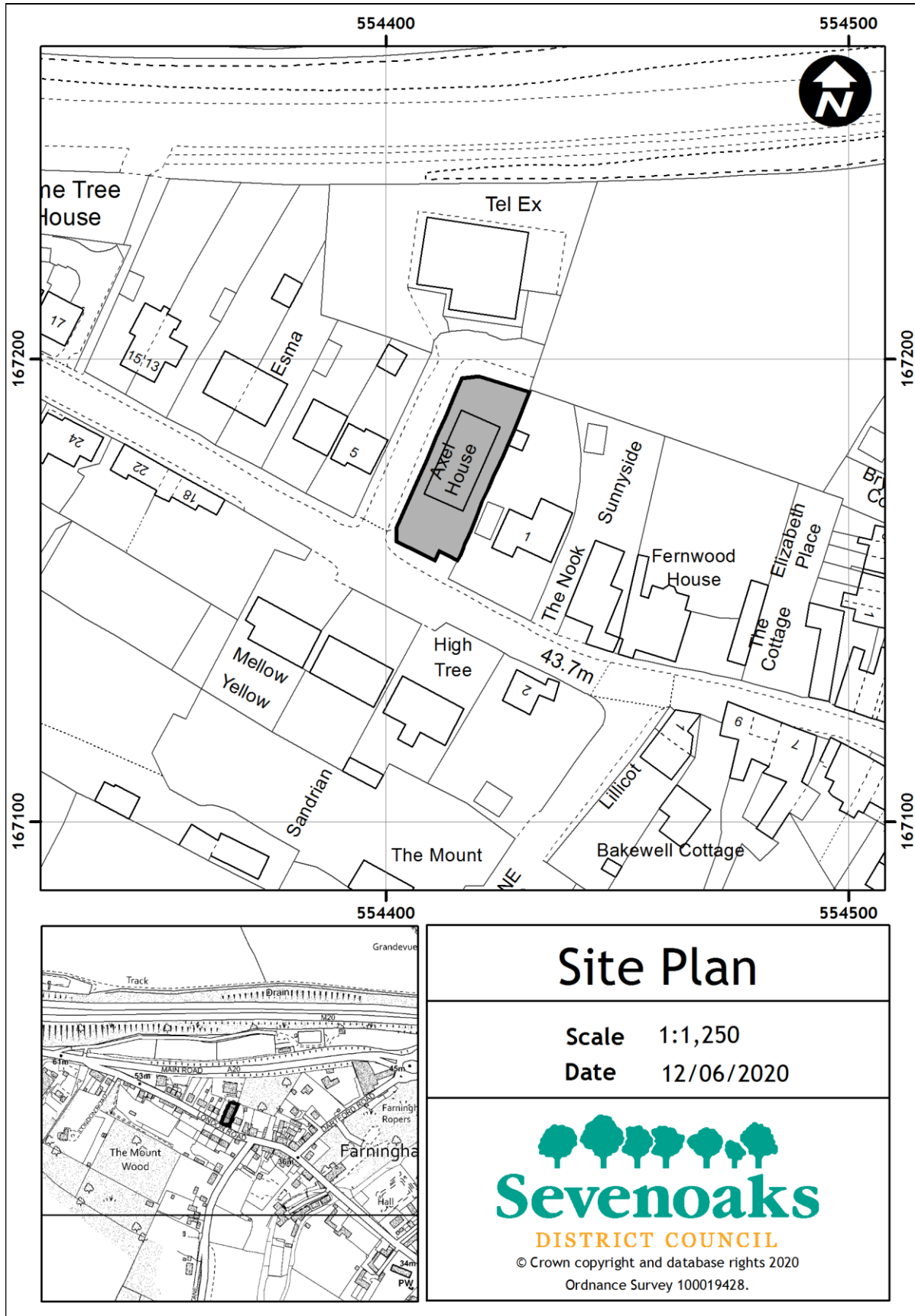
Richard Morris
Chief Officer Planning & Regulatory Services

Link to application details:

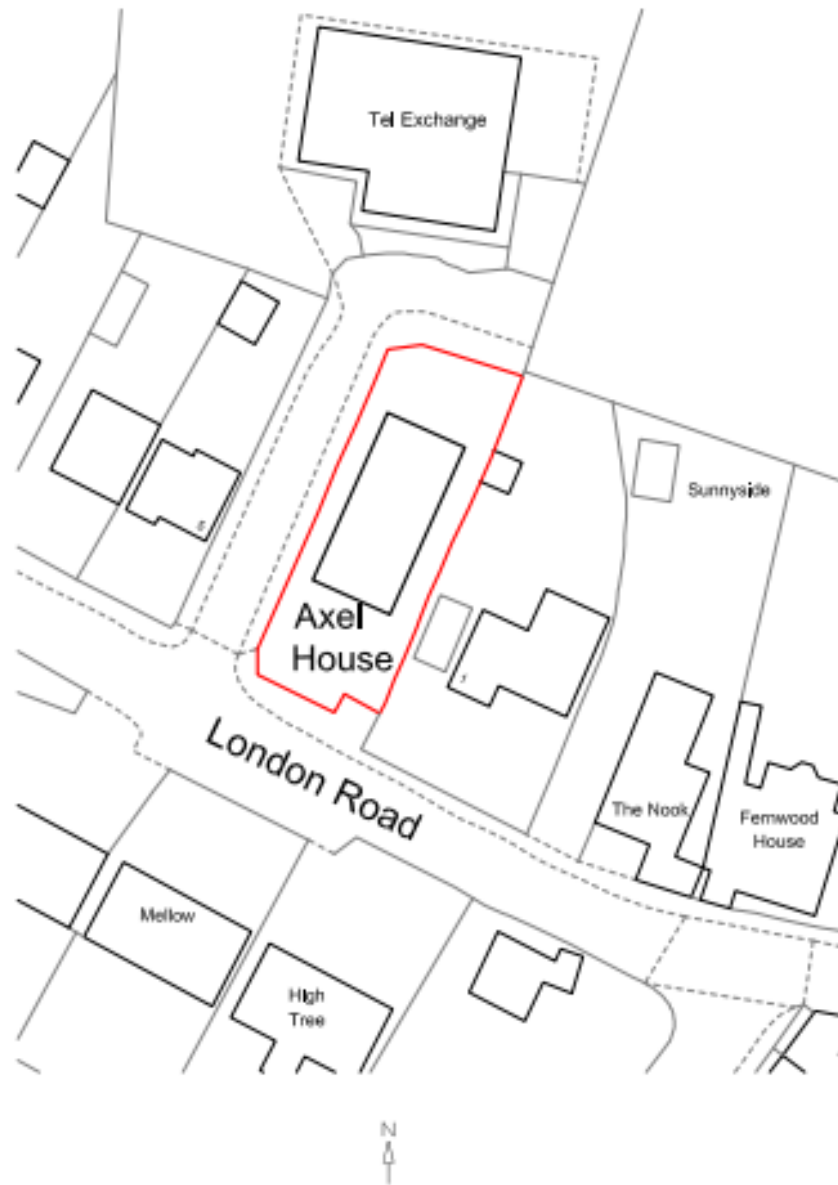
<https://pa.sevenoaks.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q58N1ABKIBA00>



BLOCK PLAN



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4.2 20/00266/FUL

Date expired 1 April 2020

Proposal:

Erection of single storey detached 4 bedroom dwelling with basement, sedum green roof incorporating excavation of land along with secure bin, cycle storage and bio solar panels, landscaping and vehicle parking.

Location:

Land To The East Of The Cottage, Badgers Road,
Badgers Mount KENT TN14 7AY

Ward(s):

Halstead, Knockholt & Badgers Mount

Item for decision

This application has been called to Committee by Councillor Grint because of the unacceptable impact upon neighbouring amenity.

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) No development shall be carried out above the damp proof course of the hereby approved dwelling until details of the materials to be used in the construction of the external surfaces of the new dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the approved materials.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 and EN5 of the Sevenoaks Allocations and Development Management Plan and the NPPF.

3) No development shall be carried out above the damp proof course of the hereby approved dwelling until details of the plant species, size and their frequency within the proposed green roof and a maintenance plan for the green roof 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 the proposal responds to the character of the area, consistent with Policy EN1 and EN5 of the Sevenoaks Allocations and Development Management Plan and the NPPF.

4) No development shall be carried out above the damp proof course of the hereby approved dwelling until full details of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, have been submitted to and approved in writing by the local planning

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authority. The proposed parking area will comprise of a porous material. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and thereafter retained.

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

5) No development, including any works of demolition or preparation works prior to building operations shall take place on site until a Construction Transport Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall include details of: (a) a photographic survey of Badgers Road from the junction with Highland Road and the entrance to the site; (b) the types of vehicles, their size, load size and purpose within the construction process; (c) parking for vehicles of site personnel, operatives and visitors; (d) loading and unloading of plant and materials; (e) storage of plant and materials used in constructing the development; (f) programme of works, including details of sheet piling installation and measures for traffic management; (g) provision of boundary security hoarding behind any visibility zones; (h) wheel washing facilities; (i) measures to control the emissions of dust and dirt during construction; (j) a scheme for the recycling/disposing of waste resulting from demolition and construction works; and (k) hours of operation.

To mitigate the impact during construction relating to the safety and free flow of the Public Right of Way byway and neighbouring amenities, in accordance with policies EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan and the NPPF.

6) If damage occurs to the Public Right of Way byway it will be made good and reinstated back to that shown within the photographic survey approved under Condition 5 above prior to the first occupation of the new dwelling hereby permitted.

To mitigate the impact during construction relating to the safety and free flow of the Public Right of Way byway and neighbouring amenities, in accordance with policies EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan and the NPPF.

7) Prior to occupation full details of ecological enhancements, including their location within the site, shall be submitted to and approved in writing by the Local Planning Authority. The enhancements shall be carried out prior to the first occupation of the development hereby approved and retained thereafter.

To ensure the biodiversity of the area is maintained, in accordance with Policy SP1 of the Core Strategy and the NPPF.

8) Prior to occupation of the proposed development the POD point electric car charging point as shown on drawing 3087-18-PL102 shall be installed and retained as such thereafter.

In the interests of sustainable transport and climate change in accordance with Policy SP2 of the Sevenoaks Core Strategy, Policy T3 of the Sevenoaks Allocations and Development Management Plan and the NPPF.

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

To safeguard the character and appearance of the Kent Downs AONB landscape and to prevent inappropriate development in the Green Belt in accordance with Policy EN5 and GB1 of the Sevenoaks Allocations and Development Management Plan, the Sevenoaks Development in the Green Belt Supplementary Planning Document and the NPPF.

10) The development hereby permitted shall not be used or occupied until the pedestrian visibility splays of 2m by 2m have been provided and anything which obstructs visibility at any height greater than 0.9 metres above the surface of the adjoining carriageway has been removed. Thereafter the visibility splays shall be maintained free from obstruction at all times.

In the interest of highway safety.

11) The development hereby permitted shall be carried out in accordance with the following approved plans: 3087-18-PL101 Rev P8, PL102 Rev P8, PL103 Rev P8, PL104 Rev P10, PL105 Rev P7.

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

Informatives

1) The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. This means that the Public Rights of Way must not be stopped up, diverted, obstructed (this includes any building materials, vehicles or waste generated during the works) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

2) 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. We

would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

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-largesite/Apply-and-pay-for-services/Wastewater-services>

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

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

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

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

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

National Planning Policy Framework

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

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

Description of site

- 1 The site comprises The Cottage and its rear garden, located on the northern side of Badgers Road, a Public Right of Way. The majority of the site is located within the built confines of Badgers Mount, with the eastern part of the rear garden within the Green Belt.
- 2 The site slopes downwards from the west towards the east, following the slope of the road with terraced steps set into the slope. There is a summerhouse located in the north-eastern corner of the site.

Description of proposal

- 3 Erection of single storey detached 4 bedroom dwelling with basement, sedum green roof incorporating excavation of land along with secure bin, cycle storage and bio solar panels, landscaping and vehicle parking.

Relevant planning history

- 4 18/03520/FUL Erection of single storey three bedroom dwelling with sedum green roof incorporating excavation of land along with secure bin, cycle storage, landscaping and vehicle parking. GRANT 04/04/2019

Policies

- 5 National Planning Policy Framework (NPPF)

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

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

- Application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 6); or
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 6 relates to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

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6 Core Strategy (CS)

- LO1 Distribution of Development
- LO7 Development in Rural Settlements
- SP1 Design of New Development and Conservation
- SP2 Sustainable Development
- SP5 Housing Size and Type
- SP7 Density of Housing Development
- SP11 Biodiversity

7 Allocations and Development Management (ADMP)

- SC1 Presumption in Favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- EN5 Landscape
- GB3 Residential Outbuildings within the Green Belt
- T2 Vehicle Parking
- T3 Provision of Electrical Vehicle Charging Points

8 Other

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

Constraints

9 The site lies within the following constraints -

- Area of Outstanding Natural Beauty (AONB) - Kent Downs
- Area of Special Landscape Character
- Area of Special Control of Advertisements
- Biodiversity Opportunity Area
- Metropolitan Green Belt - eastern half of site
- Public Right of Way - SR7
- Tree Preservation Order - within the garden of Charis House and Bowens Folly

Consultations

Badgers Mount Parish Council

10 This proposal raises a number of very significant concerns.

- 11 The addition of the basement which is larger than the previous approved dwelling (SE/18/03520/FUL) will lead to a very large increase in the volume of material to be excavated and removed from the site, together with additional materials delivered for construction of the dwelling. The resultant increase in heavy vehicular movements will have a detrimental effect on the unadopted loads and Public Rights of Way. As there is negligible area within the site for lorries to enter the site and be off the road to be loaded / unloaded this will lead to Badgers Road being blocked for long periods. If you are minded to approve this application, we support the KCC PROW officers request to include the same conditions for vehicle sizes etc. included in the previous consent, together with a Construction and Transport Management Plan. We would request that the Council is consulted on such a plan.
- 12 The drawings suggest that the retaining walls are to be formed by sheet metal piling, although there are no notes to confirm this, rather than the gabions shown in the previous application. This raises concerns about how they can be installed adjacent to the boundaries as drawn without affecting the fences to the neighbouring properties, particularly Charis House to the north, and how the fences can be supported. The piles should be positioned so that they can be installed without any intrusion outside the site boundary (both in the air and ground) and without disturbing the fence of Charis House. Secondly there is no indication of how the piles will be installed. The most common way is to use a heavy pneumatically driven hammer to drive them into the ground which is very noisy and the constant banging will be heard over a wide area. If this is so and you are minded to approve the application, please include a condition restricting the operating hours to a considerably shorter period than the normal site working hours.
- 13 The proposal would represent overdevelopment of the site and is out of character when compared with the surrounding dwellings in Badgers Mount, as can be seen on the site location plan on drawing 3087-18-PL102 rev P8.
- 14 As the section of Badgers Road adjacent to the site has recently been resurfaced at public expense, it is essential that a photographic survey is carried out before any work starts and any damage found at the end is repaired to the same standard. In particular, no tracked plant or machinery should be driven directly on the road.”

KCC Highways:

- 15 “Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration.”

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KCC Public Rights of Way Officer:

- 16 “The only route to this property is either along the Public Right of Way Restricted Byway SR7A then Public Right of Way Byway SR7 which is known as Badgers Road or along the Public Right of Way Footpath SR8 then Highland Road and Public Right of Way Byway SR7.
- 17 I anticipate that there will be an adverse impact on these rights of way due to the increase in traffic particularly heavy, large vehicles during the excavation works and delivery of materials. The byway is narrow. A byway is the lowest status of highway to carry public motorised vehicular access rights. Whilst motor vehicle use is lawful the County Council has no obligation to maintain a byway to a standard capable of supporting modern motor vehicles. The use of large, heavy vehicles that the byway may not be able to support or accommodate may further damage the surface and edges of the byway and other rights of way. Any further damage caused to the Public Rights of Way would have to be made good at the developer’s expense. The Public Rights of Way and Access Service has recently repaired this byway following previous damage caused by another development. I enclose a copy of the Public Rights of Way network map showing the lines of these paths for your information.
- 18 I would object unless conditions 5, 6, 11 and 13 given for SE/18/03520/FUL are also applied to this application for the same site.
- 19 The agent in his email of 9th January 2019 stated, ‘I appreciate the concerns that have been expressed regarding an engineering solution that would be used to ensure the byway is stabilised and would suggest this would be able to be dealt with via the Construction Management Plan condition which could adequately secure KCC’s interests. I presume the reference to ‘details of gabion cage construction’ in condition 5 refers to this concern.
- 20 I note that the applicant intends to run drains along the verge of the byway. This is outside his ownership and would require permission from the Rights of Way and Access Service. The plans also appear to show alterations to the slope of the verge, again, outside the applicant’s ownership. This would need the express consent of the Public Rights of Way and Access Service, as the Highways Authority.
- 21 The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way.
- 22 This means that the Public Rights of Way must not be stopped up, diverted, obstructed (this includes any building materials, vehicles or waste generated during the works) or the surface disturbed.

There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.”

SDC Tree Officer:

- 23 “There are no trees of great importance located within the plot of land shown to be developed. There is a mature tree located within the rear garden of The Cottage but this appears to be a sufficient distance away from the nearest excavation proposals. Mature trees are located across the drive to the south but again these are a sufficient distance away. No objection offered, but suggest that a landscaping condition be attached to any consent given.

Thames Water:

Waste Comments:

- 24 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. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water’s Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.
- 25 We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, and testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.
- 26 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-largesite/Apply-and-pay-for-services/Wastewater-services>

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- 27 Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Representations

- 28 Four letters of objection have been received relating to the following issues:
- Overdevelopment of the site;
 - Adverse impact upon local amenities;
 - Inadequate access, turning circle and sightlines;
 - Potential damage to the lane during construction;
 - Adverse impact upon trees on the site;
 - Adverse impact upon neighbouring properties garden from the excavation works;
 - Disruption during the building process;
 - That the soil and vent pipes could impact upon neighbouring amenities;
 - Inadequate parking provision;
 - That the proposal would result in increased traffic;
 - Inappropriate design out of keeping with other properties in the locality;
 - That the proposal would fail to conserve and enhance the AONB and the Special Landscape Area;
 - That a legally binding strategy is imposed if granted to manage construction vehicle movements;
 - That the proposal does not adhere to the building line;
 - That the proposal would reduce the amenity space of The Cottage;
 - Concerns regarding the construction methodology;

Chief Officer Planning and Regulatory Services' appraisal

- 29 In considering this application a material consideration in this case is the previously approved planning application, ref. 18/03520/FUL granted for the erection of a single storey three bedroom dwelling with sedum green roof incorporating excavation of land along with secure bin, cycle storage, landscaping and vehicle parking. The difference between the approved application and the current application now proposed is the inclusion of a basement area.
- 30 The main planning considerations are;
- Impact on the Green Belt
 - Design and impact on the AONB and character of the street scene
 - Impact on neighbouring amenity
 - Access, parking and highways impact
 - Trees, landscaping and biodiversity
 - Other considerations

- 31 Whilst the NPPF places an emphasis on development on previously developed land, it does not preclude other land, including garden land, from being developed for residential use, provided such development is in suitable locations and relates well to its surroundings. Residential gardens outside built up areas' can be previously developed land. Land in built up areas such as private residential gardens is excluded from the definition of previously developed land (Annex 2 NPPF).
- 32 Paragraph 122 of the NPPF (in part) states that planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an areas prevailing character and setting (including residential gardens) or of promoting regeneration and change.
- 33 The site lies partly within the built confines of Badgers Mount, with the eastern part within the Green Belt. It is noted that the development proposes a shed and parking area within the Green Belt eastern portion of the site, however, the proposed new dwelling itself would be located on the western part of the site which lies outside the Green Belt. The new dwelling would be consistent with Policy LO1 of the Core Strategy which states that development should be focused within existing settlements. Therefore, while it does not necessarily meet the definition of previously developed land, there is a presumption in favour of sustainable development on land which is within the built confines of a settlement under Policy LO1, providing the development does not harm the character of the area and is consistent with Policy LO7 of the Core Strategy which permits small scale infilling in smaller villages and hamlets.
- 34 It is therefore considered that the principle of development could be accepted, subject to the impact on the character of the area, and other material planning considerations as assessed below.

Impact on the Green Belt

- 35 As set out in paragraph 145 of the NPPF, new buildings in the Green Belt are inappropriate development. There are some exceptions to this, such as the replacement of a building provided that it does not result in disproportionate additions over and above the size of the original building.
- 36 Paragraph 143 states that where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances.
- 37 Paragraph 144 of the NPPF advises we should give substantial weight to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. Therefore, the harm in principle to the Green Belt remains even if there is no further harm to openness because of the development.

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- 38 Openness is an essential characteristic of the Green Belt and is about a freedom from built form. Even if there is absence of harm to openness, there can be harm in principle to the Green Belt from inappropriate development.
- 39 At a local level, Policy GB3 of the ADMP states that outbuildings located more than 5m from the existing dwelling will be permitted where the building, including the cumulative impact of other outbuildings and extension within the curtilage of the dwelling, would be ancillary to the main dwelling in terms of function and design and would not materially harm the openness of the Green Belt through excessive bulk or visual intrusion.

Assessment against policy and impact on openness

- 40 The proposed dwelling would not be located within the Green Belt. The proposal would result in the replacement of an existing summer house with a floor area of 17.2m with a new bicycle storage shed with a floor area of 4.25m resulting in a reduction of floor area of 12.95m. This shed would be in the same use as the summerhouse (ancillary residential) and would result in a reduction in built form in the Green Belt, complying with policy GB3 of the ADMP.
- 41 It is acknowledged that the proposed parking area would be located within the Green Belt. However, the land levels would not be increasing in this area, in fact they would decrease, and the surfacing of this area would not add three-dimensional bulk. The proposal would increase the use of the eastern part of the site but this is already used as part of the previous residential garden use associated with The Cottage. It is therefore considered that there would not be a material change of use of the land and the continued residential use would not materially harm the openness of the Green Belt.
- 42 Due to this, the impact to the openness of the Green Belt as a result of the proposal would result in an increase in openness in the Green Belt, complying with the NPPF. Any grant of permission would remove permitted development rights to ensure that no further outbuildings could be built or any extensions to the dwelling without further careful consideration under the planning permission process.

Design and Impact on the Area of Outstanding Natural Beauty (AONB) and Character of the Street scene

- 43 The Countryside and Rights of Way Act 2000 states that the Local Planning Authority should conserve and enhance Areas of Outstanding Natural Beauty. Designating an Area of Outstanding Natural Beauty protects its distinctive character and natural beauty and can include human settlement and development. There are two considerations directly related to a site's AONB status when determining a planning application. Firstly, does the application conserve the AONB and secondly, if it does conserve the AONB does it result in an enhancement.

- 44 The NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, with the conservation and enhancement of wildlife and cultural heritage also important considerations (paragraph 172).
- 45 Policy EN5 of the ADMP states that the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings will be given the highest status of protection in relation to landscape and scenic beauty. Proposals within the AONB will be permitted where the form, scale, materials and design will conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance.
- 46 More generally, 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.
- 47 The eastern part of the site is located within the Badgers Mount Character Area of the Sevenoaks District Countryside Appraisal which comprises of a woodland landscape. Due to the proposed location of the dwelling within the side garden of The Cottage, with additional dwellings extending eastward down Badgers Road, the proposal would not have any adverse impact upon this landscape.
- 48 The Badgers Mount area is characterised by a collection of approx. 125 dwellings located to the east of the Orpington by-pass road. It has an increasingly enclosed and rural character to the road when travelling eastwards towards the site along Badgers Road. The dwellings are generally set back from the road with parking and soft landscaping to the frontages with the majority on relatively modest plots. There are only a handful of properties that are located on sizeable plots, most of which are located to the south-east of this area, although some are also directly east of the site (Parish Field, Selworthy and Haresfield). This pattern of development results in an overall density of approx. 7.7dph. The addition of the new dwelling would result in a density of 7.8dph. This is a very minor increase which would not harmfully affect the overall density of built form in the area, particularly considering the design of the dwelling.
- 49 In 2019 planning permission was granted for a single storey three bedroom dwelling with a sedum green roof incorporating excavation of land along with secure bin, cycle storage, landscaping and vehicle parking.
- 50 The current proposal would replicate the previous application other than an additional window within the southern facing elevation of the dwelling, the inclusion of solar panels on the roof and the addition of a basement area incorporating a fourth bedroom, an entertainment and games room, a storage room, laundry room, wine cellar, study/office and pump room.
- 51 The character of the site would change as it would no longer form a grassed rear garden. However, change is not necessarily harmful and the impact of the new dwelling needs to be carefully considered. The proposed dwelling would have a single storey contemporary design which would have modest eaves and overall ridge height of 4.8m. While it would extend across the

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width of the site and appears bulky when looking at the roof plan provided, this is deceptive as when considered in elevation form it would have a modest design and character which would not harmfully overwhelm the site.

- 52 Concern has been raised from the Residents' Association that the new dwelling would be sited less than the historic building line of 8m to the road. The new dwelling would be sited closer to the boundary than this, at its closest 2m away. However, it would be orientated at a 90 degree angle to the road so its flank elevation would face the road instead of its front elevation. This would be closer than the building line of The Cottage, however, The Cottage itself sits closer than 8m to the boundary of the road. Even if this were not the case, it is considered that the single storey contemporary design of the dwelling and its orientation means that even when sited 2m from the boundary, it would not have a dominant impact on the character of the street scene. Any grant of planning permission does not necessarily mean that a permission can be lawfully built out, thus if there are covenants in place then the onus is on the applicant to address these under different legislation.
- 53 The use of the green sedum roof is welcome in creating the visual effect of soft landscaping when viewed from the top of the road as it slopes downwards towards the site. The use of this material as well as the timber cladding would respond well to the increasingly vegetated and rural character of Badgers Road when travelling eastwards and it is considered that this design and materials would respond well to the character of the AONB landscape, conserving this character. It is noted that the management of such sedum roofs can be challenging, however, any grant of permission would include a condition ensuring that further details of the type of sedum and its ongoing maintenance is submitted to ensure it continues to contribute to the design of the dwelling and enhances the appearance of the development within the immediate AONB landscape. All proposed materials would also be conditioned upon any grant of permission to ensure the timber cladding responds to the type of timber in the area.
- 54 The proposed roof lights would not be excessive in number or size, and it is not considered that they would harmfully impact on the dark skies character of the AONB landscape, particularly when considering that the new dwelling would be located between two existing properties, rather than in an isolated location. In addition, the roof lights would be set into the roof, rather than protruding and the sunken nature of the property would ensure that any light spillage would not be as excessive as if a two storey dwelling were proposed in the same location. As shown by the drawings the roof lights would not rise above the height of the roof.
- 55 The construction would incorporate the use of steel pilings on three sides of the proposed dwelling. The installation of these pilings would be a Building Control matter however a condition could be imposed restricting the hours of operation to minimise the impact of noise to working hours.
- 56 The layout of the site would provide a sufficiently sized grassed area which would form the amenity space of the dwelling. The hard surfacing for the parking area would be conditioned as part of any grant of permission to

ensure that the materials are permeable and appropriate for the semi-rural character of the area.

- 57 As noted by the Councils Tree Officer there are no trees of great importance within the site and any mature trees beyond were seen to be at such a distance as to be unaffected by the proposal.
- 58 Due to the above, it is therefore considered that the subdivision of the site and addition of the new dwelling with its contemporary design would not detrimentally harm the overall character of the street scene and would result in a dwelling which would enhance the immediate AONB landscape through appropriate design and conserve the wider setting and experience of the landscape consistent with Policy SP1 of the Core Strategy, Policy EN1 and EN4 of the ADMP and the NPPF.

Neighbouring Amenity

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

Impact on neighbours

- 60 The nearest neighbours to the site are The Cottage, which would be located 16m away to the west, Charis House located 14-15m away to the north-west and Parish Field located 16-17m away to the east. The Cottage and Charis House are elevated when compared with the site, with Parish Field set at a lower level, but screened from view by a substantial 5m evergreen hedge.
- 61 The new dwelling would be single storey with a cellar, set within the site so that from The Cottage and Charis House all that would be seen is the top of the sedum roof, rather than any direct close view of the elevations and windows. Due to the site level changes there would be no windows from the new dwelling that would harmfully overlook the gardens or habitable rooms of these two dwellings. This is also considered the case for Parish Field as although this sits at a lower level, the hedge between the boundary acts as a natural screen which would ensure there is no harmful overlooking between the two dwellings.
- 62 The distances between the properties would ensure there would not be a harmful loss of light as a result of the development.
- 63 It is noted that concern has been raised regarding the impact from vehicle noise and general construction noise on the amenity of neighbouring properties. In regards to the proposed parking area of the new dwelling this would be located close to the access, and not directly adjacent to any private rear amenity area of the neighbouring dwellings. As such, it is not considered that it would give rise to unacceptable levels of vehicular noise as it would only result in additional vehicles serving one dwelling. In regards to construction noise, there would be some level of disruption as part of the development. However, this is controlled by separate Environmental Health legislation and the applicant would be required to adhere to this throughout the construction phase. There would also be standard hours of working that would need to be adhered to as part of a Construction Management Plan and

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this would ensure that there is no working on Saturday afternoons, Sundays or Public Holidays, in line with Environmental Health legislation.

- 64 The proposal would result in a reduction in size of The Cottage's rear garden to a depth of 16m which would provide sufficient amenity space for this property.
- 65 Due to the above, the proposal is not considered to have a detrimentally harmful impact on the amenity of neighbouring properties in accordance with Policy EN2 of the ADMP and the NPPF.

Amenity of future occupiers

- 66 The proposed garden area of the new dwelling itself would be located over 15m away from the rear of Charis House and The Cottage so this proposed private amenity area would not be harmfully overlooked.
- 67 The sunken nature of the property would lead to less light than normal within the dwelling. However, all habitable rooms would have windows and the roof lights would ensure that suitable light levels are experienced throughout the dwelling and circulation spaces.
- 68 The amenity of future occupiers is therefore considered to be acceptable under Policy EN2 of the ADMP and the NPPF.

Parking, Access and Highways Impact

- 69 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 dwellings in this location with 3 or more bedrooms require 2 independently accessible parking spaces.
- 70 Policy T3 of the ADMP states that electrical vehicle charging points should be provided within new residential developments to promote sustainability and mitigate climate change.
- 71 Badgers Road forms a Public Right of Way Byway. The proposed parking layout would provide 2 vehicle spaces with room to manoeuvre around the site to allow a vehicle to exit in a forward gear. The access is existing, although may require some alteration to the small bank in front of the site which forms part of the byway, although it is noted that the site levels would be lowered which may assist in this access. As confirmed with the last application, the agent has checked the ownership and confirms it is within the control of the application or has been dealt with by serving notice on owners of The Cottage. Any works to this access would therefore be possible to allow vehicular access and a condition could be incorporated to ensure acceptable visibility splays.
- 72 The gates have been removed from the plans so that vehicles would be able to enter and exit the site freely without blocking up the byway. While the road is narrow, the access into the site itself has a width of 3.4m which is 1m more than the KCC minimum requirements, thus allowing more manoeuvrability out of the site. It is therefore considered that the access would be suitable, particularly considering this access would not be

dissimilar to properties added to Badgers Road over the years, such as Charis House which required a new access out onto Badgers Road.

- 73 The Aco drain located at the access would lead to a soakaway within the garden area. This would ensure sufficient drainage at the access point, avoiding excessive water running out into the byway.
- 74 It is acknowledged that there is concern from local residents regarding the upkeep of the byway as this is contributed to by those living with Badgers Road. Unfortunately the planning process cannot safeguard any financial implications a development may have, as this would be a civil matter between those involved.
- 75 However, the impact of the development on the byway is a material planning consideration in regards to highway and pedestrian safety. The Public Rights of Way Officer has indicated a holding objection in relation to the impact of the development on the byway. This is in relation to the impact on the stability of the banks of the byway as a result of the excavation within the site and also the increase in traffic during the construction phases as heavy large vehicles may damage the banks and condition of the byway. This is material consideration in regards to ensuring the development does not harmfully restrict the use of the byway.
- 76 Discussions were had with the Public Rights of Way officer in regards to the effectiveness of a Construction Management Plan upon any grant of permission in restricting the size of vehicles that would access the site, the timing of deliveries, details of the excavation and ensuring that the bank would remain stabilised. The Public Rights of Way officer was satisfied that providing the Construction Management Plan is specifically tailored to the site in ensuring that control can be exercised over the type and weight of vehicles using Badgers Road as part of the construction along with a photographic survey of the bank along the byway then this would overcome their concern in regards to heavy machinery. This is providing any grant of permission is also conditioned to ensure that the byway is made good if any damage were to occur once development is completed.
- 77 It is acknowledged that the extent of excavation within the site would be notable and would extend across the width of the site which may impact on the boundaries. This would be dealt with outside the planning process, under Building Regulations. It is the responsibility of the applicant to ensure that other consents such as Building Regulations are sought and Paragraph 179 of NPPF is clear that securing safe development rests with the developer and/or landowner.
- 78 The concerns from the Parish regarding the siting of the retaining walls and their installation are acknowledged however these issues can be addressed within a Construction Management strategy.
- 79 It is acknowledged that there would be a noticeable increase in traffic as part of the construction process, this is the same for all development and is a short term impact when compared to the built out development. It is considered that in this instance a very specific Construction Management Plan for the development would alleviate the concerns from the Public

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Rights of Way team in regards to the impact to the byway. Such a condition upon any grant of permission would provide them with the ability to further comment on the measures proposed and types of vehicles that would be used in the construction phase, thus ensuring that the development minimises the impact to users of the byway as much as possible.

- 80 In regards to the impact to the byway from one additional dwelling once built, it is considered that this would not result in a material increase in vehicle movements along this part of Badgers Road to warrant refusal of an application on highway and pedestrian safety grounds.
- 81 Due to the above careful consideration, the proposal would provide sufficient means of access and parking for the development in line with Policy EN1 and T2 of the ADMP and, subject to a site specific Construction Management Plan, would ensure that the construction phase of the development does not adversely affect the byway and those who use it.

Other issues

- 82 The positioning of soil and vent pipes would be covered by Building Control legislation and would not be a planning matter;
- 83 The inclusion of a condition is an appropriate method to incorporate a Construction Management Strategy.

Community Infrastructure Levy (CIL)

- 84 The proposal is CIL liable and there is no application for an exemption.

Conclusion

- 85 The proposed new dwelling would not be located within the Green Belt. The proposed shed and parking area are within the Green Belt but would not result in harm to the openness of the Green Belt, thus they would represent appropriate development.
- 86 The proposed design, siting and overall form of the new dwelling would have an acceptable impact on the character of the street scene and wider AONB landscape.
- 87 The addition of a new dwelling within Badgers Road would not prejudice highway safety and the imposition of a Construction Management Plan would ensure that appropriate measures are put in place to reduce the impact to the byway to ensure that the development does not harm highway or pedestrian safety.
- 88 It is therefore recommended that this application is GRANTED

Background papers

Site and block plan

Contact Officer(s): Guy Martin

Extension: 01732 227000

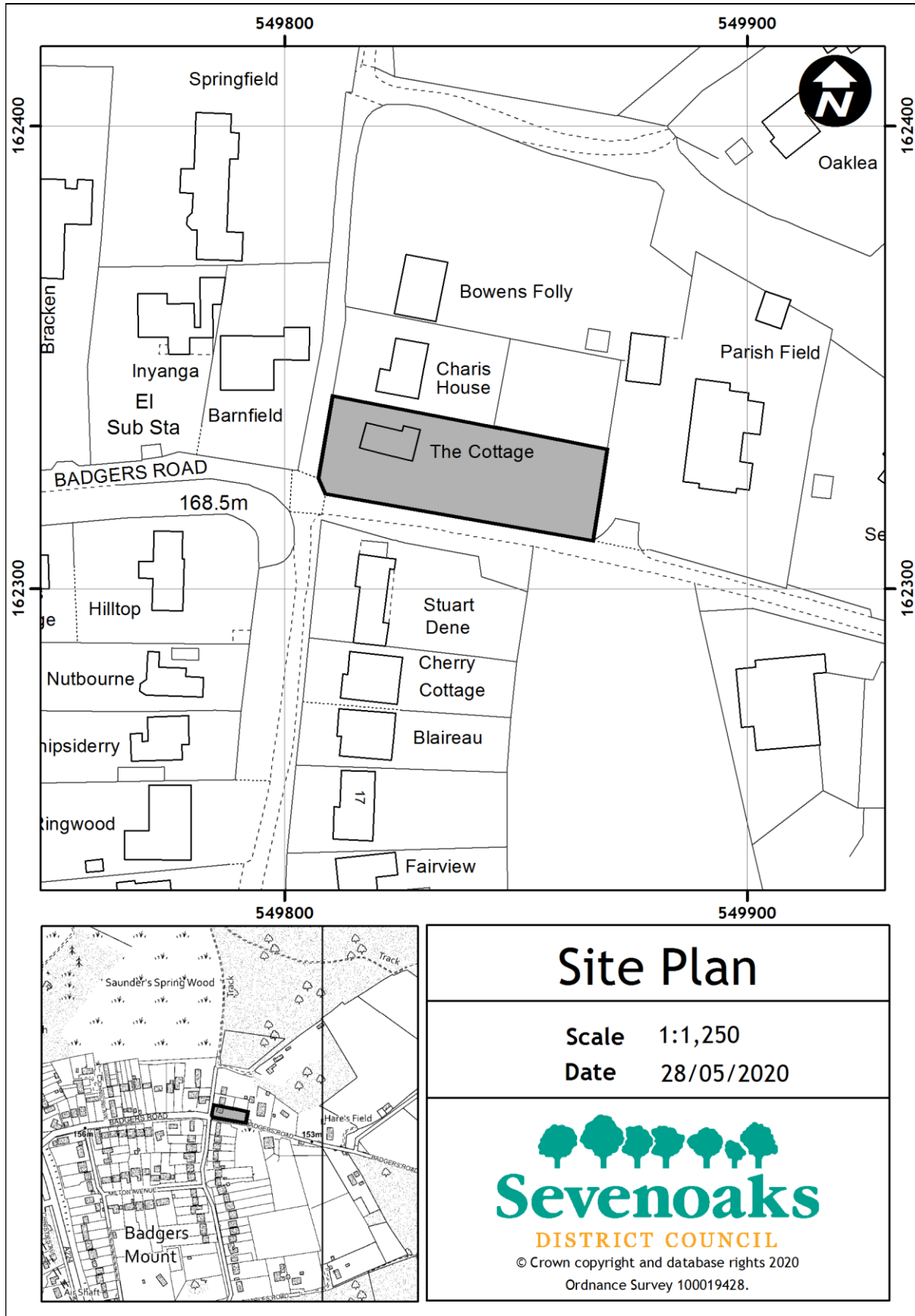
Richard Morris
Chief Officer Planning and Regulatory Services

Link to application details:

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

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q4ZDPQBKHVE00>



BLOCK PLAN



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4.3 20/00922/HOUSE Revised expiry date 6 July 2020

Proposal: Loft conversion with two front dormer and one rear dormer.

Location: Halehurst, Fawkham Green Road, Fawkham KENT DA3 8NW

Ward(s): Fawkham & West Kingsdown

Item for decision

This application has been called to Committee by Councillor Parkin and Councillor Fothergill on the basis that the proposed dormers would have a detrimental impact on the street scene and wider street scene, a detrimental impact to the character of the area and openness of the Green Belt and the rear dormer would create a loss of privacy and amenity to neighbouring properties 8, 9 and 10 Small Grains, all of which would fail to comply with Policy EN1 Design Principles and EN2 Amenity Protection.

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: 1665 01 (site plan), 03, 04 and 05.

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

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.

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Description of site

- 1 The site comprises of a detached single storey bungalow located along Fawkham Green Road to the south of the village green and near the junction onto Brands Hatch Road. There are neighbouring properties situated to the front, side and rear of Halehurst which comprise of a mixture of single storey, two-storey and three storey dwellings. The properties along Fawkham Green Road do not follow a regular form or architectural design.

Description of proposal

- 2 Loft conversion with two front dormers and one rear dormer.

Relevant planning history

- 3 85/01178/HIST Loft conversion and single storey side extension and single detached garage GRANT 04.10.1985
- 4 86/00327/HIST Erection of two new detached houses (to replace existing bungalow) REFUSE 29.04.1986
- 5 01/00476/FUL Single storey granny annexe GRANT 03.07.2001

Policies

- 6 National Planning Policy Framework (NPPF)
- 7 Core Strategy (CS)
 - SP1 Design of New Development and Conservation
- 8 Allocations and Development Management Plan (ADMP)
 - EN1 Design Principles
 - EN2 Amenity Protection
 - EN4 Heritage Assets
 - GB1 Limited Extensions in the Green Belt
- 9 Other
 - Sevenoaks Residential Extensions Supplementary Planning Document (SPD)
 - Development in the Green Belt Supplementary Planning Document

Constraints

- 10 The site lies within the following constraints:
- Metropolitan Green Belt
 - Area of Archaeological Potential

Consultations

- 11 Fawkham Parish Council - “Fawkham Parish Council discussed the view that this area of the village has particularly dense housing and are concerned that if the application was approved it could set a precedent for other developments in the area, therefore risking HARM to the character of the village through changes to design and appearance. However it was noted that the PC felt that the development would not look too intrusive from the road.
- 12 We would expect SDC to adhere to current green belt and planning policies. Furthermore it was noted that the proposed plan does not specify that the new hanging tiles must match the existing tiles.”
- 13 Other Consultees - N/A

Representations

- 14 None received.

Chief Officer Planning and Regulatory Services’ appraisal

- 15 The main planning consideration are:
- Impact on the Green Belt
 - Impact on the character of the area
 - Impact on neighbouring amenity
 - Area of Archaeological Potential

Impact on the Green Belt

- 16 As set out in paragraph 145 of the NPPF, new buildings in the Green Belt are inappropriate development. There are some exceptions to this, such as “c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building”
- 17 Paragraph 143 states that where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances.

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- 18 Paragraph 144 of the NPPF advises we should give substantial weight to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

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

- 19 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principal to the Green Belt from inappropriate development.
- 20 Policy GB1 of the ADMP provides the local policy on extensions in the Green Belt.
- 21 Criteria (a) of Policy GB1 states that proposals to extend an existing dwelling is permitted if the dwelling is lawful and permanent in nature. The dwelling is lawful and permanent in nature and therefore the proposed development would comply with Policy GB1 in this regard.
- 22 Criteria (b) states that the development should have a responsive design, should be proportional and subservient to the 'original dwelling' and should not materially harm the openness of the Green Belt through scale, bulk or visual intrusion.
- 23 It is considered that the extension would not harm the openness of the Green Belt through excessive scale, bulk or visual intrusion. Whilst the dormers would give the perception of an additional storey to the building, the dormers would be proportionate additions to the property and would sit lower than the existing ridge line. Furthermore, the dormers would not significantly alter the scale, form or footprint of the existing property and would not add a significant amount of bulk or volume to the roof of the dwelling. This would ensure that the upper floor, in terms of its visual appearance, would remain subservient to the ground floor. As such, the appearance of the original dwelling would be maintained.
- 24 Whilst it is acknowledged that the existing roof space is not currently used for habitable accommodation, the modest size and proportions of the dormers would clearly be read as an alteration to the existing roof and not as extensive new floor space to the dwelling. As such, the proposed dormers would have a very limited impact in terms of their size. They would not encroach on the open nature of the Green Belt as they do not result in any increase in built footprint and are located within the existing roof face. As such, they would preserve the character and setting of the surrounding area, where dormers are common.
- 25 Criteria (c) states that the total floor space of the proposal, together with any previous extensions, alterations and outbuildings should not result in an increase of more than 50% above the floor space of the original dwelling (measured externally) including outbuildings within 5m of the dwelling.

- 26 No original planning permission for the house could be found. However, a previous planning application (85/01178/HIST) has confirmed that the original floor area of the house is 139m with the inclusion of the attached garage. The outbuilding located within 5m of the property along the north eastern boundary, is also original and therefore will be included in the original floor area of the property.
- 27 Planning permission was granted in 1986 for a loft conversion, single storey side extension and a detached garage near the southern boundary of the site. However, these have not been built and therefore will not be included in the green belt calculations.
- 28 Planning permission was also granted in 2001 for a single storey annexe which has been built and will be included in the green belt calculations.
- 29 With regards to the current application, the supporting text to GB1 (c) in paragraph 7.15, acknowledges that whilst the 50% floor space approach has been successful in principle, the floor space does not always fully reflect the impact of extensions on the size of the original dwelling. Alterations to the roof can be made to a building that increase the floor space without significantly affecting the size of the building.
- 30 In this case, it is identified that the dormers within this application are the only part of the proposals that would result in extensions to the property. The loft conversion itself would not result in any additional floor area because it would utilise the existing roof space of the property.
- 31 The additional floor area of the proposals, as a result of the dormer extensions, is therefore considered in the table below.

Original floor space	194 (including garage and outbuilding)
50% limit	97
Existing extensions	61.6 (annex)
Proposed development	10.6 (dormer extensions)
Floor space to be removed	0
Total floor area	266.2
Total increase from original	38.98%

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- 32 The proposed dormers would comply with Policy GB1c) as they would not exceed the gross floor area of the dwelling by more than 50% and would not significantly affect the size of the original dwelling. As such, the extension would not result in disproportionate additions over and above the size of the original dwelling and would not cause significant harm to the openness of the Green Belt.
- 33 Overall, the development would comply with Policy GB1 of the Allocations and Development Management Plan (ADMP).

Impact on the character of the area

- 34 The property is located to the north of Fawkham Green Road near the junction onto Brands Hatch Road and the village green. The property sits in between two large dwellings that are two to three storeys in height. The property itself is single storey and has a low eaves and roof height. As such, the property does not appear unduly prominent within the street scene.
- 35 Properties along Fawkham Green Road range from being single storey to three storey and can be characterised as having varied roof lines and building designs. Some of the properties within the locality have hipped and cross-hipped roofs whilst others have gable roofs which face onto the road. Dormers are also a common feature on the front and side elevations of properties. The immediate neighbouring properties, Fawkham Hall and The Gables, as well as Kiplings to the north of Halehurst and Windsor to the south are all examples of this.
- 36 The proposed loft conversion would include two dormers on the front elevation of the dwelling and one dormer on the rear elevation as well as roof lights. The height of the existing roof would not be raised as a result of the loft conversion.
- 37 The proposed plans do not specify whether the materials used in the construction of the dormers would match those of the existing roof. However, this can be secured by a condition upon any grant of planning permission. This would ensure that the dormers integrate well with the design and appearance of the existing dwelling.
- 38 The Residential Extensions SPD states that new dormers will not normally be allowed on front elevations in streets where there are none already and the number and size of roof windows should not visually dominate the roof plane. As it has already been established that there are dormers on the front elevations of some properties along Fawkham Green Road, a principle has been set. The introduction of dormers on the front elevation of the host dwelling would therefore be acceptable in principle and would not appear incongruous with the street scene. The proposed roof lights would also be considered acceptable as they would have a minimum projection and would not dominate the roof plane. The rear dormer would not be visible in the street scene.

- 39 In addition, the proposed dormers would be a modest size and would be proportionate in scale to the roof plane. The dormers would also sit below the highest part of the existing roof and would be set back from the eaves and sides in accordance with the guidance set out in the Residential Extensions SPD for loft conversions.
- 40 The existing property is considered to be of a sufficient scale to accommodate the modest sized dormers. As such, whilst the addition of the dormers would create the perception of an upper floor, the roof of the dwelling would not appear overly dominant and would remain subservient to the ground floor of the dwelling.
- 41 In light of the above, it is considered that the proposed dormers would not detract from the scale, character or appearance of the existing property. Furthermore, the dormers would not appear visually intrusive in the street scene and would not harm the character of the surrounding area where dormers are a common feature.
- 42 The development would therefore comply with Policy EN1 of the ADMP.

Neighbouring amenity

Light

- 43 The 45 degree test was conducted and the proposals passed the test. The dormers would not result in a loss of light for any neighbouring property situated to the front, side or rear of Halehurst.

Privacy

- 44 The proposal would not result in a harmful loss of privacy for any neighbouring property. This is because neither the dormer windows or roof lights would look directly onto the main windows nor private amenity areas of the neighbouring properties situated either side of the application site.
- 45 In addition, whilst there would be a dormer located on the rear elevation of the property, the properties located to the rear of Halehurst within Small Grains are located some 60 metres away from the dwelling.
- 46 Any views from the rear dormer of the properties within Small Grains would also be restricted by the existing boundary treatment (e.g. fencing and hedging) along the eastern boundary of the site.
- 47 Taking the above into consideration, it is not considered that there would be any significant adverse impacts on surrounding properties in terms of any loss of privacy.
- 48 The properties situated to the front of Halehurst are situated far away enough not to be affected by the proposals.

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Visual Intrusion

- 49 The dormers and roof lights would not result in visual intrusion due to their location within the existing roof slope and would not significantly alter the character of the existing property. As such, it is considered that the normal outlook of neighbouring properties would be maintained.
- 50 The main windows of the properties located to the side of Halehurst would not look directly at the proposed dormers and the properties situated to the front and rear are situated far away enough from Halehurst that they would not be affected by the proposals. The existing boundary treatment along the north, east and southern boundaries of the site would also soften any views of the dormers.
- 51 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 Halehurst in compliance with the NPPF and Policy EN2 of the ADMP.

Other issues

Area of Archaeological Potential

- 52 The site is located in an Area of Archaeological Potential. Since there is already built form on the site and the development would not include any ground works, there should be no impact.

Community Infrastructure Levy (CIL)

- 53 The proposal is not CIL liable.

Conclusion

- 54 The proposal would be an acceptable form of development because it would not harm the openness of the Green Belt. Furthermore, it would not have a detrimental impact on the character of the original property or the surrounding area. As a result, the proposal complies with our policies.
- 55 It is therefore recommended that this application is APPROVED.

Background papers

Site and block plan

Contact Officer(s): Hayley Nixon

Extension: 01732 227000

Richard Morris

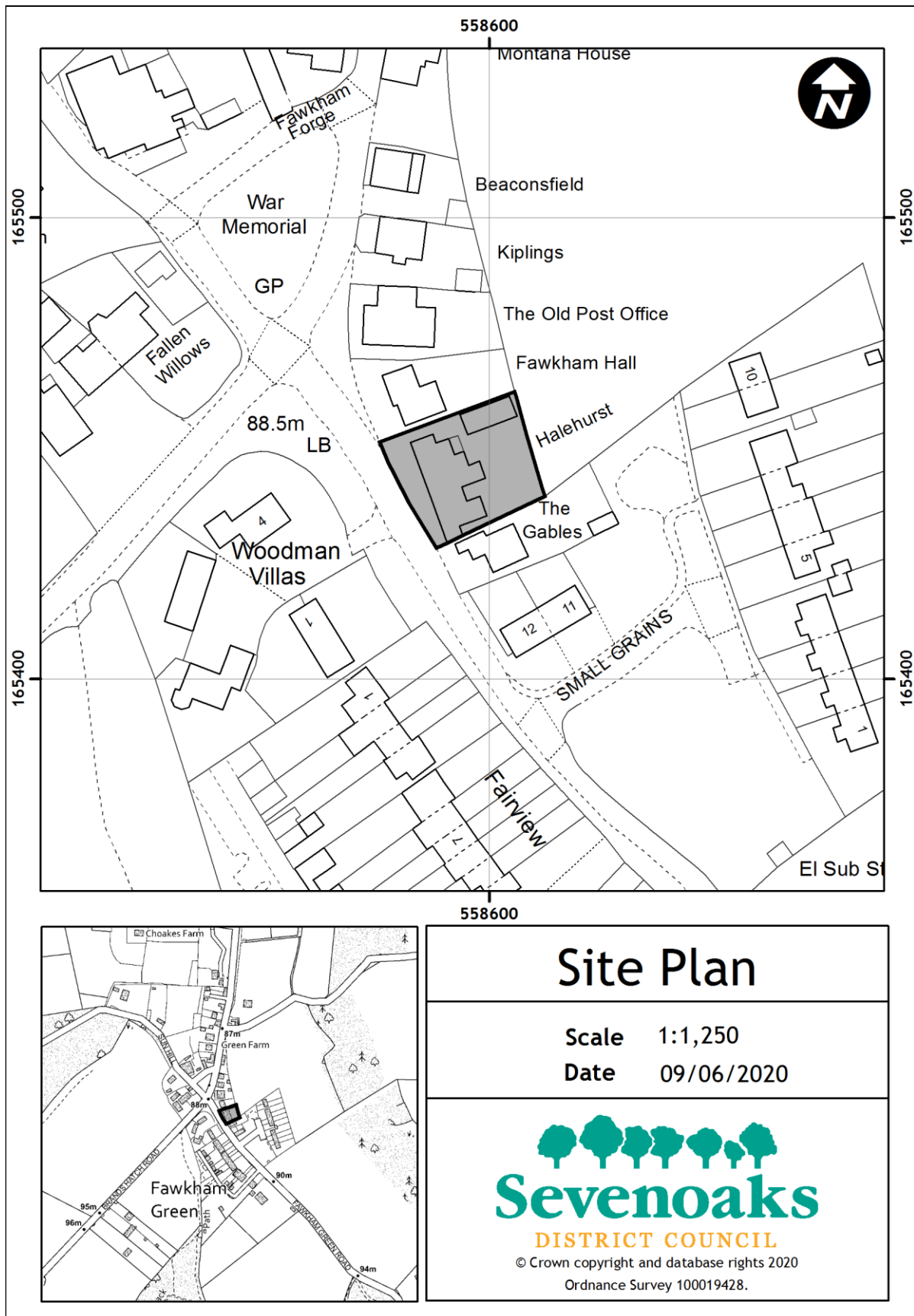
Chief Officer Planning and Regulatory Services

Link to application details:

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

Link to associated documents:

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BLOCK PLAN



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Planning Application Information on Public Access - for applications going to

DC Committee on Thursday 02 July 2020

4.1 20/00329/FUL

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4.2 20/00266/FUL

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<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q4ZDPQBKHVE00>

4.3 20/00922/HOUSE

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