

22 October 2020 at 7.00 pm

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

[https://www.youtube.com/channel/UCIT1f\\_F5OfvTzxjZk6Zqn6g](https://www.youtube.com/channel/UCIT1f_F5OfvTzxjZk6Zqn6g)

Despatched: 14.10.20



# Development Control Committee

## Membership:

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

## Agenda

	Pages	Contact
Apologies for Absence		
1. <b>Minutes</b> To approve the minutes of the meeting of the Committee held on 1 October 2020, as a correct record.	(Pages 1 - 2)	
2. <b>Declarations of Interest or Predetermination</b> Including any interests not already registered		
3. <b>Declarations of Lobbying</b>		
4. <b>Planning Applications - Chief Planning Officer's Report</b>		
4.1 <b>20/00992/FUL - 17 Egerton Avenue And The Former Egerton Nursery, Hextable, KENT, BR8 7LG</b>  Demolition of existing house at No.17 Egerton Avenue and clearance of commercial buildings at Former Egerton Nursery and development of 35no. 2, 3 & 4 bedroom houses with associated access and parking including on-site provision of 14no affordable homes.	(Pages 3 - 30)	Jim Sperryn Tel: 01732 227000
4.2 <b>20/01707/FUL - Worsley, Badgers Road, Badgers Mount, KENT TN14 7AZ</b>  Demolition of existing family dwelling and erection of a replacement five bedroom family dwelling with integral garage,	(Pages 31 - 46)	Louise Cane Tel: 01732 227000

replacement entrance gate and landscaping alterations.

- 4.3 **20/01319/FUL - Little Thyme, Calfstock Lane, Farningham, KENT Da4 9JH** (Pages 47 - 58) Guy Martin  
Tel: 01732 227000  
Replacement of existing forestry building with new building to be used for storage associated with existing forestry yard.
- 4.4 **20/02154/CONVAR - Briona Stables, Spode Lane, Cowden, KENT, TN8 7HH** (Pages 59 - 72) Anna Horn  
Tel: 01732 227000  
Variation of conditions 2 and 3 of 17/01309/FUL for proposed relocation of stable block and kennel with amendments to materials and drawings.
- 4.5 **20/02205/HOUSE - Fern Cottage, 7 Pound Lane, Sevenoaks, KENT TN13 3TB** (Pages 73 - 84) Alexis Stanyer  
Tel: 01732 227000  
Demolition of existing conservatory and construction of part single, part two storey replacement extension, new windows to southern elevation and repair and redecoration of render exterior and shutter and landscaping.
- 4.6 **20/02312/FUL - Land East of 17 Romani Way, Hever Road, Edenbridge, KENT, TN8 5NQ** (Pages 85 - 94) Sean Mitchell  
Tel: 01732 227000  
Replace timber fence with metal fence incorporating gate. Erection of an 8m high CCTV column with a maximum of 5 cameras, and fitted with anti-climb spikes.

## 5. Tree Preservation Order

- 5.1 **Objection to Tree Preservation Order (TPO) 4 of 2020 - Situated upon the boundary within the rear gardens of properties Marlridge and Rough Close, Swan Lane, Edenbridge** (Pages 95 - 100) Harry Walker  
Tel: 01732 227000

### EXEMPT INFORMATION

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

As it is necessary to observe social distancing to limit the spread of Covid-19, currently the Council is unable to arrange site visits in the established manner and therefore requests for site visits will not be taken.

Please note speakers should register by 5pm 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](mailto:dc.committee@sevenoaks.gov.uk), by 5pm 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](mailto:democratic.services@sevenoaks.gov.uk).

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**DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held on 1 October 2020 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Reay (Vice Chairman)

Cllrs. Ball, Brown, Cheeseman, Perry Cole, Coleman, P. Darrington, Hudson, Layland, McGarvey, Osborne-Jackson, Pett, Purves, and Roy

Apologies for absence were received from Cllrs. Hogarth, Hunter and Raikes

104. Minutes

Resolved: That the Minutes of the Development Control Committee held on the 10 September 2020, be signed by the Chairman as a correct record.

105. Declarations of Interest or Predetermination

There were none.

106. Declarations of Lobbying

There were none.

107. 20/01692/HOUSE - 6 Hailwood Place, School Lane, West Kingsdown, KENT, TN15 6FQ

The proposal sought planning permission for a canopy and porch to front elevation, single storey side and rear extension and two storey rear extension. The application had been referred to the committee by Councillors Harrison, Fothergill, and Parkin on the basis that it would be an inappropriate development in the Green Belt and would impact the Area of the Outstanding Natural Beauty.

Members' attention was brought to the main agenda papers.

Against the Application: -

For the Application: Mrs Dhariwal

Parish Representatives: -

## Agenda Item 1

### Development Control Committee - 1 October 2020

Local Members: Cllr Harrison

Members asked questions of clarification from officers. Following queries regarding a previous application on a neighbouring property, Members were advised that each application is assessed on its own merits.

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

Members discussed the application, including whether it made an impact on the Area of Outstanding Natural Beauty, 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 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.

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans and details: COB/20/1048/02C

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

THE MEETING WAS CONCLUDED AT 7.39 PM

CHAIRMAN

4.1 20/00992/FUL Revised expiry date 18 September 2020

Proposal: Demolition of existing house at No.17 Egerton Avenue and clearance of commercial buildings at Former Egerton Nursery and development of 35no. 2, 3 & 4 bedroom houses with associated access and parking including on-site provision of 14no affordable homes.

Location: 17 Egerton Avenue And The Former Egerton Nursery, Hextable, KENT BR8 7LG

Ward(s): Hextable

**Item for decision**

This application has been called to Committee by Councillor Kitchener and Councillor Hudson so that the special circumstances regarding shortfall of housing supply and the relevance of the emerging local plan can be considered.

**RECOMMENDATION:** That planning permission be REFUSED for the following reasons:

The proposals, by reason of the quantum of development proposed and the consequent scale, massing and height and spread of development, would represent inappropriate development in principle which would also be harmful to the openness of the Green Belt and also to the open character of the Green Belt. In addition only a portion of the land is lawful previously developed land. The very special circumstances advanced do not outweigh the harm to the Green Belt and other harm identified. The proposals are therefore contrary to the National Planning Policy Framework, policies L08 and SP1 of the Core Strategy, policy EN1 of the Allocations and Development Management Plan and guidance contained within the Sevenoaks Council Development in the Green Belt Supplementary Planning Document.

The proposals, by reason of the layout and density of development, particularly towards the southern portion of the site, would fail to reflect the semi-rural and open setting of the site and would be seriously detrimental to the established spatial character of the area. As such, the proposals are contrary to Government advice in the form of the National Planning Policy Framework and policy SP1 of the Council's Core Strategy and policy EN1 of the Allocations and Development Management Plan.

In the absence of a completed legal agreement to secure on site provision of affordable housing, the proposed development would be contrary to policy SP3 of the Council's Core Strategy and Affordable Housing SPD and the National Planning Policy Framework.

**National Planning Policy Framework**

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

**Description of site**

- 1 The application site is located at the southern edge of Hextable. Apart from no.17 Egerton Road and its rear garden, the site in its entirety is located within the Green Belt.
- 2 Abutting the site to the west is an area of woodland, to the south are open fields and to the east are extensive gardens to neighbouring houses.
- 3 The site formerly comprised an extensive area of largely open land used as nursery gardens. Approximately 10 years ago there appears to have been some 4 buildings on the site, with limited numbers of containers and open storage located roughly centrally within the site. However, much of the site retained an open appearance.
- 4 More recently, a large polytunnel has been erected and within the last 3-5 years, use of the site appears to have changed dramatically, with a large number of other structures appearing on site. These include a significant number of storage containers, with the site also clearly being used intensively for storage/valeting and some maintenance of cars. The uses now extend over the majority of the site.

**Description of proposal**

- 5 Demolition of the existing premises and subsequent residential development comprising of the construction of 35no. 2, 3 & 4 bedroom houses with associated access and parking. The proposals include the provision of 14 affordable housing units and a legal agreement is being drafted to secure this.
- 6 Access to the site would be gained via Egerton Avenue, but in a location currently occupied by no.17, which would be demolished in the process. The access would then run south into the site for approximately 60m, leading to a small, off-set, roundabout and then onwards a further 100m towards the southern portion of the site. The closest buildings would be set approximately 15m to the rear of no.19 Egerton Avenue and approximately 17m to the rear of no.13.
- 7 The dwellings would comprise a mix of semi-detached and detached dwellings, with 2 terraces of 3 houses. Some would have open forecourt



parking and some car ports or garages. The rear (southern-most) end of the site would incorporate an open green, surrounded by housing. The southern boundary would comprise a row of detached 4 bed houses.

8 The buildings would all be two storey in scale, with a variety of designs and materials, but predominantly concrete roof tiles with brick elevation, with some limited tile hanging and weatherboarding.

9 **Relevant planning history**

90/01653	Change of use of an agricultural building to storage	Grant 5.4.91
02/00424/LDCEX	Storage and distribution and the parking of commercial vehicles and trailers	Grant 10.7.02
03/01079/OUT	Erection of 54 self-contained retirement houses, community centre, garaging and parking, revalidated on 6/8/3 after receiving additional Certificate B regarding land not in applicants ownership	Withdrawn
03/01714/LDCPR	Resurfacing of existing yard.(Split decision see notice)	Split 26.8.03
03/02440/LDCPR	Extension to existing building. Replacement of storage containers in connection with use of buildings at the site.(SPLIT DECISION)	Split 3.12.03
03/02489/OUT	Erection of 54 self-contained retirement houses, community centre. Garaging and parking. (Outline)	Refused 9.1.04
05/00586/OUT	Erection of 5 No detached 5 bed houses (Outline).	Withdrawn
07/00991/FUL	Erection of Polytunnels and Facilities Building (Plot A)	Refused 17.5.07
07/00998/FUL	Erection of Polytunnels and Facilities Building (Plot B)	Refused 17.5.07
07/00999/FUL	Erection of Polytunnels and Facilities Building (Plot C)	Refused 17.5.07

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07/01001/FUL	Erection of packhouse/warehouse and polytunnels. (Plot D)	Refused 17.5.07
07/01395/FUL	Erection of 3 polytunnels on Plot D2	Granted 16.11.07
08/01240/FUL	Erection of Potting & packing store/WC/mess area/office building and x2 polytunnels on site of former glasshouses on cleared and levelled land	Grant 30.12.08
09/02688/FUL	Erection of a facilities building and polytunnels to serve the horticultural use of the nursery at Plot B.	Grant 21.1.10
09/02689/FUL	Erection of a facilities building and polytunnels to serve the horticultural use of the nursery at Plot C.	Grant 21.1.10
09/02722/FUL	Erection of a facilities building and polytunnels to serve the horticultural use of the nursery at Plot D	Grant 21.1.10
10/03533/FUL	Erection of a facilities building and polytunnels to serve the horticultural use of this plot as a replacement for the original glasshouse at Plot B.	Grant 9.3.11
10/03534/FUL	Erection of a facilities building and polytunnels to serve the horticultural use of Plot C.	Grant 9.3.11
10/03535/FUL	Erection of a facilities building and polytunnels to serve the horticultural use of Plot D as a replacement for the original glasshouse at Plots D1 and D2.	Grant 9.3.11
11/01997/LDCPR	Use of toilet block for storage purposes	Refused 4.10.11
11/02007/FUL	Erection of a toilet/shower block to serve the lawful commercial and horticultural uses on the site, provision of a connection to public sewer and upgrading of access road at Egerton Nursery	Refused 10.11.11

12/01285/LDCPR	Use of building for storage purposes	Grant 15.6.12
13/00384/FUL	Demolition of existing storage building	Refused 5.4.13
13/01199/FUL	Replacement of existing storage building, with a new storage building to serve business use.	Grant 13.6.13
19/02017/FUL	Demolition of the existing premises and subsequent residential development comprising of the construction of 43no. 1 & 2 bedroom apartments and 2, 3 & 4 bedroom houses with associated access and parking including the onsite provision of 17no. 'affordable' housing units	WITHDRAWN 8.11.20

## Policies

### 10 Core Strategy:

- LO1 Distribution of Development
- L08 The Countryside and the Rural Economy
- SP1 Design of new Development and conservation
- SP2 Sustainable Development
- SP3 Provision of Affordable Housing
- SP5 Housing Type and Size
- SP7 Density of Housing Development
- SP8 Economic Development and Land for Business
- SP11 Biodiversity

### 11 Allocations and Development Management Plan (ADMP):

- SC1 Presumption in Favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- EN5 Landscape
- EMP5 Non-Allocated Employment Sites
- T1 Mitigating Travel Impact
- T2 Vehicle Parking
- GI1 Green Infrastructure and New Development

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12 Other:

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

### Constraints

13 The site lies within the following constraints -

- Number 17 only within built confines of Hextable.
- Rest of site within Green Belt.

### Consultations

14 Hextable Parish Council:

15 “Hextable Parish Council strongly support this development, as it is broadly in line with the pending local plan for providing sites for housing, and suits the overall residential environment of Egerton Avenue.

16 The current site use of the formal nursery is not compatible with the immediate surrounding area.

17 In supporting this application, we have a number of areas that we request the Planning Officer considers carefully when determining this.

18 Consideration of a temporary trackway for construction traffic accessed from Main Road to the rear of the site to minimise it going through Egerton Avenue.

19 Sensible constraints on construction times. Consideration of the provision of future Infrastructure requirements such as future medical provision and school places.

20 Provision for adequate parking for the properties.

21 HPC would like to work with the developer for opportunities to maximise the benefit for the village of CIL contribution.”

Planning Policy:

22 “Thank you for consulting Planning Policy on this application.

23 The key strategic planning policy issues are considered to be:

- Green Belt
- Lawful use / Previously Developed Land
- Provision of affordable housing
- Emerging Local Plan
- Loss of the existing use

- 24 This proposal seeks to redevelop a former nursery/commercial site on the edge of Hextable village into a 35 unit residential development.

**Green Belt:**

- 25 The site (excluding 17 Egerton Avenue) is located in the Metropolitan Green Belt, within the narrow strategic gap that separates Hextable and Swanley. The site abuts the edge of Hextable's urban confines. Hextable is identified as a village in the District's settlement hierarchy (as identified in Core Strategy Policy LO7), and is one of the largest villages in the District, which can support infilling and redevelopment on a small scale.
- 26 This site lies within the Green Belt and the Core Strategy states 'the extent of the Green Belt will be maintained' (Policy LO8).
- 27 However, the Council recognises the acute housing need in the District and has proposed a number of green belt releases in the emerging Local Plan. Part of the site is a draft site allocation (ST2-59 Egerton Nursery, Egerton Avenue, Hextable) within the Local Plan, for 30 units. It is noted that the emerging Local Plan is no longer at examination since the Inspector's final report (2 March) concluded that the Plan is not legally compliant in respect of the Duty to Co-operate and recommended that the Plan is not adopted. The District Council is currently pursuing legal action in the form of a Judicial Review, but it remains the case that the District is facing huge housing need and will continue to support the release of Green Belt in sustainable and suitable locations, to provide community infrastructure and to help meet identified housing, including affordable housing need. Nevertheless, limited weight can be given to the emerging plan since it is no longer at examination and therefore the scheme must be considered in light of existing adopted policy, both local and national.

**Lawful use / Previously Developed Land:**

- 28 National Policy (specifically NPPF paragraph 145g) outlines that the redevelopment of previously developed land is not inappropriate development in the Green Belt, provided that the scheme
- does not have a greater impact on the openness of the Green Belt than the existing development
  - does not cause substantial harm to the openness of the Green Belt, where the scheme contributes to meeting an identified affordable housing need.
- 29 The NPPF glossary defines previously developed land (PDL) as:
- "Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure..."

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- 30 It is noted that Previously Developed Land (PDL) also excludes land that is or was last occupied by agricultural buildings.
- 31 Therefore, it is relevant to determine whether the site is PDL, to understand whether paragraph 145g) is relevant.
- 32 It is noted that the 2018 aerial photograph of the site shows that the uses on the southern half of the site are temporary, primarily being the placement of storage containers and the parking of vehicles, with no visible fixed surface infrastructure. Further, the 2016 aerial photograph of the site shows the southern half of the site to be primarily greenfield, and this is the case in aerial photographs dating back to 1999 and beyond. Therefore the brownfield status of the land asserted by the applicant is questionable. It is also understood that there is ongoing enforcement action on the site, in relation to lawful use.
- 33 In terms of impact on or harm to the openness of the Green Belt, this is a matter of judgement. Existing and proposed building heights, volumes and footprints are relevant, as is, for example, screening, planting and enclosure.

### **Affordable Housing:**

- 34 It is noted that the District has an acute identified need for affordable housing, as set out in the Council's Strategic Housing Market Assessment (SHMA, 2015, linked below). It identifies an affordable housing need of 422 units per year, representing 68% of the overall objectively assessed housing need.
- 35 The scheme proposes the provision of 40% affordable housing, which is compliant with Core Strategy policy SP3 and is relevant if paragraph 145g) is engaged,

[https://www.sevenoaks.gov.uk/downloads/file/1539/hou001\\_sevenoaks\\_strategic\\_housing\\_market\\_assessment\\_september\\_2015](https://www.sevenoaks.gov.uk/downloads/file/1539/hou001_sevenoaks_strategic_housing_market_assessment_september_2015)

### **Emerging Local Plan:**

- 36 The application site forms part of draft site allocation (ST2-59 Egerton Nursery, Egerton Avenue, Hextable) within the Local Plan. The application site extends to a wider area than that included in the site allocation. The proposed design guidance for the allocation site outlines that the land is proposed for residential development (30 units). It is noted that the proposed site allocation provided design guidance, which is repeated below for ease of reference, and the application should be reviewed against these draft criteria.
- Careful design and layout to minimise impact on the openness of the Green Belt in this important strategic gap.
  - Access to be improved.

[https://www.sevenoaks.gov.uk/downloads/file/1566/sdc001a\\_appendix\\_2\\_-\\_housing\\_and\\_mixed\\_use\\_allocations\\_maps\\_and\\_development\\_guidance](https://www.sevenoaks.gov.uk/downloads/file/1566/sdc001a_appendix_2_-_housing_and_mixed_use_allocations_maps_and_development_guidance)

37 Other considerations:

38 If it is determined that the scheme cannot be considered the redevelopment of PDL, in accordance with paragraph 145g) of the NPPF, then the proposals would be considered inappropriate development in the Green Belt and would need to demonstrate 'Very Special Circumstances'. It is suggested that the following factors may be relevant to such a consideration:

- The District-wide need for housing, particularly affordable housing
- The identification of a portion of the site as a proposed site allocation in the emerging Local Plan
- The location of the site, immediately adjacent to one of the District's largest villages, in close proximity of the District's second town, Swanley.
- The level of existing lawful built form on the site

**Loss of the existing use:**

39 In terms of the loss of the existing use, ADMP Policy EMP5 (Non-allocated employment sites) states that the impact of the proposals on the environment, economy and local community will be considered, and that sites should be actively marketed for at least six months before being considered for release.

40 Conclusion:

41 The northern part of this site is included in the emerging Local Plan and is considered a suitable location for a 30-unit housing development. It is not clear that the southern portion of the site constitutes PDL and was excluded from the proposed site allocation. The southern portion of the site juts out into the strategic Green Belt gap between Swanley and Hextable village, narrowing the gap between the settlements. Therefore, the boundary of the Local Plan site allocation was drawn to continue the existing Green Belt boundary line, which runs to the southern-side of the properties on Nutley Close. This was considered to facilitate a proportionate development, which reflected the developed elements of the site and did not compromise the purposes of Green Belt, which includes the preventing settlements from merging.

42 Please note I have not commented on the detailed design of the site, other than to note that any development in this settlement edge location should be of exemplar design quality, allowing the settlement to blend into the countryside (and Green Belt).”

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- 43 KCC Highways: (in summary)
- 44 The application is supported by a Highway Statement.
- 45 The traffic generation from this development is expected to be in the region of 175 two-way traffic movements per day (although this is not evidenced) with around 17 - 20 two-way movements in the AM and PM peak hours. It is not expected that this number of traffic movements would be significantly greater than the existing business uses on the site. Access from the local distributor road network is via Egerton Avenue to Main Road (B258) to the east. Any additional traffic using the junction between Egerton Avenue and Main Road is not considered to be significant and is unlikely to cause any additional congestion.
- 46 The site is considered sustainable and the layout is generally in compliance with the requirements of Kent Design. The improved junction with Egerton Road is acceptable. Parking is provided in accordance with Kent Residential Parking Standards for a suburban area, with acceptable visitor parking.
- 47 A number of conditions are recommended.
- 48 Housing Policy:
- 49 “Thank you for your email dated 3 June seeking Housing Policy’s formal comments on this application. Our comments are as follows:
- 50 The offer of 40% on site affordable housing (14 homes) is noted and is in compliance with Core Strategy Policy SP3.
- 51 The proposed affordable housing tenure split of 65% of homes for social/affordable rent (9 homes) homes and 35% of homes for intermediate housing (5 homes) is noted and is in compliance with Policy SP3.
- 52 The proposed location and size of the affordable housing, as set out in drawing number 1921/51 “Affordable Housing Map”, is noted and is acceptable.
- 53 Compliance with the Nationally Described Space Standards is noted and in advance of Policy requirement, is welcomed.
- 54 Use of the District Council’s template legal agreement is noted and comments have been provided.
- 55 As per Policy SP3 and the accompanying Affordable Housing SPD 2011 (as updated in December 2019), delivery of the affordable housing by a partner Provider is sought. Contact details for the District Council’s partner Providers are provided on the website. Early selection of the Provider is encouraged.”
- 56 Environmental Heath:
- 57 “Having reviewed the submission it is clear that in order to produce an appropriate remediation strategy further investigation may be necessary. Therefore an extensive remediation strategy should be provided by the



applicant detailing any further investigation proposed and details of the remedial measures to be used where it is intended to reuse cleaned or recovered material and details of proposed imported soils. All to be agreed in writing by the local planning authority prior to work commencing.

- 58 On completion of remedial works and soil importation the applicant shall submit a verification report to demonstrate that all remedial works were undertaken in an appropriate manner and site is suitable for its intended use. This is to be agreed in writing by the local planning authority prior to first habitation of any dwelling.
- 59 Due to government policy regarding the replacement of conventional fuelled vehicles the applicant should provide EV charging points to all properties and infrastructure to allow all parking bays to have EV charging points at a later date if required.
- 60 All of these matters could be addressed by condition if you are minded to grant permission.”
- 61 SDC Arboricultural Officer:
- 62 “This site is devoid of any vegetation with the exception of trees within the rear garden of 17 Egerton Avenue, which are shown to be removed as part of the proposal. The main areas where existing vegetation may be affected is located within adjoining properties. I think this will be affected more post development than during.
- 63 I have noted the proposed reduction in dwelling numbers from the previous application, which is preferable and will benefit the potential for any new landscaping. The proposed landscaping masterplan (5426-LLB-XXXX-DR-L-0001) appears acceptable but detailed landscaping should be conditioned and attached to any consent given. I have noted the proposed general landscaping detail (5426-LLB-XX-XX-DR-L-0002) which shows Laurel in amongst the proposed plants. I strongly suggest that this species is replaced for another species as this type of plant is so widespread and regularly used by contractors.”
- 64 Natural England: No comments - refer to standing advice and recommend contacting own Ecologist.
- 65 KCC Ecology: (In summary, following submission of further information)
- 66 They are satisfied that sufficient information has been submitted to determine the planning application.
- 67 On the information available, it is considered unlikely that there are bats roosting at no.17 Egerton Avenue.
- 68 Concerns were raised regarding the potential impact on woodland/scrub adjacent to the development site, as badgers, roosting/foraging bats, reptiles and breeding birds could be present within this area. Further information submitted suggests that the impact would be limited by proactive mitigation including boundary fencing, which is proposed. The

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fencing proposed is considered acceptable as it would reduce light spill from the site to the adjoining woodland/orchard, but this should include “hedgehog” highway routes through the fencing. This can be subject to condition relating to ecological enhancement of the site. Control of external lighting could also be controlled by a suitable condition.

- 69 Ecological enhancement is also sought. This too could be controlled by a suitable condition.
- 70 KCC Archaeology: (in summary)
- 71 The site of the proposed development lies in an area of general potential for prehistoric and later remains. There is early map evidence for activity on this site for horticultural greenhouses of local heritage interest. In view of the archaeological potential and size of the proposed development, a condition for an archaeological field evaluation is requested.
- 72 Lead Local Flood Authority (in summary):
- 73 Initially raised a number of queries and requested a revised drainage strategy.
- 74 In response to further information submitted, no objections are raised and request a number of conditions be attached in the event of a grant of permission.
- 75 Police Crime Prevention Unit :( in summary)
- 76 Have considered the proposals in light of the Crime Prevention Through Environmental Design (CPTED) and Secured by Design (SBD). They note reference to these in the Design and Access Statement.
- 77 A number of other recommendations are raised particularly with regard to boundary treatments/gates, lighting, improved on site surveillance and door and window technical specifications.
- 78 Environment Agency (in summary):
- 79 Consider planning permission could be granted, BUT subject to conditions relating to investigation for contamination and remediation if necessary and details of drainage.
- 80 Thames Water: (In summary)
- 81 With regard to Waste Water Network and Sewage Treatment Works they expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer and an informative is requested..
- 82 With regard to surface water drainage, if the developer follows the sequential approach, no objection would be raised. Prior approval will be required for discharge into a public sewer.
- 83 No objection is raised to water network and water treatment capacity.

- 84 KCC Economic Development: (in summary)
- 85 Highlight cost impact of development on infrastructure funding which they would seek were it not for the CIL list.

**Representations:**

- 86 Letters of support have been received from 25 interested parties expressing support as follows:
- The current commercial use is an anti-social one.
  - Site is run-down.
  - Proposals represent sympathetic development of brownfield site.
  - Welcome inclusion of affordable housing.
  - Housing need justifies development on scale proposed.
  - Sustainable site.
- 87 Letters of objection have been received from 7 interested parties raising the following points:
- Overdevelopment of site in the Green Belt.
  - Not all site is brownfield land and proposals would erode openness of the Green Belt and gap between Hextable and Swanley.
  - Plot 35 would be visually overbearing.
  - Erosion of Green Belt and gap to Swanley.
  - The proposals will generate excessive traffic.
  - Should be reduced scale of development
  - Noise and disturbance, including from use of the access.
  - Houses on Plots 1 and 35 would appear overbearing and result in overshadowing, overlooking and loss of privacy.
  - There is inadequate boundary treatment between the access driveway and the neighbouring houses.
- 88 Non planning matters are also raised.

**Chief Planning Officer's appraisal**

- 89 Policy Background
- 90 Presumption in favour of sustainable development:
- 91 Paragraph 8 of the NPPF explains there are three overarching objectives to achieve sustainable development, an economic objective, a social objective and an environmental objective.
- 92 Para 11 of the NPPF confirms that the NPPF has a presumption in favour of sustainable development, and that development that accords with the development plan should be approved unless material considerations indicate otherwise.

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- 93 Paragraph 11 d) 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 (i) NPPF policies that protect areas of particular importance, including the Green Belt, provide a clear reason for refusal, or (ii) any adverse effects of granting permission would significantly and demonstrably outweigh the benefits, assessed against the NPPF as a whole.
- 94 Housing policies are considered out of date where a planning authority cannot demonstrate a deliverable five year housing supply or the Housing Delivery Test indicates delivery of less than 75% of requirement over the last three years. Where there has been significant under-delivery over the past three years, planning authorities should identify a minimum five year supply of deliverable housing sites plus a 20% buffer.
- 95 At paragraphs 143-145, the NPPF makes clear that the construction of new buildings is inappropriate development in the Green Belt requiring very special circumstances to justify it. 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.
- 96 Paragraph 145(g) makes the exception that the redevelopment of previously developed land (PDL) should not be regarded as inappropriate development in the Green Belt where the development would either have no greater impact on openness or where it would contribute to meeting an identified need for affordable housing.
- 97 The Glossary to the NPPF excludes from the definition of PDL land that is or was last occupied by agricultural buildings.

### Main Planning Considerations

- 98 The main issues requiring assessment relate to:
- Principle of development and land use;
  - Impact on openness;
  - Access, layout, scale, design and impact on the character of the area;
  - Impact on residential amenity;
  - Impact on highways and parking;
  - Impact on ecology and biodiversity;
  - Case for very special circumstances.

### Principle of development and land use

- 99 Having established that the site is within the Green Belt the Authority must consider both its own Development Plan Policy and the NPPF.
- 100 As set out in para 143 of the NPPF, 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.

- 101 Para 144 of the NPPF advises that LPAs 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.
- 102 Therefore, the harm in principle to the Green Belt remains even if there is no further harm to openness because of the development.
- 103 Paragraph 136 of the NPPF states that:
- “Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans.”
- 104 Policy L01 of the Core Strategy (2011) is relevant to the principle of development in this location and adopts a settlement hierarchy approach that seeks to accommodate new development within the most sustainable settlements.
- 105 However, the site is located outside of any designated settlement boundaries where small scale development is necessarily appropriate and in locations such as this policy L08 applies. In summary, the fundamental aim of this policy is to maintain the extent of the Green Belt and conserve the countryside. This follows the general thrust of the NPPF.
- 106 Whilst the authorised use of the wider site is highly questionable, it is clear that there is an element of legitimate commercial use. Policies SP8 of the Core Strategy and EMP5 of the ADMP are therefore also relevant. In summary these policies seek to resist the loss of lawful business premises if unviable or considered to be inappropriately located.
- 107 In my view, the site is poorly located for an intensive commercial use, with access via a relatively restricted residential road, bounded by houses. An intensive commercial use of the site would be likely to detract from the character of the area and the amenities of neighbouring occupiers, not only in terms of related highway activity but also general noise and disturbance contrary to EN2 of the Council’s ADMP. In addition, policy L08 of the Core Strategy seeks to conserve and enhance the countryside and the Green Belt. In the particular circumstances, I would not raise an objection to the loss of employment use of the site.
- 108 In my view, there may be some scope for replacement of the lawful business use with a residential use. However, the degree to which this can be satisfactorily achieved without having a greater impact on the Green Belt is fundamental to the consideration of this application.

### **Impact on Green Belt**

- 109 The starting point for this application is the fact that other than no.17 Egerton Avenue and its residential garden, which lies within the built confines, the site in its entirety is washed over by the Green Belt.

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- 110 The NPPF makes clear that the essential characteristics of the Green Belt are their openness and permanence. Openness is not reliant upon degree of visibility but upon an absence of built development. The purpose of the Green Belt is also to protect land against unrestricted sprawl and safeguard countryside from encroachment.
- 111 There is both a visual and spatial aspect to openness. Openness is about freedom from built form. Even if there is absence of harm to openness, there can still be harm in principle to the Green Belt from inappropriate development.
- 112 The NPPF states that the construction of new buildings should be regarded as inappropriate in the Green Belt, except in a limited number of circumstances, the most pertinent being the redevelopment of previously developed land.
- 113 However, regard should also be had to the definition of “previously developed land” provided by Annex 2 of the NPPF, which states as follows:
- “Land which is or was occupied by a permanent structure, including curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes land that is or was last occupied by agricultural or forestry buildings...and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”
- 114 With this in mind, paragraph 6.7 of the Council’s own Supplementary Planning Guidance “Development in the Green Belt” also provides a useful interpretation as to what is required for a building to be considered permanent in nature. This includes that it “*must be built on permanent solid foundations. Portacabins, caravans and mobile homes are not considered to be permanent buildings.*”
- 115 The former horticultural uses of the site comprised an agricultural use. Such uses latterly appear to have related to a more limited area of the site as a whole. Thus whilst the proposals may result in the loss of some agricultural land (Class/grade 2), this would be limited.
- 116 Of more relevance in my view, is the extent of commercial use.
- 117 Section 7 of the Council’s Development in the Green Belt SPD is also relevant to proposals for previously developed land. It states that the Council will consider redevelopment proposals of brownfield sites based on whether they would have a greater impact on the openness of the Green Belt. The Council would generally expect proposals to:
- a) Have no greater impact than the existing development on the openness of the Green Belt and the purposes of including land in it, and where possible have less;
  - b) Not exceed the height of the existing buildings; and
  - c) Not occupy a larger area of the site than the existing buildings.

- 118 The SPD states that the most relevant area for the purpose of (c) is the aggregate ground floor area of the existing buildings (the footprint). This does not however override the first criterion (a) relating to impact on openness which is not limited to footprint, but to the three-dimensional impact of built form, including building volume and height. It is necessary to assess whether any of these elements, either individually or combined, would result in unacceptable harm to the openness of the Green Belt. The character and dispersal of proposed redevelopment will also need to be considered.
- 119 From my visit to the site, the majority of structures were relatively low key and small scale, apart from a small number of “permanent” structures, the majority comprised storage containers, with a large area of the site utilised in the form of open car parking/storage.
- 120 The planning history for the site is fairly extensive. However, from my review, there appear to be only five buildings that benefit from a lawful use, two which were erected for horticultural use with one of these a large, light-weight, polytunnel type structure. The three other buildings appear to have a commercial use. These structures are sited on or adjacent to the northern portion of the site. One of the commercial buildings located in the centre of the site has an adjacent area with a lawful use for ancillary storage and distribution. However, the extent of this is relatively limited.
- 121 Whilst the wider site is presently extensively covered by car parking and numerous storage containers and other uses, there is no clear evidence that any of these are lawful and indeed are actually subject to current planning enforcement investigations. Aerial photographs suggest these uses have only occurred very recently (last three years).
- 122 My conclusion in light of the above, is that the majority of any justifiable previously developed land would appear to lie towards the northern and central portion of the site and is relatively limited in nature. The lawful buildings are of modest scale and furthermore, of the five buildings on site, the largest comprises a polytunnel and I consider it debatable whether this constitutes a “permanent” building.
- 123 Thus for the purpose of para. 145 g) of the NPPF, there are only five buildings/structures at best which, in my view, can be considered permanent.
- 124 Even a cursory comparison of the existing buildings with the proposed footprint, floor space and volume of the 35no. 2 storey dwellings reveal significant disparity in these regards. The proposals would not only have a significantly greater impact on the openness of the Green Belt because of the increase in scale and overall massing, but would also exceed the height of the existing buildings and, on the face of it, occupy a significantly greater proportion of the site than the existing lawful uses.
- 125 Even if consideration were to be given the impact of the numerous storage containers, these are not permanent buildings but mobile structures and are transient in nature. The same can be said of the extensive car parking on

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site. Therefore, I would give limited weight to the impact of these elements on the openness of the Green Belt.

- 126 I note that there is both a visual and spatial aspect to openness. In spatial terms, I consider there to be no question that the proposals would have a materially greater impact on the openness of the Green Belt. In visual terms, the site in its current state has an intensively used and cluttered appearance with numerous structures (largely storage containers) dotted around the site. However, even were these uses and structures to be considered lawful (which is highly questionable as set out above), I do not consider extinguishment of the use would outweigh the impact which would arise by virtue of the extent and permanence of the development proposed.
- 127 In light of the above, it is my conclusion that the proposed houses and associated development would have a significantly greater impact on the openness of the Green Belt than the existing development. The proposals would fail the test of 145(g) of the NPPF and therefore represent inappropriate development, which by definition is harmful to the maintenance of the Green Belt.
- 128 In addition to the above, the properties in Egerton Avenue together with those in Nutley Close and just to the south east along Main Road form a clearly defined boundary to the edge of Hextable. The land to the south extending to New Barn Road, together with woodland directly to the south and Swanley Park to the south-west form a distinctive break between the settlement boundaries of Swanley and Hextable. Paragraph 4.3.5 of the supporting text to policy CS policy L04 (development in Swanley) highlights that land "...to the north and north east plays an important role in separating Swanley from the nearby communities of Hextable and Swanley Village..."
- 129 Whilst no.17 Egerton Avenue and its associated garden lie within the built confines of Hextable, the remainder of the site in its entirety lies within the Green Belt.
- 130 Due to the significant degree that the development site would extend southwards into the Green Belt, it is my view that the proposals would also fail to meet the purposes of the Green Belt to check the unrestricted sprawl of large built-up areas, to prevent neighbouring towns merging into one another and to safeguarding the countryside from encroachment.
- 131 Any case for very special circumstances will be set out below.

### **Density, layout, scale, design, access and impact on the character of the area**

- 132 Section 12 of the NPPF relates to achieving well-designed places. Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. *"Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*



- 133 At paragraph 127, the guidance explains, amongst other things, that *“planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping” and that “are sympathetic to local character and history, including the surrounding built environment and landscape setting...”*
- 134 Paragraph 130 states that *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.*
- 135 Policy SP1 of the Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. Outside settlements, priority will be given to the protection of the countryside and any distinctive features that contribute to the special character of the landscape and its biodiversity will be protected and enhanced where possible. Policy LO8 of the Core Strategy recognises the importance of the visual quality of the landscape and requires development to respect the countryside by having no detrimental impact upon the landscape character. Policy EN5 seeks to protect the landscape throughout the District.
- 136 Policy EN1 of the ADMP states that the form of proposed development should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. Criteria d) of policy EN1 of the ADMP requires a satisfactory means of access for vehicles and pedestrians and for provision of adequate parking and refuse facilities. Criteria f) and g) also require the design and layout of spaces, including footways to be permeable and provide connectivity with neighbouring areas and to provide safe and secure environments.
- 137 With regard to impact on the highway, paragraph 109 explains that *“Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*
- 138 Policy T1 of the ADMP requires new developments to mitigate any adverse travel impacts, including their impact on congestion and safety and any adverse environmental impact. Policy T2 relates to vehicle parking, including cycle parking and requires provision in accordance with advice from the Highway Authority. Policy T3 requires the provision of electrical vehicle charging infrastructure.
- 139 With regard to housing mix and density, policy SP5 seeks an appropriate mix of housing, including smaller units. The proposals include a number of smaller 2 and 3 bed units as well as 4 bed houses. I consider the mix to be appropriate. The proposals would represent a density of approximately 28dph, which I consider compatible with the density of neighbouring development.
- 140 The layout and design would be typically suburban in appearance. Whilst the locality comprises a mix of two-storey and single storey houses, I consider the two-storey scale and design of the houses themselves would be

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compatible. Whilst the details of materials would be subject to condition, the drawings and supporting information suggests the use of a palette of local materials including red/brown multi stock brick, areas of rendering, red/brown/grey roof tiling and elements of brick detailing. The houses would include a variety of designs and roof forms, with a reasonable degree of articulation. Overall, I consider the buildings to be of an acceptable design and to reflect the character of houses in the locality.

- 141 It should be noted that compared to the earlier withdrawn application, the current scheme reduces the numbers of houses, providing increased space for landscaping. Subject to detailing, the Council's Arboricultural and Landscape Officer raises no objections to the proposals.
- 142 However, bearing in mind the relatively sensitive semi-rural and open setting of the site, I do have reservations over the layout and form of the development. I would prefer to see a greater spaciousness to the southern portion of the site, as this area is more open in nature and abuts largely open land (or extensive neighbouring gardens). Rather than proposing a more landscaped buffer and introducing a degree of spaciousness, the southern portion of the site would essentially be the most densely developed part. Here the houses would form an almost continuous building line, with only narrow gaps between. This is in stark contrast to the houses to the east, for example, which have extensive, well foliated, gardens. In my view the layout proposed, most particularly the southern portion, would fail to reflect the open context of this part of the site.
- 143 Subject to conditions, the Highway Authority raise no objections to the new vehicular access onto Egerton Avenue, the new roadway within the site, or parking arrangements, which are considered to meet the relevant standards.
- 144 In conclusion, whilst the present proposals reduce the number of dwellings, have improved the landscaping of the site and would meet highway requirements, I remain concerned that the density of development to the southern portion of the site would fail to reflect the spaciousness, which characterises the surrounding area and transition into the countryside. In this particular regard, I consider the proposals fail to fully accord with the policies summarised above.
- 145 As an aside, even if the front part of the site were to be adopted for residential development as proposed in the emerging Local Plan, there is no intention to remove the southern portion of the site from the Green Belt.

### **Amenity of neighbouring occupiers**

- 146 Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 147 Policy EN2 of the ADMP relates to "Amenity Protection". The policy states that proposals will be permitted where they would provide adequate residential amenities for existing and future occupiers of the development

and would safeguard the amenities of existing and future occupants of nearby properties by ensuring the development does not result in, amongst other things, overlooking, loss of privacy, loss of light or visual intrusion.

- 148 The houses closest to the site and most likely to be directly affected would be nos.11-21 Egerton Avenue, particularly nos. 15 and 19, which would be sited approximately 15-17m away. The properties closest to these dwellings would be two storey in scale with blank flank elevations (first floor obscured toilet windows). I consider the separation distance sufficient to ensure that the new houses would not appear unduly overbearing and do not consider there would be overlooking or loss of privacy, or any significant loss of light.
- 149 Otherwise, the closest dwellings are those in Nutley Close to the east (esp. nos. 14 & 23). However, these properties would be set approximately 30m+ away from the rear elevations of proposed houses. In the circumstances, I do not consider the proposals would appear overbearing or result in loss of privacy or light.
- 150 Whilst there would be traffic implications from the proposals, there is significant activity associated with the existing site. In the circumstances, I do not consider the noise and disturbance from associated traffic would result in serious loss of amenity to neighbouring residents, particularly along Egerton Road. Were the proposals considered acceptable in other respects, it would be desirable to protect the amenities of occupiers of properties directly adjacent to the access through use of acoustic fencing and this could be subject to a condition.
- 151 Subject to conditions, I consider the proposals would be policy compliant in this regard.

### **Affordable Housing**

- 152 Paragraph 62 of the NPPF states that where a need for affordable housing is identified, planning policies should specify what is required and expect it to be met on site.
- 153 Policy SP3 of the Core Strategy would require the provision of affordable housing on site.
- 154 The applicant is proposing to provide affordable housing to meet the requirements of policy SP3 (40% = 14 units), with 9no. units for affordable rent and 5 units for discounted market sale or shared ownership. No objection is raised to this mix by the Council's Housing Policy Team.
- 155 The applicant has submitted a draft legal agreement which would secure the required affordable housing contribution. However, this is still being drafted and has not been completed to date.
- 156 As there is no signed legal agreement to secure the provision of the affordable housing, the proposals would fail to meet the requirements of policy SP3. A further update on the situation will be provided in the late observations prior to the committee meeting, should the Section 106 be completed.

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### Trees & Ecology

- 157 Section 15 of the NPPF relates to conserving and enhancing the natural environment and includes discussion relating to biodiversity. Paragraph 175 explains that when determining planning applications, if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.
- 158 At a local level, policies SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity.
- 159 The site is not directly subject to any statutory or non-statutory ecological designations, however biodiversity is not confined to protected sites, but occurs throughout rural and urban areas, and it is important to protect species and provide enhancement.
- 160 It is accepted that there is little of ecological importance on the site itself. The site is very largely devoid of soft landscaping.
- 161 Concerns were originally raised by KCC Ecology to the potential impact on woodland/scrub adjacent to the site, which could contain protected species, which could in turn be adversely impacted by the proposed development. However, following the submission of further information/clarification has shown that relatively simple mitigation, for example, in the form of suitable fencing along the boundaries, would address concerns. This could be satisfactorily controlled through use of conditions, as could the provision of ecological enhancement of the site.
- 162 An extensive landscaping scheme is also proposed, which would considerably enhance the appearance of the site.
- 163 Subject to suitable conditions relating to details of landscaping and ecological enhancement, I consider the proposals would comply with the relevant policies.

### Other issues

- 164 In this regard, paragraph 178 of the NPPF states that decisions should ensure that a site is suitable for its proposed use taking into account ground conditions and any risks arising from land instability and contamination and that adequate site investigation information, prepared by a competent person, is available to inform these assessments.
- 165 There is potential for contamination on site, which may present some risk to human health. I would note that the Council's Environmental Health Officer has advised that in order to produce an appropriate remediation strategy further investigation may be necessary. A pre-commencement condition is requested seeking details of this. Remediation and verification that the site is suitable for habitation could also be subject to condition.

## Community Infrastructure Levy (CIL)

166 The proposal would be CIL liable and no exemption is sought.

## Very Special Circumstances

167 Para 88 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by any other considerations.

168 The harm in this case has been identified as:

- The harm in principle from inappropriate development in the Green Belt, which must be given significant weight.
- The harm to the openness of the Green Belt, which is also given significant weight.
- Harm as a result of the proposed site layout, particularly the southern extent of the development, which would fail to reflect the open context of the site. It would also result in a significant degree of visual encroachment of built development into the rural area between the settlement boundaries of Hextable and Swanley.

169 The applicant has put forward the following VSC:

- Front of site allocated for housing in emerging local plan.
- The site in its entirety is a brownfield site.
- Sustainably located.
- Significant shortage of housing land in Sevenoaks.
- Provides affordable housing.
- The site is a bad neighbour and developing only the front and retaining the rear for commercial use would prohibit residential development.
- No impact on strategic gap.

170 On 2<sup>nd</sup> March 2020, the Planning Inspectorate wrote the final report on the examination of the Sevenoaks District Local Plan. It concluded that the Plan was not legally compliant in respect of the Duty to Co-operate. This decision is presently subject to judicial review.

171 The weight that can be attached to the Local Plan is therefore very limited.

172 National policy reflects the Government's objective to significantly boost the supply and delivery of new homes. The NPPF sets out that it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

173 The Council has failed to meet the Government target of providing 95% of the District's housing requirement over the previous three years. It is

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accepted that the Council cannot demonstrate 5 years' worth of deliverable housing supply (the 5 year housing land supply calculation finds 2.6 years of supply of deliverable housing sites including the necessary 20% buffer). Because of this, we have produced a Housing Delivery Test Action Plan. Amongst other measures, it is considered that the Local Plan, once adopted, would provide a significant boost of housing sites. However, housing need will not be met without the adoption of the emerging Local Plan.

- 174 In conclusion, for the purposes of this application, the Council cannot demonstrate a five year housing land supply. Therefore paragraph 11d of the NPPF is engaged in deciding this application.
- 175 This means that there is a presumption in favour of the development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.
- 176 The market and affordable housing contributed by the development would be a substantial planning benefit.
- 177 Balancing exercise:
- 178 Though very little weight can be attached to the Local Plan, it is worth noting that because of the need to find sufficient land for housing part of the site was proposed to be allocated in the plan for residential use.
- 179 The site, in part, was promoted as suitable for housing development in the emerging Local Plan as ST2-59 and the sustainability of the site is accepted. This identifies the northern part of this site (approximately 45% area of this submission) as potentially capable of accommodating 30 dwellings (density of 60 dwellings per hectare). This conclusion has been reached following detailed consideration of the site.
- 180 Full details are provided on the Council's web-site under supporting documents SUP016 (Site Appraisals and Methodology), which has been used to inform document SUP017a (Sites Included in the Local Plan).
- 181 These documents recognise the need to provide new housing whilst preserving the character of the area. In brief summary, the analysis for this site concluded that:
- The site is presently within the Green Belt;
  - It provides a strategic gap between Hextable and Swanley;
  - There is low/medium landscape sensitivity;
  - Development should be restricted to the northern portion of the site, which is considered to comprise previously developed land.
- 182 However, for the purposes of this application, I would again note that the starting point is that the site in its entirety is within the Green Belt (apart from no.17 Egerton Avenue itself).
- 183 Whilst there is clearly a difference of opinion regarding the extent of the site which comprises previously developed land, in my view, there is

inadequate evidence to show that the site in its entirety benefits from being previously developed land. This is reflected in the Council's brownfield register and the resultant proposed policy designation, which recommends allocation of the front part only. There is no additional evidence within this application, which suggests otherwise. In conclusion, in light of the above, only the northern portion of the site is considered potentially suitable for development.

- 184 Having reached the conclusion that the proposals would represent inappropriate development in the Green Belt, NPPF subparagraph 11d(i) is relevant in terms of whether NPPF policies to protect the Green Belt provide a clear reason for refusal of the application.
- 185 With regard to the cessation of the existing use of the site, it is accepted that the site has resulted in considerable noise and disturbance to neighbouring residents. Removal of all structures and clutter from the site, including the storage containers and cars and cessation of the use would be beneficial to the openness of the Green Belt. However, as explained above, there is no evidence to show that the site in its entirety benefits from lawful commercial use and many of the uses are presently subject to enforcement investigation. Without evidence to clearly show that the site in its entirety benefits from a law commercial use, I can give only limited weight to the cessation of the use, as ultimately these uses may be removed from the site regardless.
- 186 In any event, there are few buildings on site of a substantial and permanent nature and the majority of structures are mobile and are transient in nature. Indeed aerial photographs suggest that they have only recently appeared on site (last 3-4 years). I would therefore give only limited weight to the cessation of the use and removal of all structures.
- 187 The proposals would result in the erection of a large number of substantial and permanent houses and garages, together with formal accesses and extensive hardsurfacing. The impact from the proposals in Green Belt terms would be irreversible. The proposals would erode the gap between the settlements of Hextable and Swanley and fail to respond to the open spatial character of the immediate area.
- 188 Weighed against these adverse impacts must be the significant benefit of contributions to affordable and market housing and the potential for ecological enhancement of the site.
- 189 On a balance of judgement however, it is my view the very special circumstances advanced above would fail to clearly outweigh the harm to the Green Belt in principle, the harm to the openness of the Green Belt or the impact of the design on the character of the area.
- 190 I would add, that even were the site to be considered previously developed land in its entirety, I consider that because of the permanent and extensive nature of the proposals, they would have a significantly greater impact on the openness of the Green Belt than the existing development and the because of this the benefits would fail to significantly and demonstrably outweigh the harm.

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### Conclusions

- 191 Whilst I do consider there is potential for re-development of the *northern* part of the site for residential purposes, in light of the above it is my conclusion that the present proposals would represent inappropriate development which would be harmful to the openness of the Green Belt and the circumstances in favour of the proposals do not clearly outweigh the harm identified.
- 192 I consider the proposed layout, particularly the degree of development towards the southern end of the site would fail to respond to the open spatial character of the area.
- 193 Whilst the applicant is amenable to a legal agreement for the provision of affordable housing, until this has been completed this cannot be formally secured.
- 194 I consider there to be no other material considerations that could not otherwise be covered by suitable conditions and thus which would warrant refusal.
- 195 Taking all these factors into account, I conclude that planning permission should be REFUSED.

### RECOMMENDATION: REFUSE

### Background papers

Site and block plan

Contact Officer(s):            Jim Sperryn            01732 227000

Richard Morris  
Chief Planning Officer

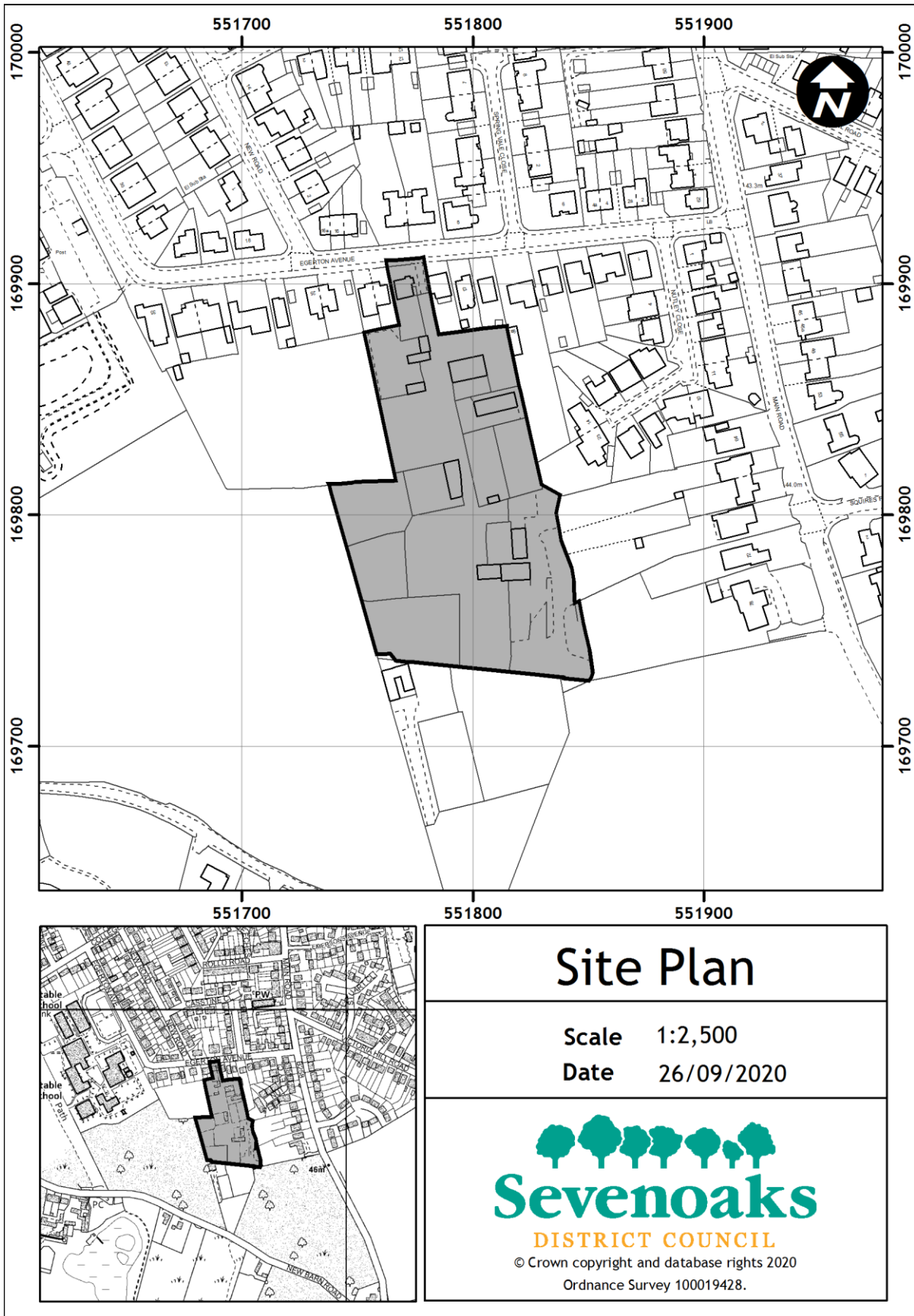
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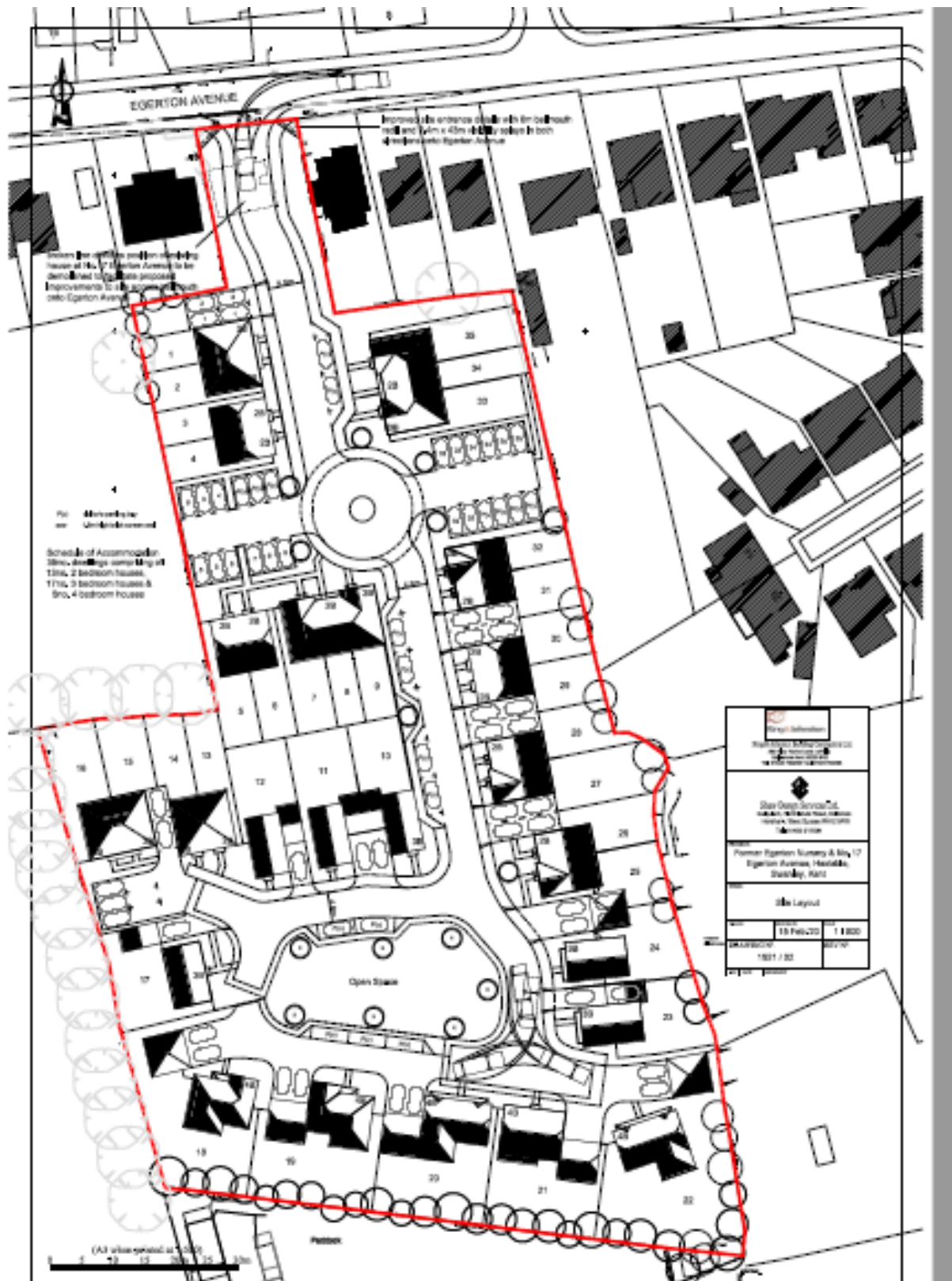
<https://pa.sevenoaks.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q8DJ1XBKG7H00>







4.2 20/01707/FUL Revised expiry date 20 November 2020

Proposal: Demolition of existing family dwelling and erection of a replacement five bedroom family dwelling with integral garage, replacement entrance gate and landscaping alterations.

Location: Worsley, Badgers Road, Badgers Mount KENT TN14 7AZ

Ward(s): Halstead, Knockholt & Badgers Mount

**Item for decision**

The application was referred to Development Control Committee by Councillor Grint for the impact on the character of the area and the impact to residential 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) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those stated on the application form.

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

3) The development hereby permitted shall be carried out in accordance with the following approved plans and details: PD-01, PD-02

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

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

To maintain and protect the Metropolitan Green Belt as supported by Policies EN1 and EN5 of the Sevenoaks Allocations and Development Management Plan

5) Prior to occupation, a full mitigation strategy as detailed in paragraph 5.4 to 5.8 of a bat survey report. Greengage, May 2020 shall be undertaken in accordance with the specifications set out in the strategy. The strategy will identify those

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areas/features on site that are particularly important for bats show how and where external lighting will be installed in accordance with guidance note 8 bats and artificial lighting (bat conservation trust and institute of lighting professionals). Specifications shall be maintained thereafter in accordance with the strategy.

To promote biodiversity as supported by Policy SP11 of the Core Strategy.

6) Prior to the occupation of the development hereby approved, an updated site and landscape plan detailing what ecological enhancements will be incorporated in to the site as well as amended location of bird boxes shall be submitted and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

To promote biodiversity as supported by Policy SP11 of the Core Strategy.

7) No development shall take place on the land until full details of the existing and proposed site levels have been submitted to and approved in writing by the local planning authority. The scheme shall be built wholly in accordance with the approved details.

To maintain the character of the area and the residential amenity of neighbouring properties as supported by Policies EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

8) No development shall take place on the land until full details of boundary treatment have been submitted to and approved in writing by the local planning authority. The scheme shall be built wholly in accordance with the approved details.

To maintain the residential amenity of neighbouring properties as supported by Policies EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

9) The first and second floor windows on the side (west) elevation shall remain obscure glazed and fixed shut below 1.7m at all times.

To protect the residential amenity of neighbouring properties as supported by Policy EN2 of the Sevenoaks Allocations and Development Management Plan

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

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

### Description of Site

- 1 The application site currently comprises of a detached bungalow located within Badgers Road. There are neighbouring properties located either side of the site, to the rear and opposite. Badgers Road consists of both larger detached two storey dwellings and bungalows, which have also been replaced and extended over time. The site is located within the parish of Badgers Mount. The site is located within the urban confines of Badgers Mount.

### Description of Proposal

- 2 Demolition of existing family dwelling and erection of a replacement five bedroom family dwelling with integral garage, replacement entrance gate and landscaping alterations. The proposal would include the demolition of an existing detached bungalow and the erection of a two storey dwelling with rooms in the roof. The dwelling would be located within Badgers Road.

### Relevant Planning History

- 3 19/03286/FUL - Demolition of existing family dwelling and erection of a replacement five bedroom family dwelling with integral garage and replacement entrance gate. Landscaping alterations - REFUSE.-The above application was refused on biodiversity grounds and the lack of information provided.

### Policies

- 4 National Planning Policy Framework

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

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

- The application of policies in this Framework that protects area of assets of particular importance provides a clear reason for refusing the development proposed, or
- Any adverse impacts of doing so would significantly and demonstrate outweigh the benefits, when assessed against the policies in the Framework as a whole.
- Footnote 6 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

- 5 Core Strategy (CS)

- L01 Distribution of Development

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- L07 Development in Rural Settlements
- SP1 Design of New Development and Conservation
- SP5 Housing Size and Type
- SP11 Biodiversity

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

- SC1 Presumption in Favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- EN5 Landscape
- T2 Vehicle Parking
- T3 Provision of Electrical Vehicle Charging Point

### Constraints

#### 7 The following constraints apply:

- Area of Outstanding Natural Beauty
- Public Right of Way

### Consultations

#### 8 Badgers Mount Parish Council:

Objection: The new building will be much larger and higher, with significantly increased bulk to the rear, compared with the existing dwelling resulting in loss of light and overshadowing of adjacent properties, and overlooking of their private spaces. The new building is excessively large for the small size of the plot. The garage is in front of the general building line of properties in Badgers Road. There is no mention that windows which would result in overlooking and loss of privacy of the adjacent properties to be obscure glazed and non-openable below 1.7m. Please include such a condition if you approve the application. If you approve the application, please include a condition that a construction management plan must be provided and approved due to the site location at the junction of Badgers Road and Johnsons Avenue. Could we please be consulted on this? The scale shown for the site plan suggests that the plot and building are much larger than shown on the more detailed drawings. In response to this comment for the previous application, the applicant stated that the scale was 1:500 but the drawing forming part of this application shows 1:100.

#### 9 KCC Ecology:

We have reviewed the information which has been submitted and we advise that sufficient ecological information has been provided for the determination of the planning application. We require no additional ecological information to be submitted prior to determination of the

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planning application but the detailed mitigation/enhancement requirements must be submitted/implemented as a condition of planning permission if granted.

Bats: we are satisfied with the conclusions of the ecological report which state that no bats were seen emerging from the building during the emergence survey and that low level of commuting and foraging activity were recorded on site. We advise that wildlife friendly planting and roost opportunities are include within the proposed development to minimise any impacts upon foraging and commuting bats. Lighting can be detrimental to roosting, foraging and commuting bats. Lighting can be detrimental to roosting, foraging and commuting bats. We advise that the Bat Conservation Trust's guidance Not 8 bats and artificial lighting in the UK is adhered to in the lighting design for the works undertaken and the new dwellings built-suggested condition wording at the end of this report.

Ecological Enhancements: One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity". The proposed two bird boxes drawn on the site plan appear to be set up quite low on fences. We advise that the locations are changed to ensure that they provide better benefit for birds. Bird boxes should be located on the north and east facing aspects of the building/trees. Please amend the site plan accordingly. As a reminder, we advise that ecological enhancements measures need to be over and above any mitigation measures. As such, any suggested bat boxes enhancements have to be in addition of any bat boxes suggested in the bat mitigation strategy-suggested condition wording at the end of this report.

Conditions:

Bats: The full mitigation strategy as detailed in paragraph 5.4 to 5.8 of a bat survey report. Greengage, May 2020 shall be undertaken in accordance with the specifications set out in the strategy. The strategy will identify those areas/features on site that are particularly important for bats show how and where external lighting will be installed in accordance with guidance note 8 bats and artificial lighting (bat conservation trust and institute of lighting professionals). Specifications shall be maintained thereafter in accordance with the strategy.

Ecological enhancements: prior to the occupation of the development hereby approved, an updated site and landscape plan detailing what ecological enhancements will be incorporated in to the site as well as amended location of bird boxes will be approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

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### 10 Tree Officer:

This is relatively small plot with some mature planting inclusive of a privet hedge to the frontage, none of which I would or could consider for formal protection. I have no objections to the proposal.

### Representations

#### 11 We have received four letters of representation comment relating to the following issues

The objections are:

- Validity of report of previous application
- Visibility of solar panels
- Overlooking/privacy
- Overbearing
- Potential site level condition
- Scale of development

Those in support raised the following points:

- In keeping
- Energy efficient
- Parking
- Improvement to the character
- Not overbearing

### Chief Planning Officer's Appraisal

#### 12 The main planning considerations are:

- Principle of the development
- Impact on Residential amenity
- Impact on Area of Outstanding Natural Beauty
- Impact on the character of the area
- Highway safety and parking
- Ecology

### Principle of the Development

#### 13 Land within built up areas, such as residential gardens are excluded from the definition of previously developed land. Whilst there is a focus on utilising previously developed land within the NPPF, Policy L01 of the Core Strategy states that new development should be focused within existing settlements.



- 14 The site lies within the urban confines of Badgers Mount and as such, forms part of the existing residential settlement with the potential to provide additional housing for the district in a sustainable location. In addition to this, it would represent a development which makes effective use of land, which could support the aspirations of the NPPF.
- 15 The proposal would be a replacement dwelling and would therefore not result in any loss of residential units on the site
- 16 Policy L07 states that in settlements such as Badgers Mount, development should be of a scale and nature appropriate in the settlement, responding to the characteristics of the area, subject to this and the consideration bullet pointed above, the replacement dwelling on this site could be acceptable in principle.

#### **Impact on Residential Amenity**

- 17 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.
- 18 There are neighbouring properties surrounding the application to the north, east, south and west.
- 19 Balcarres is located to the west of Worsley and fronts Milton Avenue, with its rear elevation located along the boundary between Balcarres and Worsley.
- 20 When conducting a site visit for Balcarres, it was confirmed that on the rear east elevation of this property it consists of a non-glazed access door to the garage, a north facing bedroom window, a utility room projection, high-level living room window and French doors serving a dining room.
- 21 When assessing the impact to the bedroom window and one of the doors to the utility room it can be confirmed that there would be an impact to the level of light as the proposed development would fail the 45 degree test on floor plan. However, it would pass the 45 degree test of elevation. Therefore, even though there would be a level of harm to this window and door, it would not be detrimental and be sufficient to justify a refusal. The 45 degree test would also pass on the roof of the utility room and also raises minimal harm to the level of light through this roof into the kitchen.
- 22 Due to the position of the high level window and the French doors in relation to the position of the proposed dwelling, the proposal would pass the 45 degree test on both floor plan and elevation and therefore would raise minimal concerns. These rooms are also served by other windows, which provide the light into these rooms.
- 23 In addition to the above, due to the orientation of the sun and the internal layout of the neighbouring property, the development would not detrimentally affect the sunlight received to Balcarres.

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- 24 In terms of outlook, as the bedroom window would not be directly facing the development, their outlook would not be significantly harmed. There would be a presence of the single storey garage from the bedroom window. However, the outlook would not be detrimentally harmed to justify a refusal.
- 25 The utility room includes two doors. Due to the relationship between the utility room and the application site, outlook from here would not be any different to the existing situation.
- 26 The proposed relationship between the high level window and the new house would be such that a good level of outlook would still be enjoyed. In addition to this, because of the distance between the French doors and the two storey element of the proposed house, a reasonable outlook would still be retained and would continue to look out onto the existing boundary fence. A condition could be included for further details of the boundary treatment, to ensure that this level of treatment is being retained.
- 27 On the side elevation of the proposed dwelling facing this neighbour, there would be two ground floor windows, two rooflights at first floor level and two rooflights at second floor level. There are currently two windows at ground floor level facing towards this neighbour, and therefore the two ground floor windows on the proposed dwelling would result in no additional impact to their privacy than the existing windows. In terms of the first floor rooflights, they would directly face this neighbouring property and have the potential to result in loss of privacy. Therefore, in order to preserve this neighbour's privacy, these can be conditioned to be obscured glaze. In regard to the second floor rooflights, they would also face this neighbour directly, however the view from these would be impeded from the proposed roof form and therefore would not affect this neighbour's privacy.
- 28 The neighbouring property to the east of the site is Lyndhurst. The proposed dwelling would include two windows at ground floor level, one window at first floor and rooflights within the second floor. The ground floor windows would not result in any loss of privacy as the existing bungalow already has windows facing this neighbour at ground floor level. The proposal would result in the addition of a window at first floor and the rooflights at second floor, however this can be conditioned to be obscure glazed and fixed shut, to ensure that it does not detrimentally affect this neighbour's privacy.
- 29 In relation to outlook, Lyndhurst has windows at ground floor level and a window at first floor facing towards the application site. Two of the windows at ground floor are high level and therefore provide no outlook already. In addition to this, one of the high level windows accommodate a garage, which is not classed as a habitable room. Another window would directly face towards the proposed dwelling and therefore would be impacted. However, due to the site levels, the outlook from the window is currently of the boundary fence and the existing dwelling and this outlook would remain the same. Therefore, this would not result in any additional detrimental concerns. In relation to the first floor window, this accommodates a landing and the outlook from this window would be affected by the proposed development. However, as a landing is not classed

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as a habitable room, the impact to this window's outlook is not significantly impacted.

- 30 The loss of light to this dwelling has been assessed through the 45 degree test. The windows at ground floor level would be affected due to the increase in height on the proposed development. The windows however, which accommodate the garage and landing would be not habitable rooms and therefore no harm would occur. The other windows at ground floor level do accommodate habitable rooms, however as there are also windows located on the rear elevation accommodating these rooms, an acceptable level of light would be retained to these rooms.
- 31 Due to orientation of the sun and the location and use of the windows on this neighbouring property, their sunlight would also not be detrimentally affected.
- 32 Neighbouring property High View is located to the rear of the application site, with this neighbour's front elevation facing Milton Avenue. This property processes three windows facing onto the application site. Two windows at ground floor, with one being high level and one window at first floor window, which is obscured glaze.
- 33 The proposed dwelling would include windows at ground and first floor level on the rear elevation. The ground floor level windows in the proposed house would not result in any additional privacy concerns than the existing, as windows already exist at ground floor level on the property. The first floor windows would present an elevated outlook onto the flank of High View at a distance of approximately 17 metres. In this instance, this is an acceptable relationship because of the side elevation of High View has two ground floor windows clearly served by other front and rear facing windows and the first floor window being obscure glazed there would therefore be no detrimental loss of privacy or overlooking. The views provided from the proposed first floor windows over the rear garden of High View would be no different to those already provided to Lyndhurst to the east. At the proposed distance of separation the impact on outlook and light would also not be detrimental.
- 34 Overall, the proposed development would not result in a detrimental impact to the residential amenity of the neighbouring properties and therefore complies with Policy EN2 of the ADMP.

#### **Impact on the Area of Outstanding Natural Beauty**

- 35 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.
- 36 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

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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.

- 37 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.
- 38 The application site is located within the Kent Downs Area of Outstanding Natural Beauty. The site currently comprises of a detached bungalow. The scheme proposes a replacement two storey dwelling in a similar location to the existing. The character and design of the dwellings within Badgers Road is already varied, and consist of large properties of a similar scale and therefore the proposal would conserve and enhance for the above reason. The proposed materials would also respect the material finish within the area and the proposed landscaping would benefit the landscape and appearance of the site, and therefore would also conserve and enhance. The dwelling would be located within an existing residential area, with the existing spacing between the properties retained.
- 39 The proposal would therefore conserve and enhance the AONB and complies with Policy EN5 of the ADMP.

### **Impact on the character of the area**

- 40 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.
- 41 Development within Badgers Road currently consists of residential dwellings, which vary in character, style and finish. The dwellings include large detached two storey properties.
- 42 The application site currently comprises of a detached bungalow, which covers a large area of the application site, and is surrounded by neighbouring dwellings, which all vary in design and character.
- 43 The proposal includes the replacement of the existing bungalow for a two storey detached dwelling with rooms in the roof. The front elevation of the dwelling would be in line with the existing front elevation of the bungalow, with the exception of the proposed garage addition, which would sit in front of this building line. Overall, the garage would exceed this set building line of Worsley and the neighbouring properties East of Badgers Road. However, it would be in line with neighbouring property Balcarres, and therefore would not be completely out of keeping with the overall layout within the area. There is also a grass verge in front of the application site and Badgers Road, which would be retained and would protect the visual amenity of the street.

- 44 In terms of design, the overall height of the proposed dwelling would exceed the height of the existing bungalow. The existing bungalow is 7.1m in height, with the greatest height of the new dwelling would be 8.6m. This would be 1.1 metres higher than the ridge of the existing house. However, the greater proportion of the roof of the new house would have a similar height to the existing bungalow.
- 45 The dwelling would be greater in height than neighbouring property Balcarres, however the eaves height along the eastern flank of the proposed property would only be minimally higher than the existing.
- 46 The aspect of the proposed dwelling, which would increase most notably from the existing bungalow is closer to neighbouring property Lyndhurst. Not only is the height increasing, the site levels are also being altered, so that the proposed dwelling is at a lower level than the existing. However, due to the varied site levels already present within Badgers Road, this would still remain in keeping. A condition would be included in regard to further information for the proposed site levels. The existing spacing would also be retained. The proposed dwelling would be increasing along this elevation in regard to massing and height, however due to the spacing between the two properties, it would not result in an uncomfortable relationship. However the massing and height adjacent to Lyndhurst is increasing, but not to an extent that it would be harmful to the visual amenity of the streetscene, as properties vary in height along this road, with no uniform pattern.
- 47 The proposed roof materials would consist of tiles, which would match the existing. The proposed walls would be brickwork, timber and render. This would be similar to the existing however would differ in colour. The proposed hardstanding and windows would also differ to the existing. However due to the varied material finish within the area, the proposal would not be out of keeping.
- 48 The proposed dwelling would be greater in bulk and height to the existing, however, would still remain in keeping with the bulk and scale of neighbouring properties in the local area. The dwelling would cover a larger area of the plot, however plot sizes do vary already within Badgers Road and would therefore not be out of keeping and would still sit comfortably on the site. The larger footprint of the proposal would not be dissimilar to the neighbouring properties and the roof lights and dormers on the proposed front elevation is already a common feature within the street scene.
- 49 In order to maintain the character of the street scene and the AONB, permitted development rights would be removed.
- 50 The proposal complies with Policy EN1 of the ADMP.

#### **Parking and Highways impact**

- 51 The proposed dwelling would consist of five bedrooms. Policy T2 of the ADMP states that a property of this size requires two independently assessable parking spaces. The proposed site plan confirms this.

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- 52 The site plan also confirms that an electrical vehicle charging point would be included on the application site, and would be located within the proposed parking area, which is a suitable location.
- 53 The proposal therefore complies with Policies T2 and T3 of the ADMP.

### **Biodiversity**

- 54 Policy SP11 of the Core Strategy states that biodiversity of the District will be conserved and opportunities sought for enhancements to ensure no net loss of biodiversity.
- 55 KCC Ecology were consulted on the application and confirmed that they raised no objection to the proposed scheme, subject to the inclusion of conditions.

### **Other Issues**

- 56 A concern has been raised by a neighbour in relation to the previous application and inaccuracies. This was in relation to the information included within the Design and Access Statement. I am confident that the submitted plans accurately show the proposed development and any inaccuracies that occurred previously have not occurred within this submission.

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

- 57 This proposal is CIL liable and the exemption claim will be considered separately.

### **Conclusion**

- 58 The proposal complies with the relevant policies of the ADMP and the Core Strategy and it is therefore recommended that planning permission is granted.

### **Background papers**

Site and block plan

Contact Officer(s): Louise Cane 01732 227000

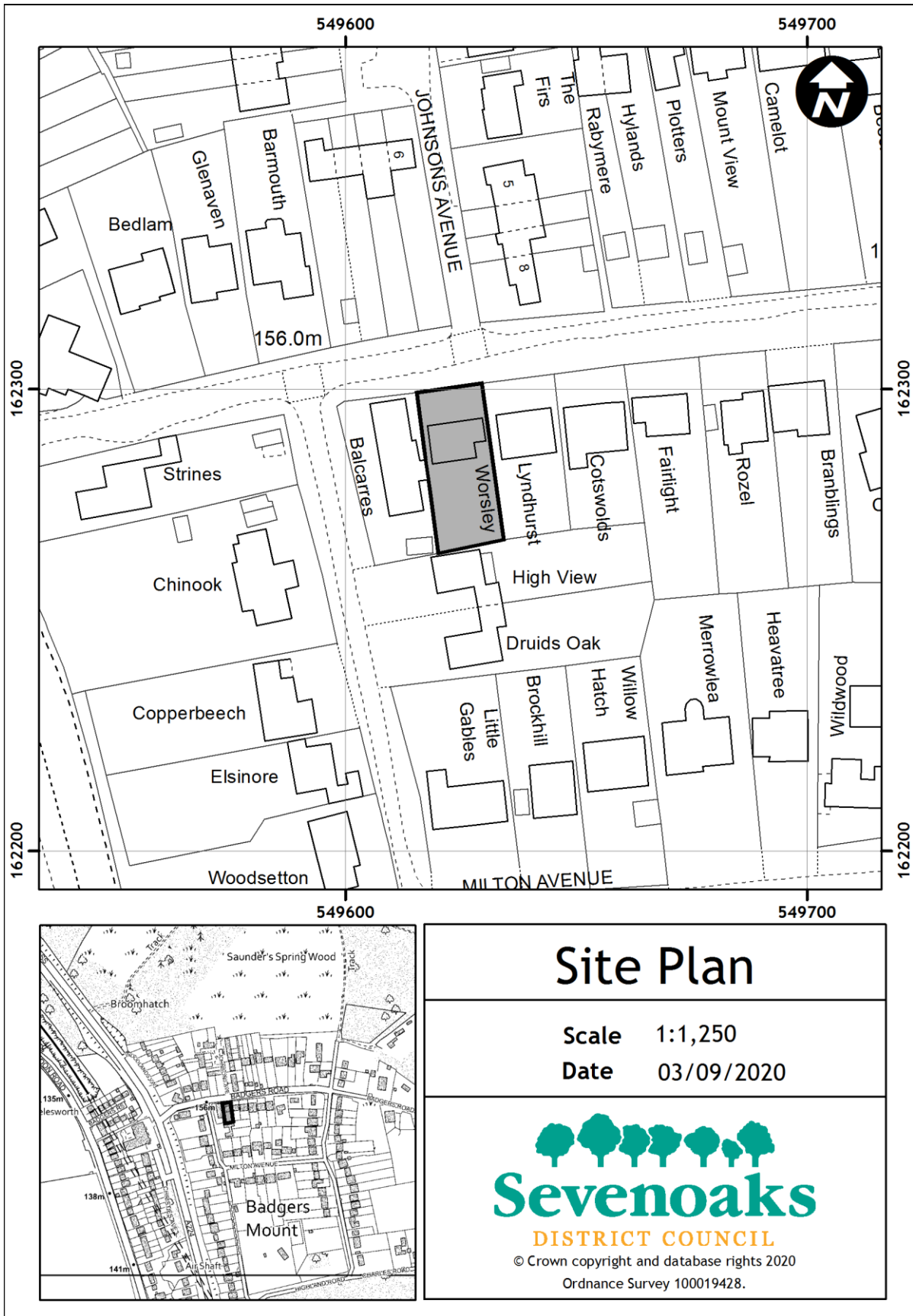
**Richard Morris**  
Chief Planning Officer

Link to application details:

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

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QC6KB6BKM3200>







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4.3 20/01319/FUL Revised expiry date 2 October 2020

Proposal: Replacement of existing forestry building with new building to be used for storage associated with existing forestry yard.

Location: Little Thyme, Calfstock Lane, Farningham KENT DA4 9JH

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

**Item for decision**

This application is being called to the Planning Committee as the applicant is an employee of the Council

RECOMMENDATION: That planning permission be GRANTED

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 development shall be those indicated on the approved plan 3578-19-PL101 revision P2.

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

3) The bat and bird boxes as shown on plan 3578-19-PL101 revision P2 shall be installed prior to the occupation of the permitted building.

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

4) Prior to occupation of the building, details for the provision of facilities for the safe charging of electric vehicles and an implementation timetable for the installation of the unit shall be submitted to and approved in writing by the local planning authority. The facilities shall be installed in accordance with the details so approved, within 3 months of the approval and be retained, maintained thereafter and be available for use at all times.

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

5) Before any equipment, machinery or materials are brought on to the land for the purposes of the development, the means of protection of any trees located within the vicinity of the proposed works in accordance with BS5837 : 2012 Trees

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in Relation to Construction are to be submitted and approved in writing by the Local Planning Authority and the land so enclosed shall be kept clear of all contractors materials and machinery. The existing soil levels around the boles of the trees shall not be altered. The means of protection shall be maintained until all equipment, machinery and surplus materials have been removed from the land.

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

6) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 3578-19-PL101 revision P2

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.

### **Description of site**

- 1 The site comprises of an existing small workshop and store located to the north of a row of properties on the southern side of Calfstock Lane within a rural location.

### **Description of proposal**

- 2 Replacement of existing forestry building with new building to be used for storage associated with existing forestry yard.

### **Relevant planning history**

- 3 03/00620/LDCEX - Use of the building as a workshop and store for tools, equipment and materials in connection with forestry, and the use of associated land for storage of materials and the parking and turning of vehicles in connection with forestry - GRANTED - 21/07/2003

### **Policies**

- 4 National Planning Policy Framework (NPPF)
- 5 Core Strategy (CS)

- LO1 Distribution of Development
- SP1 Design of New Development and Conservation
- SP11 Biodiversity

6 Allocations and Development Management Plan (ADMP)

- SC1 Presumption in Favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- EN4 Heritage
- EN7 Noise Pollution
- T2 Vehicle Parking
- T3 Provision of Electrical Vehicle Charging Points

7 Other:

- Development in the Green Belt Supplementary Planning Document

**Constraints**

8 The following constraints apply:

- Area of Archaeological Potential
- Metropolitan Green Belt

**Consultations**

9 Farningham Parish Council - “No comment”

10 Rural Planning Ltd -

“The revised single storey replacement building, with its shallow pitched roof, and fenestration excluded, appears to be the sort of functional structure that would be reasonably expected, and required, for the identified forestry business storage purposes, with associated office/shower/WC.”

11 SDC’s Countryside and Open Spaces Manager -

“Sevenoaks District Council is very lucky to have a number of special countryside sites in its portfolio. Farningham Woods is one of these, and considered by some to be one of the most important given its designation of being a Special Site of Scientific Interest (SSSI), an Ancient Woodland and a Local Nature Reserve.

12 In order to protect its status and value to wildlife and local users we undertake forestry management under guidance from an approved Forestry Commission and Natural England Management Plan. This includes improving footpaths and rides, undertaking a rotation coppice of the Sweet Chestnut and managing other important features like the ponds, grassland and heathland.

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- 13 Due to the nature of this type of work and the size of the timber needing to be coppiced, large forestry machinery is required. Utilising Little Thyme as a storage area for this machinery helps reduce cost to the Council in haulage fees and overall contractor costs.
- 14 As Ray [the applicant] has mentioned vandalism to contractor equipment has occurred in the past when machinery has been left on site. This is not only distressing for the contractors, but also impacts on the management of the site with operations being delayed or even stopped all together.
- 15 Having a secured forestry building here would not only provide better security for this expensive machinery, but as Ray suggest, will also provide welfare facilities for Council staff and contractors working on Council behalf, which are lacking at present.”
- 16 SDC Tree Officer -
- “I refer to the above application. I have visited the site and have studied the plans provided and have made the following observations:
- 17 A mature Yew tree is located to the front of the existing building. I have estimated that this tree requires a RPA of 5.40m. According to the plan provided, drawing no. 3578-19-PL001, the proposed building would be constructed 8.0m from the base of this tree. It can be seen that any excavation would be taking place outside of the RPA. A mature Beech tree and several Sycamores are located on this site. These should be located a sufficient distance away from the proposal to be unaffected by it. Providing the Yew tree is adequately protected, I have no objection to the proposal. Details of the protective measures to be used should be submitted for comment and should comply with BS 5837:2012”.

### Representations

- 18 One representation in support, one response neither supporting or objecting and 4 representations of objection have been received relating to the following issues:
- That the proposed building could be converted to a dwelling;
  - Adverse impact on neighbours amenities through additional noise and traffic;
  - That the proposal would encourage similar types of development within the locality;
  - That a building of this size is not required ;
  - That the access is unsuitable for large vehicles;
  - That there is insufficient turning space for large vehicles on site;
  - That a commercial building is unsuitable in this location;
  - That the building would store dangerous, inflammable liquids unsuitable for the locality;
  - That historically such a building was never previously mooted as a solution to vandalism of machinery at Farningham Woods;
  - That the proposal is inappropriate to the needs of the applicant;

- That the proposal is inappropriate development within the Green Belt;

### Chief Planning Officer's appraisal

19 The main planning considerations are:

- Impact upon the Green Belt
- Impact upon potential archaeology
- Design and Impact upon the Street Scene
- Impact upon amenities
- Parking

### Impact upon the Green Belt

20 The NPPF, paragraph 145 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this amongst others are:

- buildings for agriculture and forestry.

21 Therefore the principle of a forestry building is appropriate development in the green belt.

22 The pre-fabricated building is currently located on site for which a lawful development certificate (03/00620/LDCEX) was granted in 2003 for its use as a workshop and store for tools, equipment and materials in connection with forestry and for the use of the associated land for storage of materials and the parking and turning of vehicles in connection with forestry. The land owner is employed by Sevenoaks District Council as a Senior Countryside Ranger whose work incorporates forestry work.

23 The replacement would result in the erection of a building rising to a maximum height of 5.01m with a width of 13m and a maximum depth of 9.97m to comprise of an office, a tool and an equipment store. This is larger than the existing building.

24 The Council's rural consultant was consulted on the application confirming that the proposal represented a functional structure that would be reasonably expected, and required, for the identified forestry business storage purposes, with associated office, shower and WC.

25 The SDC's Countryside and Open Spaces Manager has confirmed that the Council undertakes forestry works at Farningham Wood, located 0.25km to the west. The wood is a designated Site of Special Scientific Interest, Local Wildlife Site and Ancient Woodland, and works are carried out from an approved Forestry Commission and Natural England Management Plan which requires the use of large forestry equipment. The Council uses Little Thyme as a storage area for the equipment reducing the cost to the Council in haulage fees and overall contractor costs.

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- 26 It has been confirmed that vandalism to equipment has previously occurred on site and that the proposed building would provide a building within which the equipment could be stored and ensure that the welfare provision of staff through the inclusion of washing and toilet facilities.
- 27 As established by R. (on the application of *Lee Valley Regional Park Authority*) v Epping Forest District Council [2016], the NPPF does not qualify the appropriateness of agricultural buildings with a proviso on openness or proportionality.
- 28 Whilst the building would be larger than the existing forestry building on site the replacement building as confirmed by the Council's rural planning consultant would incorporate an appropriate design for its use.
- 29 The proposal would result in a replacement building that would be used for forestry and accordingly would represent appropriate development within the Green Belt.

### Impact upon Archaeology

- 30 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.
- 31 Where the application is located within, or would affect an area or suspected area of archaeological importance an archaeological assessment must be provided to ensure that provision is made for the preservation of important archaeological remains/findings. Preference will be given to preservation in situ unless it can be shown that recording of remains, assessment, analysis report and deposition of archive is more appropriate.
- 32 The proposed development would partially occupy the site of the existing building located on land that has previously been levelled and therefore disturbed. In consequence it is not considered that the proposal would have an adverse impact any potential archaeology ensuring that the proposal would meet the requirements of national and local planning policy.

### Design and Impact upon the street scene

- 33 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.
- 34 The proposal would erect a forestry building on the site of an existing pre-fabricated building currently used for this function. The site is located above Calfstock Lane with the site set into the slope of the land. The land drops from the west to the east and whilst the building would rise to a height of 5.01m, through the land upon which the building is located being levelled below the height of the land to the west, with a hedge extending along the ridge there would be only limited views of the upper portion of the building as viewed from the west.



- 35 The proposed design would be appropriate for a forestry building comprising of a brick/block base with timber clad walls and eternity slate tiles. The building would be visible from part of Calfstock Lane however through the proposal incorporating an appropriate design for its function it would not be out of character within the wider landscape.
- 36 The proposed building would accordingly possess an appropriate design that would meet the requirements of the NPPF and policy EN1 of the ADMP.

**Impact on residential amenity**

- 37 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.
- 38 The site is located on Calfstock Lane at the end of a row of detached dwellings extending along the southern elevation of this road. A small outbuilding is located on the site which is currently used as a forestry yard with machinery stored within the adjacent field.
- 39 The only property within close proximity of the site is Willow Cottage located approximately 25m to the south. The proposed building would be set at such a distance that it would not impact upon Willow Cottage in respect to a loss of light, overlooking or an adverse impact to the neighbour's outlook. Due to the proposal incorporating the same use as that currently occurring on site it is not considered that it would have any additional noise impacts than those currently occur
- 40 From visiting the site it was noted that Calfstock Lane was being used for access to the adjacent farmland by farm machinery. Whilst access exists to the site from Calfstock Lane the applicant has noted that there is also access to the site from the adjacent farmland which would minimise traffic impacting upon the adjacent residential properties.
- 41 If however Calfstock Lane were to be used to access the site, it is not considered that the frequency of traffic would be such as to have an adverse impact upon the neighbouring properties amenities. In consequence it is considered that the proposal would accordingly meet the requirements of the NPPF and policy EN2 of the ADMP.

**Impact on highways safety and parking**

- 42 Policy EN1 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking.
- 43 Access to the site is either from the field to the west or via Calfstock Lane with sufficient room to manoeuvre vehicles and store the vehicles within the proposed building.

## Agenda Item 4.3

### Impact on Ecology

- 43 The existing building whilst tired is well maintained and the grounds upon which the proposed building would be erected is cut short ensuring that the proposal would not have an adverse impact upon ecology.
- 44 The proposal would incorporate a number of bat and insect boxes and a condition could be imposed to ensure that these features are incorporated within the build prior to the occupation of the building.

### Trees and landscaping

- 45 SDC's Tree Officer was consulted on the proposal and had no objections subject to a condition to ensure that tree protection strategies were incorporated within the scheme.

### Other issues

- 46 The current application is for the erection of a forestry building. We have to judge the application as submitted, not what could happen in the future. If at a future date an application were made to convert the building to a residential use the merits of that application would be made at that time.
- 47 The storage of flammable materials is not an issue that can be considered through a planning application and would be covered by other legislation.
- 48 Each planning application is considered on its merits and accordingly this application does not represent a precedence to future applications.

### Conclusion

- 49 The proposal would represent appropriate development within the Green Belt with a suitable design for its function. The building would not have an adverse impact upon local amenities or potential archaeology on site. Conditions can be imposed in respect to tree protection and securing ecological enhancements. Therefore the proposal would meet the requirements of national and local planning policy.
- 50 It is therefore recommended that this application is Granted.

### Background papers

Site and block plan

Contact Officer(s): Guy Martin

01732 227000

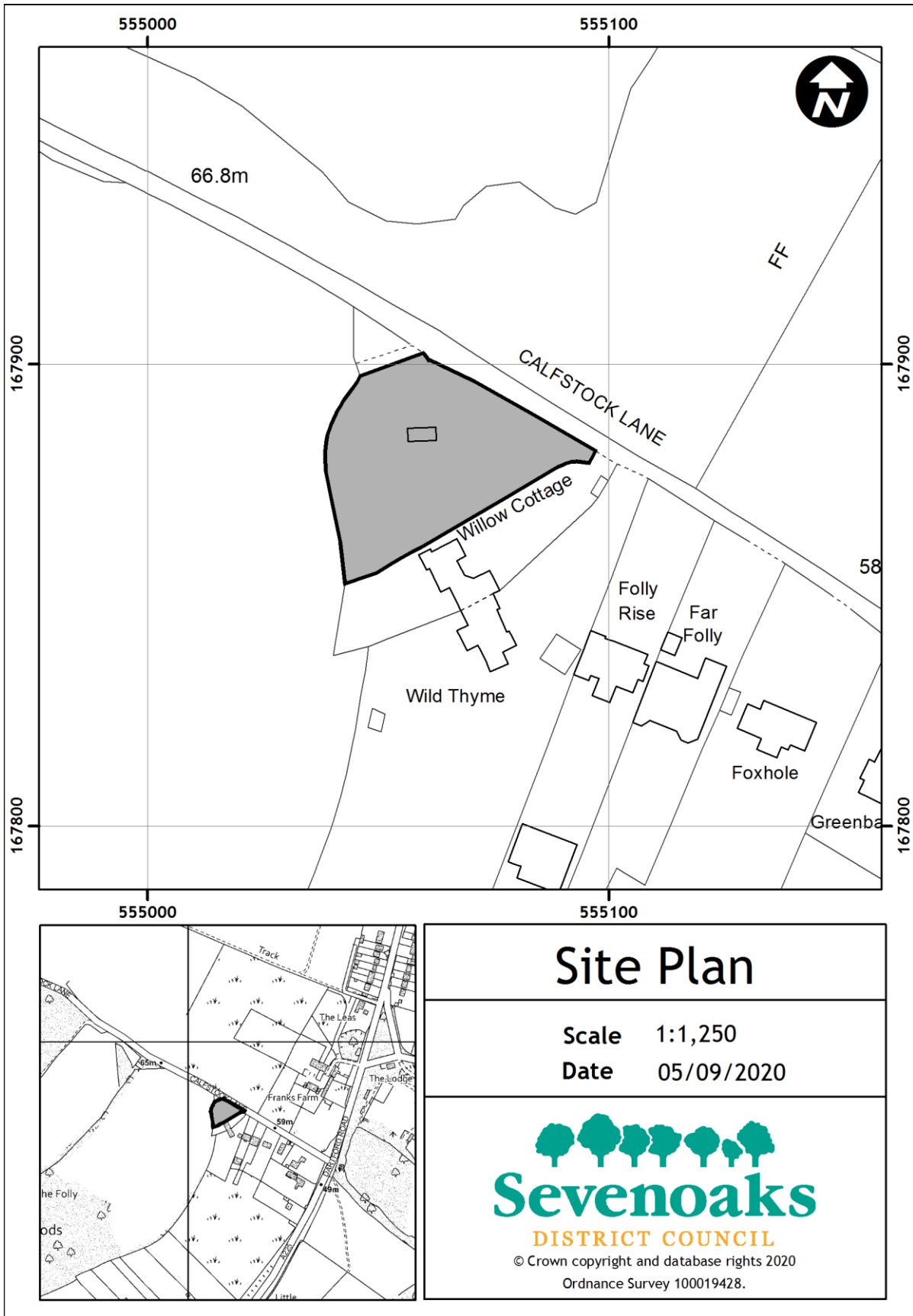
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

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

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QABW8WBKJED00>



## Site Plan

Scale 1:1,250

Date 05/09/2020

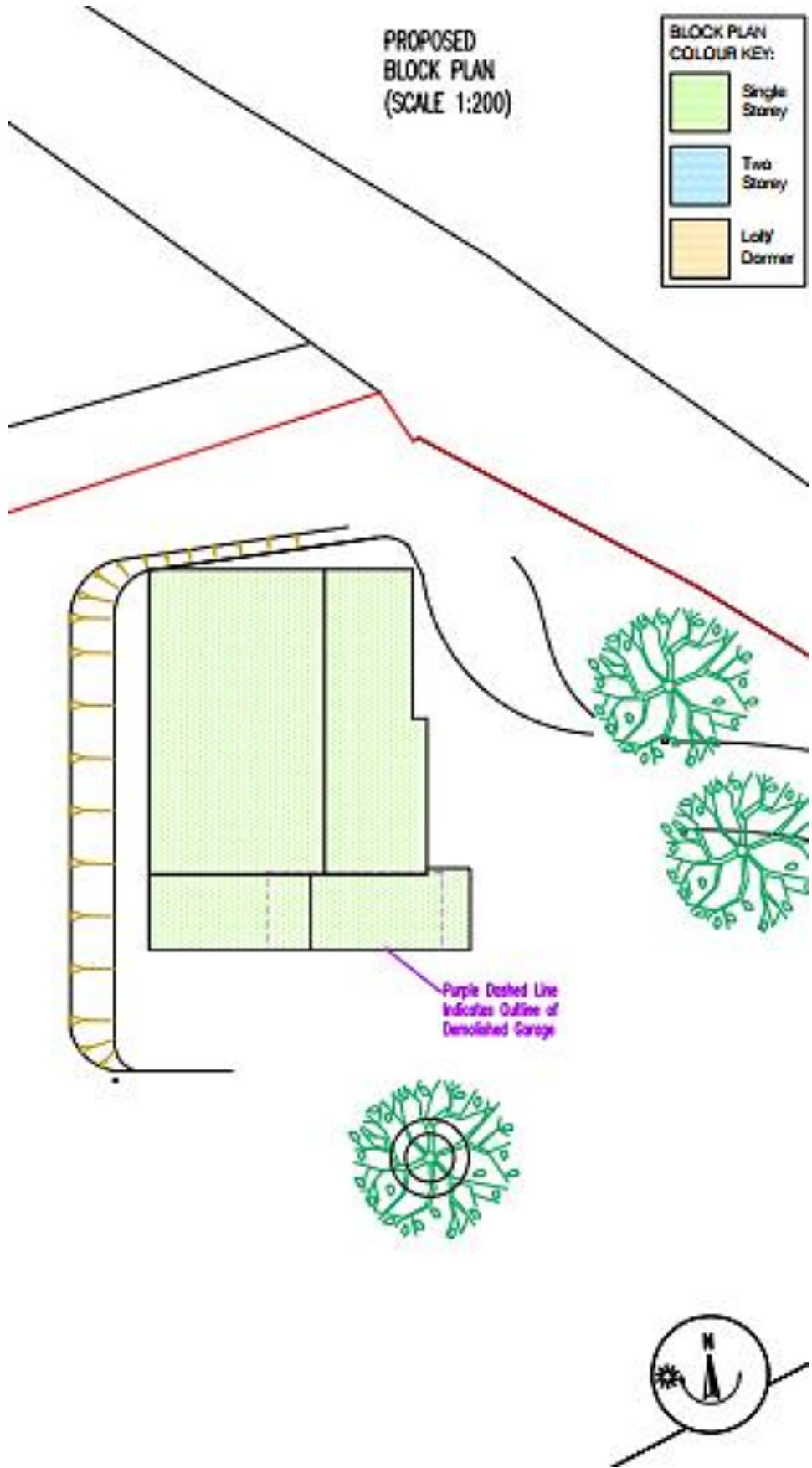


DISTRICT COUNCIL

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Ordnance Survey 100019428.

BLOCK PLAN



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4.4 20/02154/CONVAR Revised expiry date 26 October 2020

Proposal: Variation of conditions 2 and 3 of 17/01309/FUL for proposed relocation of stable block and kennel with amendments to materials and drawings.

Location: Briona Stables, Spode Lane, Cowden KENT TN8 7HH

Ward(s): Cowden & Hever

**Item for decision**

Councillor Dickins has called the application to Development Control Committee for the reason as to whether the proposal complies with policy LT2 of the Sevenoaks Allocations and Development Management Plan.

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: Site Location drawing no. 100, Block Plan drawing no. 200-02 Rev B, Plans & elevations of the dog kennel drawing no. 200-03 Rev A and Plans & elevations drawing no. ELSON PLEL 20-01.

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

3) The materials to be used in the construction of the development shall be those indicated on the approved plan ELSON PLEL 20-01.

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) No external lighting shall be installed on the land without the prior written approval of the local planning authority.

To protect the amenity of the area as supported by policy EN1 of the Sevenoaks District Local Plan, policies SP1 and LO8 of Sevenoaks Core Strategy and the National Planning Policy Framework.

5) The stables hereby permitted shall not be used for any commercial purposes.

## Agenda Item 4.4

To protect the amenity of the area and nearby residents as supported by EN2 of the Sevenoaks Allocations and Development Management Plan.

6) No development shall take place until a scheme for the storage and disposal of manure from the land has been submitted to and approved in writing by the Council. The approved scheme shall be implemented when the stables are first brought into use, and thereafter maintained. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To protect the amenity of the area and nearby residents as supported by EN2 and LT2 of the Sevenoaks Allocations and Development Management Plan.

### **National Planning Policy Framework**

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

### **Description of site**

- 1 The application site comprises an area of land sited to the south of Spode Lane in the Parish of Cowden.
- 2 The site currently comprises of several large stable blocks forming an equestrian use. The site also features a large area of hardstanding, an existing access point to Spode Lane and is adjoining open fields used for agriculture and grazing.

### **Description of proposal**

- 3 The application proposes the variation of conditions 2 and 3 attached to the previous permission 17/01309/FUL for the proposed relocation of the existing stable block and kennel.
- 4 Conditions 2 and 3 of the previous permission stated:
  2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location drawing no. 100, Block Plan drawing no. 200-02 Rev B, Plans & elevations of the dog kennel drawing no. 200-03 Rev A, Plans & elevations drawing no. 101.
  3. 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.



- 5 The proposed alterations include amendments to the external materials and fenestration, as well as the internal layout of the stable block. The proposed internal layout change would allow for a wash and rest area and the external alterations would involve the stable block being finished with a brick cladding and the insertion of two small windows serving the new wash and rest area. The stable block would remain the same size, height, mass and positioning as was previously approved under reference 17/01309/FUL. The scheme has gone from 5 smaller stables to 3 stables and a store/welfare area.

### Relevant planning history

- 6 90/01299/HIST - Field shelter open fronted on non-permanent base. GRANT 12/10/1990
- 7 95/01088/HIST - All weather riding menage. (Approx. 40m X 20m). GRANT 17/08/1995
- 8 95/01669/HIST - Retention of open fronted field shelter. (Renewal of planning permission SE/90/1299). GRANT 24/11/1995
- 9 11/01515/LDCEX - Retention of existing stables, dog kennel and use of land for a mixed use of agriculture (grazing) and the keeping of horses. SPLIT 10/01/2012
- 10 12/01177/FUL - The erection of a pole barn, manege and dog kennel (retrospective). GRANT 14/08/2012
- 11 17/01309/FUL - Proposed relocation of stable block and kennel. GRANT 13/12/2017
- 12 20/01805/NMA - Non material amendment to 17/01309/FUL. Amendment material 27/07/2020

### Policies

- 13 National Planning Policy Framework (NPPF)
- 14 Core Strategy (CS)
- LO1 Distribution of Development
  - LO8 The Countryside and the Rural Economy
  - SP1 Design of New Development and Conservation
- 15 Allocations and Development Management Plan (ADMP)
- EN1 Design Principles
  - EN2 Amenity Protection
  - EN5 Landscape
  - GB9 Replacement of a Non Residential Building in the Green Belt
  - LT2 Equestrian Development

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### 16 Other

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

### Constraints

#### 17 The site lies within the following constraints -

- Metropolitan Green Belt
- High Weald Area of Outstanding Natural Beauty (AONB)
- Nearby public right of way

### Consultations

#### 18 Cowden Parish Council -

19 “Members noted that the proposed application does not alter the form and the scale of the stable block. However, the proposed alterations will result in material changes to the external appearance of the building.

20 There would appear to be no requirement or need for windows as included in the plans and would result in an external appearance more akin to a residential dwelling rather than a stable block, which is the stated intention.

21 Policy LT2 states that where stables or associated equestrian buildings are proposed they should be designed or constructed in materials which are appropriate to the rural area and should not be of a size and degree of permanence that they could be adapted for other use in the future.

22 The proposed change within this application to utilise a brick external wall in preference to the approved timber construction, a requirement for a new roof and addition of windows and a wash area would result in the stable block acquiring an increased level of permanence which would allow it to be converted to other uses in the future.

23 Members resolved not to support the application.”

#### 24 Public Right of Way Officer

25 “Public Right of Way Bridleway SR635 runs along outside the northern boundary of the site. There will be a slight adverse impact of the amenity for walkers and riders using the bridleway with the increase in built form adjacent to the bridleway. I enclose a copy of the Public Rights of Way network map showing the line of this path for your information.

- 26 There is also no indication of where the soiled bedding and waste from the stables would be stored. This would need to be at a sufficient distance from the boundary with the public right of way.
- 27 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.
- 28 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.”
- 29 Environmental Health Officer
- “I have no adverse comments or observations in respect of this proposed variation.”

### **Representations**

- 30 Three public objections were received, raising the following concerns:
- The brick materials and windows akin to a residential building
  - Impact on the rural character and appearance of the area
  - Intensification of the use and traffic and disturbance associated with this
  - Domestication of the site
  - Harm to AONB
  - Harm to Green Belt

### **Chief Planning Officer’s appraisal**

- 31 The main planning consideration are:
- Design and impact on the character and appearance of the area
  - Impact on residential amenity
  - Impact on the Green Belt
  - Impact on the AONB
  - Compliance with Policy LT2
  - Impact on highways safety and parking provision

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

- 32 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.

## Agenda Item 4.4

- 33 The proposal is to alter conditions 2 and 3 of the previous approval under reference 17/01309/FUL. The changes include the creation of a welfare area for the care of the horses and the external alterations to fenestration and proposed brick cladding.
- 34 The proposed changes would not cause any increase in size, scale or floor space of the proposed stable block and the stable would remain adequately screened from the street scene by the existing mature landscaping on site. The proposal would not be overly prominent or dominating within the street scene or wider landscape and due to the size, scale and nature of the changes proposed, would not be considered as harmful to the character or appearance of the area.
- 35 The insertion of the windows to the wash and rest area would not be considered to harm the equestrian use or appearance of the stable. The external alterations through the use of brick cladding would not be considered to cause a domestication of the stable block and the development would maintain the appearance of a stable block and would therefore be considered acceptable within the context of the site.
- 36 Moreover, other properties and outbuildings within the street scene and wider rural context of the site are constructed from brick. Therefore, the proposed external finish of a brick cladding would not be considered as out of character or harmful to the rural character of the site and the surrounding area.
- 37 Overall, the proposed alterations are considered to be acceptable in terms of the character and appearance of the area and would not be of a design or scale that would appear visually intrusive or prominent within the street scene or wider landscape. The proposal would retain the appearance of a stable block and would reflect the rural character of the site and wider area. Therefore, the scheme is not considered cause harm to the character and appearance of the area and is considered to comply with policy SP1 of the Core Strategy and EN1 of the ADMP.

### **Impact on residential amenity**

- 38 Policy EN2 of the ADMP requires proposals to safeguard the amenities of existing and future occupants of nearby properties.
- 39 The proposed stable would be adequately separated from neighbouring properties. Due to the nature and scale of the proposed amendments, the changes would not be considered to have any increased impact on neighbouring amenity than the existing use and built form currently on the site, and what was approved under reference 17/01309/FUL.
- 40 The proposed alterations to the external finishes and internal layout of the stable block would not be considered to pose any increased harm by way of a loss of light, privacy, outlook or noise disturbance to neighbouring properties. The site is already used for equestrian purposes with several existing stable blocks in use on the site. The proposal would not see an increase in the number of horses kept on the site. As such, the alterations proposed under this application would not be considered to cause an

intensification of the existing use or pose any increased harm to neighbouring amenity.

- 41 The Environmental Health Officer has raised no comments against the alterations proposed and due to the scale and nature of the changes, the scheme would not be considered to result in an increase in excessive noise, vibration, odour, air pollution or vehicle movements to the occupiers of Cobham, Spode Lane and Roughets Spode Lane.
- 42 Overall, the proposed alterations to the previously approved scheme would not be considered to have a detrimental impact upon neighbouring amenity. The proposal therefore complies with the NPPF and policy EN2 of the ADMP in this respect.

### **Impact on the Green Belt**

- 43 As set out in paragraph 145 of the NPPF, the construction of new buildings within the Green Belt comprises inappropriate development, aside from the exceptions listed under (a) to (g). 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.
- 44 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.
- 45 Policy GB9 of the ADMP outlines the criteria for the replacement of non-residential buildings within the Green Belt, stating the existing buildings must be lawful and the replacement buildings must not be materially larger than the 'original' building to avoid harm to the openness of the Green Belt.
- 46 Under the previous application, reference 17/01309/FUL, the development was considered as a replacement building and therefore was not deemed as inappropriate development within the Green Belt.
- 47 As was previously stated in the original granting of permission, the stable building would remain adjacent to the main cluster of buildings and due to its size, would not materially harm the openness of the Green Belt through excessive bulk or intrusion beyond the existing.
- 48 The replacement stable block was considered to meet the criteria outlined under policy GB9 and was therefore considered to comply in accordance with this policy, as well as the Green Belt principles of the NPPF.
- 49 Under this application, the alterations of the approved building would not result in any increase in floor space or material enlargement to the replacement stable. As such, the alterations proposed would not be considered as inappropriate development within the Green Belt.
- 50 Due to the nature of the proposed changes, the scheme would not be considered to pose any increased harm to the openness of the Green Belt through excessive scale, bulk or visual intrusion. The site is well screened

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from the highway by the existing landscaping and the main grouping of stable buildings is not visible from the public realm. The proposed alterations to the previous approval would therefore not visually intrude in the Green Belt.

- 51 Moreover, the proposed alterations to provide a wash and rest area would not be considered to cause an intensification or domestication of the site that would have an adverse impact on the openness of the Green Belt. The proposed welfare area would be ancillary and directly linked to the use of the stable block and does not form an independent use that would be inappropriate or harm the openness of the Green Belt.
- 52 The proposed alterations would not be considered to conflict with the previous assessment on Green Belt terms, and would be considered to maintain the openness of the Green Belt.
- 53 As such, due to the nature and scale of the amendments, the scheme is considered to still comply with policy GB9 of the ADMP and the Green Belt principles of the NPPF. The alterations to the external finish and internal layout would not be of a size, scale or design that would pose any increased harm to the openness of the Green Belt and are therefore considered to be acceptable in this regard.

### Impact on the AONB

- 54 Policy EN5 of the ADMP states that the High Weald Area of Outstanding Natural Beauty and its setting 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.
- 55 In relation to this application, the proposed internal and external alterations to the stable block are considered to be minor in scale and would not be considered to pose any harm to the setting or intrinsic beauty of the AONB.
- 56 As previously stated, the proposed brick cladding would not be considered as out of character when considering the wider grain of development along Spode Lane. Brick is considered to be in keeping with the wider rural character of the area and is a key material in buildings and outbuildings within the wider context of the site. Therefore, the proposed brick cladding would not harm the rural character or setting of the site within the AONB. Due to the design, appearance and scale of the scheme, it would be considered to conserve and enhance this part of the AONB.
- 57 The stable block would be adequately screened from the street scene due to the existing mature landscaping and would not appear as prominent within the landscape. Overall, the alterations would not be considered to harm or detract from the landscape or intrinsic beauty of the area and would therefore conserve and enhance the setting of the AONB.

**Compliance with Policy LT2**

- 58 Policy LT2 outlines the criteria under points (a) to (d) that proposals regarding equestrian development must comply with.
- 59 The previous scheme approved under reference 17/01309/FUL was assessed against this policy and was considered to comply. The alterations proposed under this application will also be assessed against this policy.
- 60 Regarding criteria (a), the proposed internal and external amendments would be considered appropriate in scale to their setting, the changes would not result in an increase in floor space or bulk of the replacement stable block. The proposal would remain closely related to the other existing buildings associated with the equestrian use of the site and would be adequately screened from public view.
- 61 In relation to criteria (b) and (c), the application site would retain sufficient access to grazing land and off road riding areas and the arrangements regarding the manure storage and disposal would continue as existing. The manure is stored at a sufficient distance from neighbouring residential houses and the applicant advised on the site visit that it is removed from site at regular intervals. The proposed amendments would not alter the existing grazing land or manure arrangements.
- 62 With regards to criteria (d), the proposed changes would not result in harm to the character of the landscape or the ecological value of the area. The changes are considered to be minor in scale and would not lead to an increase in built form on the site or an intensification of the use of the site. The changes would involve a welfare area for the care of the horses and the external finish of brick cladding opposed to timber. The site would remain well screened from the public realm and would not appear overly prominent within the landscape, therefore complying with this criteria.
- 63 Policy LT2 stipulates that proposals in the Green Belt will be permitted where the scale of development is appropriate and does not harm the openness of the Green Belt. As stated above, the scheme is considered to be appropriate development within the Green Belt and would not be considered to harm the openness of the Green Belt through excessive scale, bulk or visual intrusion.
- 64 Moreover, LT2 also goes on to state that equestrian buildings should be designed and constructed in materials appropriate to a rural area and should not be of a size and degree of permanence that they could be adapted for other use in the future.
- 65 The proposed alterations to the previous granting of permission are considered to be appropriate when considering the rural character of the area. The external alterations to the fenestration and the brick cladding are considered to reflect the specific character of Spode Lane and the wider context of the site. There are several other buildings and outbuildings within the wider context of the site that are constructed and finished with brick. Therefore, the brick finish would not be considered as harmful to the

## Agenda Item 4.4

rural character of the site and would not be considered to create a degree of permanence that would be harmful to the area.

- 66 The brick cladding would reflect the rural character of the area and would not be considered to represent a level of harm that could warrant a reason for refusal. Despite the changes proposed, the development would retain the appearance and design of a stable block and would not be considered to represent a degree of permanence that could be adapted for other uses.
- 67 Members will be aware that we have to consider the application before us, rather than judging an application on what might happen in the future. Full planning permission would be required to change the stable block into another use in the future. Therefore any future use of the site is merely speculation and cannot form a consideration as part of this specific planning application.
- 68 Overall, the proposed alterations do not deviate from the equestrian use of the site and are considered acceptable in terms of materials, scale, design and permanence. Considering this, the proposed development is in accordance with Policy LT2.

### Impact on highways safety and parking provision

- 69 The existing access from Spode Lane and the on-site parking provisions would be maintained. The proposed alterations to the previous permission would not be considered to impact upon the existing parking provisions or access to the site. The proposal therefore complies with the NPPF and policy T2 of the ADMP in this regard.

### Other issues

- 70 Public Right of Way

The public bridleway runs adjacent to the northern boundary of the site along Spode Lane. However, the proposed alterations to the previous approval would not impede upon this public right of way and therefore the application is considered acceptable in this regard.

### Conclusion

- 71 As highlighted in the report above the proposed development accords with the NPPF and our adopted development plan.
- 72 It is therefore recommended that this application is GRANTED.

### Background papers

Site and block plan

Contact Officer(s): Anna Horn: 01732 227000

Richard Morris  
Chief Planning Officer

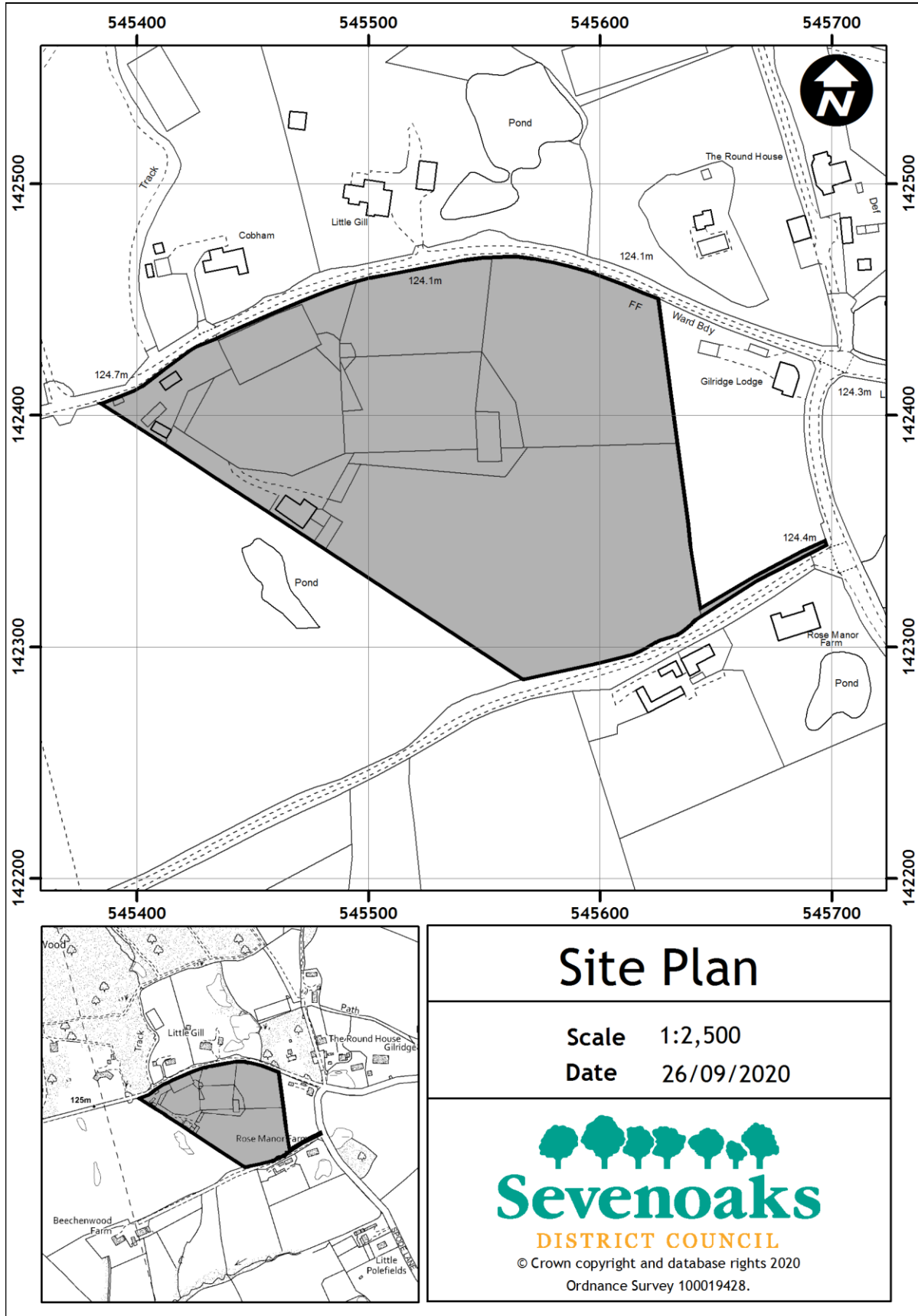


Link to application details:

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

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QE6SAJBKHPW00>



BLOCK PLAN



**BLOCK PLAN scale 1:500**

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4.5 20/02205/HOUSE Date expired 28 September 2020

Proposal: Demolition of existing conservatory and construction of part single, part two storey replacement extension, new windows to southern elevation and repair and redecoration of render exterior and shutters and landscaping.

Location: Fern Cottage, 7 Pound Lane, Sevenoaks KENT TN13 3TB

Ward(s): Sevenoaks Town & St Johns

**Item for decision**

This application has been called to the Development Control Committee by Councillor Raikes, who has expressed concerns that the proposed extension will have a significant impact on the appearance of a locally listed building from the public realm and could undermine the established form, which formed part of the basis for the local listing.

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 development shall be those indicated on the following approved plans and details:7067-PD-11 Rev A

To ensure that the appearance of the development is in harmony with the existing character of the property 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: 7067-PD-11 Rev A, 7067-PD-10 Rev A

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.

### Description of site

- 1 The subject property is a period-detached house with a hipped roof, sash windows, infill conservatory extension to the front and white rendered exterior. The property benefits from a small courtyard to the side and from a paved front driveway. The property faces onto Sevenoaks Vine Cricket Ground, within the Sevenoaks Vine Conservation Area and within the urban confines of Sevenoaks.

### Description of proposal

- 2 The application is a revision to an earlier application, which was refused under application ref: 20/00173/HOUSE.
- 3 In this case, planning permission is sought to demolish the existing conservatory and erect a two-storey front and side extension. The ground floor element of the proposed extension will occupy the same footprint as the existing conservatory and have a green roof. The first floor element of the proposed extension will be set back approximately 1.2 metres from the principal elevation. The proposed extension will provide a new garden room at ground floor level and a new bathroom, walk-in-wardrobe and enlarged study at first floor level.

### Relevant planning history

- 4 14/02156/HOUSE - Removal of existing conservatory and replacement with new conservatory - GRANTED
- 5 20/00173/HOUSE - Demolition of existing conservatory and construction of part single, part two-storey replacement extension. New window to southern elevation. Repair and redecoration of render exterior and shutters. Alterations to landscaping - REFUSED

### Policies

- 6 National Planning Policy Framework 2019 (NPPF)

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

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

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

7 Core Strategy (CS)

- SP1 Design of New Development and Conservation
- L01 Distribution of Development
- L02 Development in Sevenoaks Urban Area

8 Allocations and Development Management (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- EN4 Heritage
- SC1 Presumption in favour of Sustainable Development
- T2 Vehicle Parking

9 Other:

- Sevenoaks The Vine Conservation Area Appraisal
- Sevenoaks Residential Extensions SPD

**Constraints**

10 The following Constraints apply:

- Sevenoaks The Vine Conservation Area
- Locally listed building
- Urban Confines
- Adjacent to Grade II listed buildings

**Consultations**

11 Sevenoaks Town Council - Object to the proposal:

‘Sevenoaks Town Council recommend refusal on the following grounds:

- The application does not enhance and preserve the Vine Conservation Area or improve the streetscape
- It has an adverse impact upon a locally listed building’

## Agenda Item 4.5

### 12 Sevenoaks District Council Conservation Officer - Object to the proposal:

#### ‘Significance:

Fern Cottage is an L-shaped detached house dating from the early 19th century. The building has classical proportions and detailing with stucco and simple hipped slate roof. It has a distinct L-shaped plan form. Fern Cottage is highlighted in The Vine Conservation Area appraisal as a building which makes a positive contribution to the character and appearance to the conservation area. It forms part of an important grouping of buildings, which overlook the Green and the Vine cricket ground and is prominent in views. The building is locally listed as a building built before 1840, original external features still recognisable and as building which contributes to the appearance of the area.

#### Impact:

It is proposed to demolition the existing conservatory and replace it with a two storey extension. This current scheme has changed the roof form and has omitted the porch from the previous scheme. However we are unable to support the two storey front extension as it infills and harms the legibility of the historic L-shape plan form. The proposed single storey extension for the garden room creates an awkward flat roof arrangement with the parapet banding and green roof appearing incongruous.

#### Conclusion:

The proposal is considered to harm the significance of the non-designated heritage asset. In line with para. 197 of the NPPF ‘The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.’

### Representations

### 13 One representation has been received, objecting to the proposal on the following grounds:

- The original house will not be legible which will be harmful to the locally listed asset
- The ledge of flat roof to the ground floor extension will appear visually incongruous and will be harmful to the townscape, streetscape and appearance of the locally listed building and Conservation Area



**Chief Planning Officer's appraisal**

- 14 The main planning considerations are:
- Impact on character and appearance of the area
  - Impact on neighbouring amenity
  - Impact on Conservation Area
  - Impact on Locally Listed Building
  - Parking/Highways impact

**Impact on the design and the character of the area**

- 15 Policies L02 and 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.
- 16 As stated above, the development proposal relates to the demolition of an existing conservatory to facilitate the erection of a part-single storey and part two-storey extension.
- 17 With regards to the principle of demolishing the existing conservatory, the conservatory is not original to the building and it is advised that it is in a poor state of repair. In addition, planning consent was granted for the demolition and replacement of the existing conservatory under application ref: 14/02156/HOUSE in 2014. Consequently, the principle of demolishing the conservatory is already established.
- 18 With regards to the potential impact of the proposed works upon the character and appearance of the street scene, the proposed extension will be visible from the road. However, the proposed extension is considered to be modest in its size and appearance and the first floor element of the extension will be set back by approximately 1.2 metres from the principal elevation so that the original building is still easily distinguishable. The ground floor element of the extension will occupy the footprint of the existing conservatory so the width of the building will remain largely the same and the spacing pattern between the subject property and the surrounding buildings is maintained. The height of the property will also remain the same so it will not appear overly dominant in the context of the street scene.
- 19 With regards to the design of the proposed replacement extension, the scale of the extension is such that the building will remain proportionate to the size of the plot. In addition, the form of the roof remains hipped and set back from the principal elevation. The dual pitch follows the style of the existing roof. Matching construction materials are to be used to ensure that the character and appearance of the building is respected. The new proposed fenestration will be sash windows in line with the existing and they will follow the line of the existing.

## Agenda Item 4.5

- 20 On the basis of the above, the proposal is considered to meet the requirements of Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

### **Impact on neighbouring Amenity**

- 21 Policy EN2 of the ADMP requires proposals to safeguard the residential amenities of existing and future occupants of any properties which are situated in the vicinity. Consequently regard must be had to and excessive noise, odour, overlooking or visual intrusion. The Residential Extensions SPD recommends that a 45 degree test is undertaken for a loss of light to neighbouring dwellings, based on BRE guidance.
- 22 With regards to the potential impact of the proposed scheme upon neighbouring access to daylight, the proposal meets the requirements of the 45-degree test.
- 23 With regards to the potential impact of the proposed works upon neighbouring outlook, the footprint of the extension is sited within the same footprint as the existing conservatory and it is set back from all of the neighbouring boundaries so it will not result in visual intrusion.
- 24 With regards to the potential for the proposal to result in a loss of privacy, the design of the proposed extension allows for the addition of two new windows along the front elevation and two new first floor windows along the side elevation. The new windows along the front elevation will face directly on to the road and on to the Vine Cricket ground. Neither of the windows will afford direct or oblique views to neighbouring private amenity space and accordingly a loss of privacy will not occur. With regards to the two new windows proposed along the side elevation, one of the windows is to be obscure-glazed and will not afford any significant views. The other window will afford direct views to the side courtyard of the subject property and the flank wall of the neighbouring property. However, since the proposed window will not afford any significant views to neighbouring windows, a loss of privacy should not occur.

### **Impact on Locally Listed Building**

- 25 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.
- 26 The NPPF also states that great weight should be given to the conservation of heritage assets (para.193).
- 27 Paragraph 197 of the NPPF further states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that

directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 28 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.
- 29 In this case, the subject property is locally listed. As such, the property is regarded as a non-designated heritage asset within a Conservation Area.
- 30 In the local listing description, the property described as a 'Two-storey "L" shaped house built in first half of 19th century, two windows to each section facing road. Painted stucco with hipped slate roof. Front wing has shouldered parapet and painted shutters to windows. Plastic windows detract.'
- 31 With regards to the potential impact of the proposed scheme upon the local listing status of the building, the importance of the distinctive L-shaped plan form has been highlighted in the listing description. The Conservation Officer has been consulted and has raised concerns to the scheme on the grounds that the proposed extension infills and harms the legibility of the historic L-shape plan form.
- 32 If no previous applications for infill extensions on the site had been entertained or approved previously, I may be minded to agree with the views of the Conservation Officer regarding the importance of the 'L'-shaped plan form.
- 33 However, in this case the principle of infilling the L-shaped plan form is already established as a result of the existing single-storey conservatory so the historic plan form has not been preserved over time. In addition, the existing conservatory is not considered to make a positive contribution to the appearance of the building and so the new extension will improve the overall appearance of the building rather than detract from its appearance. The design of the proposed extension covers the same footprint as the existing conservatory at ground floor level and it has been set back from the principal elevation by approximately 1.2 metres in order to make the original building clearly distinguishable. The applicant has also provided evidence via historic maps which show that the building may have been joined to the neighbouring property as at 1907 and therefore it has been demonstrated that its plan form was not always L-shaped and that it has changed over time.
- 34 The Conservation Officer has also raised concerns in relation to the flat roof element of the design at ground floor level. However, I do not agree with her comments as I consider that the use of another roof form at ground floor level might appear visually incongruous and overly bulky. In addition, with regards to the concerns relating to the planting over the flat roof, the introduction of rooftop vegetation could potentially be implemented without the need for planning permission.

## Agenda Item 4.5

- 35 The new proposed extension is considered to result in a modest addition to the building which does not detract from its appearance and its historic value and its historic value. When compared to the previously refused scheme, the applicant is considered to have taken the negative feedback into account and amended the scheme accordingly. The applicant has also provided evidence to show that the original building was not necessarily L-shaped when it was first erected.
- 36 In light of this, I do not consider rejecting the principle of infilling the L-shaped plan form at first floor level to constitute a balanced judgement where the ground floor element of the extension is the same size and the existing conservatory, the first floor element of the extension is clearly distinguishable from the original building and where it is not possible to extend the building elsewhere on the plot without infilling the only private amenity space afforded to the dwelling.
- 37 In light of the above, on balance I consider the proposed works to be acceptable and to comply with policy EN4 of the ADMP.

### Impact upon the Conservation Area

- 38 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.
- 39 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.
- 40 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.
- 41 The subject property is located within Sevenoaks The Vine Conservation Area and it has been identified as one of the buildings which is considered to make a positive contribution to the townscape.
- 42 The Conservation Area appraisal states that with regards to the properties located in close proximity to the cricket ground, the 'predominant impression within the Conservation Area is of openness with interesting views across and beyond the cricket pitch. The generous spacing between the properties highlights their own individual characters framed by the trees and the wide expanse of sky above.'
- 43 As mentioned above, owing to the fact that the ground floor element of the proposed extension will occupy the footprint of the existing conservatory, the generous spacing pattern between the subject property and the

surrounding properties is maintained. In addition, the first floor element of the proposed extension will not increase the height of the roof ridgeline or detract from the property's individual character as the property's flank wall and 'L-shape' can be discerned. The open character of the site is also maintained.

- 44 On this basis, the proposed extension is considered to be aligned with the existing character of the plot and its addition will not detract from the sense of place. Therefore the proposal will conserve the character and appearance of the Conservation Area and will comply with policy EN4 of the ADMP.

#### **Parking and Highways Impact**

- 45 Policies EN1 and T2 state that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking.
- 46 The property benefits from two parking spaces to the front and the proposed amendments to the development proposal will not impact the amount of parking available on the site.

#### **Conclusion**

- 47 The proposed development is considered to meet the requirements of the Core Strategy and Local Plan Policies.
- 48 It is therefore recommended that permission is Granted.

#### **Background papers**

Site and block plan

Contact Officer(s):

Alexis Stanyer: 01732 227000

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

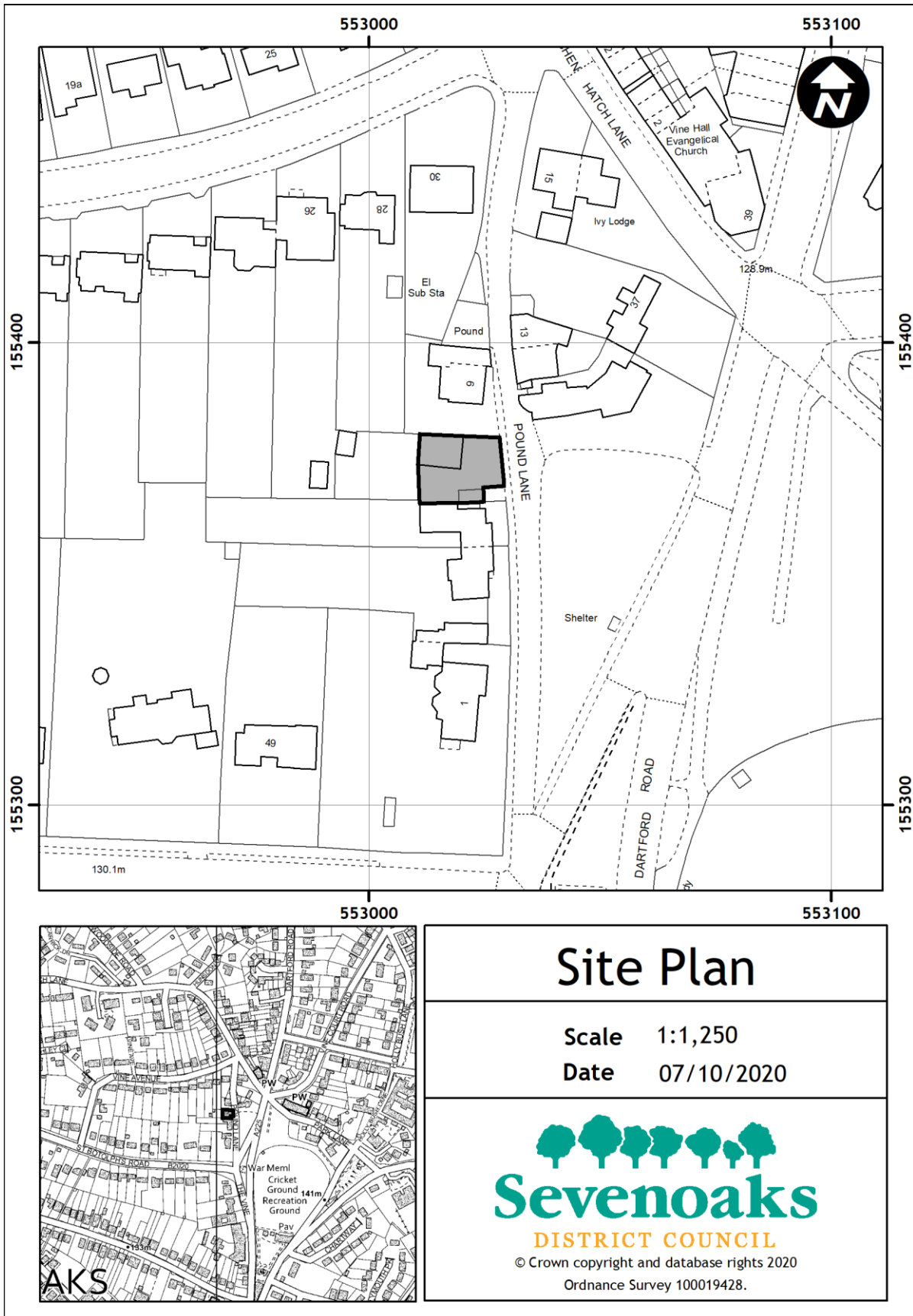
## Agenda Item 4.5

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=QEHWAXBKIFI00>



# Site Plan

Scale 1:1,250

Date 07/10/2020



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Ordnance Survey 100019428.





4.6 20/02312/FUL Date expired 21 October 2020

Proposal: Replace timber fence with metal fence incorporating gate. Erection of an 8m high CCTV column with a maximum of 5 cameras, and fitted with anti-climb spikes.

Location: Land East Of 17 Romani Way, Hever Road, Edenbridge KENT TN8 5NQ

Ward(s): Edenbridge South & West

**Item for decision**

This application is being reported to the Development Control Committee as the applicant is Sevenoaks District Council.

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

1) Prior to the erection of the column hereby permitted further details the column external finish/colour shall be submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.

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

2) When the CCTV column is no longer required or in use, the column and any resultant materials from its removal shall be removed from the land.

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

3) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 1 unnumbered 1:1250 scaled location plan, 1 unnumbered 1:200 scaled block plan, PROPOSED FRONT ELEVATION, PROPOSED SIDE ELEVATION, PROPOSED REAR ELEVATION, PROPOSED SIDE ELEVATIONS OF FENCING

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.

**Description of site**

- 1 The application site comprises small compound area that forms part of an existing Council operated Traveller site. The compound, that is enclosed by palisade fencing fronts onto the junction of Hever Road and Romani Way. Within the compound is a small storage building.
- 2 The site is located within the designated Metropolitan Green Belt.

**Description of proposal**

- 3 The application proposes the installation of an 8m high column with 5 fixed, close circuit television (CCTV) cameras within an existing compound area adjacent to the junction of Romani Way and Hever Road.
- 4 The 3m high palisade fencing has recently been erected.
- 5 The purpose of the CCTV cameras is to provide an extension to the Council's CCTV network and will provide vital coverage of an area that in the past blighted by fly-tipping and anti-social behaviour and will act as a deterrent for the benefit of the local community.
- 6 Occupants within Romani Way have been notified of the development by the Council.

**Relevant planning history**

- 7 08/01242 - Six Caravan Pitches on existing Caravan Site and associated works/facilities (including revision to 3 pitches and associated works already approved under reference SE/06/02494/FUL) - GRANTED
- 8 06/02494 - Provision of 3 additional pitches on existing gypsy caravan site (from 12 to 15 pitches) - GRANTED
- 9 86/02062 - Retention of use of land for encampment for Gypsies - GRANTED
- 10 78/01778 - The continued use of land as an encampment for Gypsies for seven years - GRANTED

## Policies

- 11 National Planning Policy Framework (NPPF)
- 12 Core Strategy (CS)
  - LO8 The Countryside and the Rural Economy
  - SP1 Design of New Development and Conservation
- 13 Allocations and Development Management Plan (ADMP)
  - EN1 Design Principles

## Constraints

- 14 The site lies within the following constraints -
  - Metropolitan Green Belt

## Consultations

- 15 Edenbridge Parish Council - Supports the application
- 16 KCC Public Right of Way Officer - Supports the application

“Public Right of Way Footpath SR625 runs from Hever Road to Lydens Lane to the east of this site and the area has suffered from flytipping and the illegal use of quad bikes and trespass for many years. It is to be hoped that the installation of this CCTV and monitoring of the images will provide evidence and help to prevent and control this anti-social behaviour suffered by local landowners, residents and the public.”

## Representations

- 17 One representation of support received

## Chief Planning Officer’s appraisal

- 18 The main planning consideration is:
  - Impact on the Green Belt and character and appearance of the area

## Background

- 19 It is considered that the recently installed works to enclose the existing compound area with a 3m high palisade fencing constitutes as works not requiring planning permission, as the works to create an enclosure can be done by a Local Authority as permitted development under Schedule Two, Part 12, Class A of the Town and Country Planning (General Permitted

## Agenda Item 4.6

Development) (England) Order 2015 as amended. Therefore, it is not considered to assess the planning merits of this part of the proposal.

- 20 In terms of installation of CCTV cameras can be installed without the need for planning permission. There are Permitted Development Rights available for cameras fixed to a building (Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, Schedule 2 Part 2 Class F) subject to limitations on appearance, number and heritage impact. There are limitations on the number of cameras and how they are fixed to a building; a condition requiring cameras to be sited so as to minimise effect on the external appearance of the building; and that the camera is removed as soon as reasonably practicable after it is no longer required. The limitations on permitted development rights concern themselves with the appearance of the camera installation and not what the system is viewing or monitoring. However, permitted development rights do not extend to freestanding or pole mounted CCTV cameras except for Crown rights for the purpose of national security (Part 19, Class S).
- 21 The proposed pole mounted cameras does not benefit from permitted development rights and requires express planning permission. The application should be determined in consideration of the policies of the Development Plan and having regard to any material considerations.
- 22 Paragraph 127 of the National Planning Policy Framework (NPPF) states that planning decisions should aim to create safe and accessible environments where crime, and disorder and the fear of crime, do not undermine quality of life or community cohesion. A core planning principle is to help improve health, social and cultural wellbeing for all and deliver sufficient community facilities to meet local needs.

### **Impact on the Green Belt and character and appearance of the area**

- 23 Paragraph 143 of the NPPF 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.
- 24 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.
- 25 Policies SP1, LO8 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.
- 26 Firstly it is considered that the proposed development would constitute as and engineering operation and considered appropriate development in accordance with paragraph 146 of the NPPF.
- 27 It is considered that due to the nature, design and scale of the proposal the scheme would have a minimal impact upon the openness of the Green Belt. The CCTV column would be seen against the backdrop of this existing built

(Item No 4.6) 4

form of the Traveller site together with other street furniture and lighting columns that can be found within the locality, it would not appear as an alien/prominent feature in this regard. No external finish of the column has not been stated, however this can be secured by condition. In addition, when the column is no longer required, the development can be easily reversed and the land restored and this can be secured by planning condition.

- 28 Overall, the proposed scheme is considered to be acceptable in terms of the character and appearance of the area and would not be of a design or scale that would appear visually intrusive or prominent within the street scene or wider landscape. Therefore, the scheme is not considered cause harm to the character and appearance of the area and to the openness of the Green Belt. This development would accord with Policies SP1, LO8 of the Core Strategy, Policy EN1 of the ADMP and the aims and objectives of the NPPF.

#### Other issues

- 29 It is considered that the proposed development would not have an impact upon the existing visibility splays on the junction of Romani Way and Hever Road.
- 30 The deterrence of alleviating anti-social behaviour and crime is a material planning consideration. Paragraph 127 of the National Planning Policy Framework (NPPF) states that planning decisions should aim to create safe and accessible environments where crime, and disorder and the fear of crime, do not undermine quality of life or community cohesion. A core planning principle to help improve health, social and cultural wellbeing for all and deliver sufficient community facilities to meet local needs.
- 31 The supporting statement accompanying the application states that the camera system would allow further monitoring of the area to deter anti-social behaviour and crime.
- 32 Such systems are commonplace in commercial and mixed-use settings and may not always require planning permission if erected as permitted development. The principle of a CCTV cameras at this site is considered to accord with the aims of NPPF Paragraph 127 by providing a safe environment, and came about following incidents of anti-social behaviour and crime within this part of Edenbridge.
- 33 As the highway is part of the public realm, members of the public generally expect and are acceptable of security surveillance, although privacy expectations do vary. Operators of CCTV systems need to abide by a framework of other legislative and regulatory provisions. These include:
- General Data Protection Regulation 2018
  - Data Protection Act 2018
  - Freedom of Information Act 2000
  - Protection of Freedoms Act 2012
  - Surveillance Camera Code of Practice (and Surveillance Camera Commissioner)
  - Human Rights Act

## Agenda Item 4.6

- 34 Members of the public have a right at any time to request a copy of the image from the Council under the Data Protection Act and/or the Freedom of Information Act should they wish to satisfy themselves that the camera is being correctly operated thereafter. Such requests are subject to any exemption to that right which might apply under the relevant legislation.
- 35 Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) are those to be considered and may be affected due to the direction and range of view of the CCTV cameras. It has been confirmed that the CCTV cameras will be fixed and that any private areas of the occupant's pitches within Romani Way are not shown within the CCTV cameras field of view in accordance with the guidance issued by the Surveillance Camera Commissioner. It is not considered that the Human Rights of the occupants of Romani Way would be unduly affected by this proposal. However, it is recognised that a loss of privacy to neighbouring occupiers through incorrect installation, adjustment or operation. This potential impact needs to be balanced against the wider benefits the proposal would provide in deterring anti-social behaviour and crime while safeguarding the privacy of neighbouring occupants. In this instance, the benefits of the installation of CCTV in this area, outweighs the potential impact upon the possible loss of privacy to occupants of Romani Way and any intermittent loss of privacy that may occur would be rectified in accordance the principles of the code of practice.

### Conclusion

- 36 As highlighted in the report above the proposed development accords with the NPPF and our adopted development plan.
- 37 It is therefore recommended that this application is Granted.

### Background papers

Site and block plan

Contact Officer(s): Sean Mitchell 01732 227000

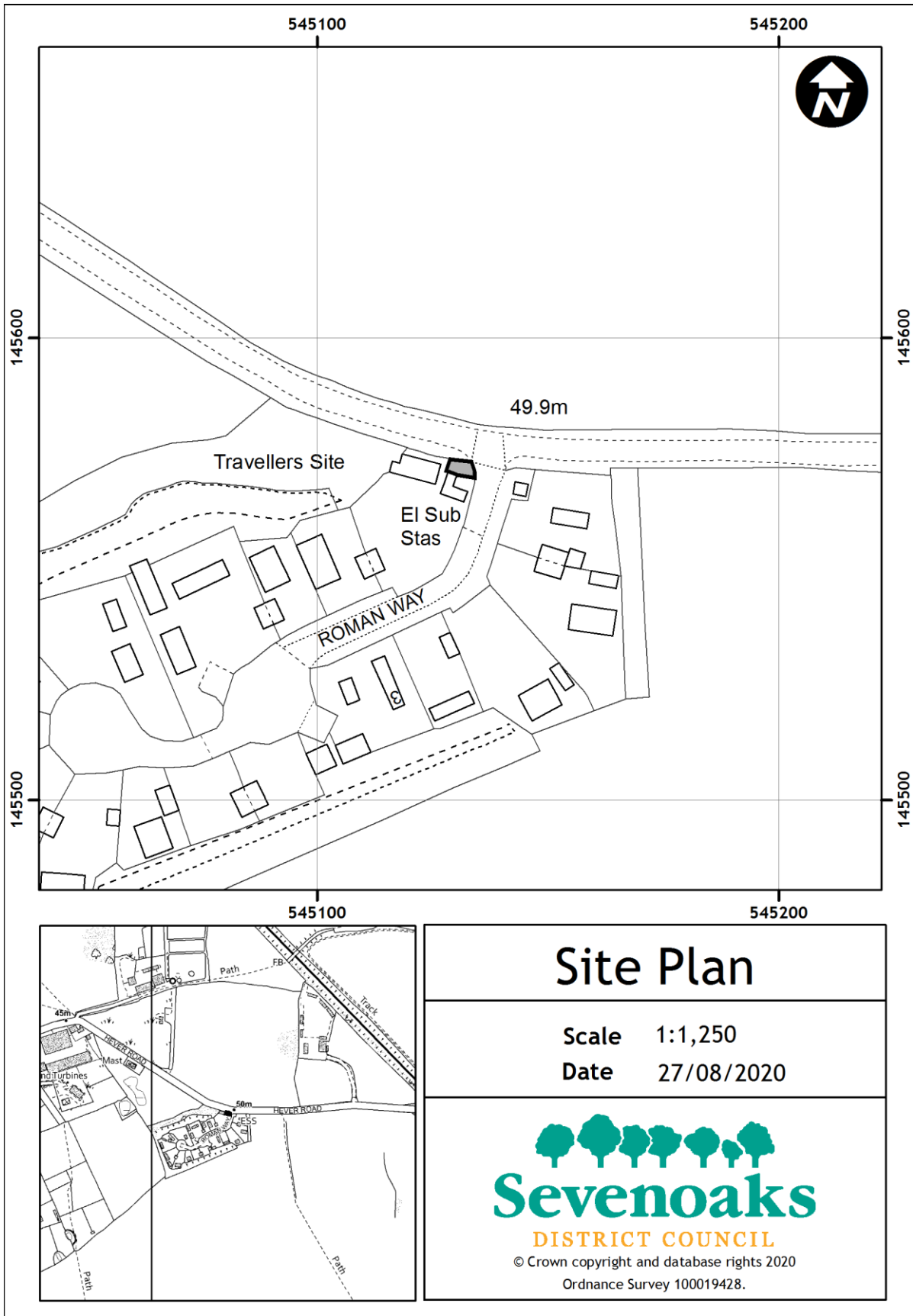
Richard Morris  
Chief Planning Officer

Link to application details:

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

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QEYKCEBK0LO00>



# Site Plan

Scale 1:1,250

Date 27/08/2020



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Ordnance Survey 100019428.



BLOCK PLAN



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5.1 TPO 4 of 2020

**OBJECTION TO THE SERVING OF TPO 4 of 2020:**

TPO 4 of 2020 was served in response to a request from a local resident who had concerns that the large mature Oak tree would be felled following the felling of several other trees within the garden of Rough Close.

**LOCATION:**

Situated upon the boundary within the rear gardens of properties Marlridge and Rough Close, Swan Lane, Edenbridge.

**WARD(S):**

Edenbridge North East

**ITEM FOR DECISION**

TPO 4 of 2020 has been served in response to a request that the Oak tree situated on the property boundary, would be felled or drastically pruned by the neighbour. The Oak tree is situated on the eastern boundary of Marlridge and appears to be in shared ownership between Marlridge and Rough Close. This tree has previously been pruned by the neighbour who has also felled several trees within their garden.

**RECOMMENDATION:** That TPO 4 of 2020 is confirmed without amendment.

**Description of Site**

- 1 The Oak tree is situated within the rear garden and is located on the boundary between Marlridge and Rough Close, Swan Lane, Edenbridge.

**Policies**

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

**Constraints**

- 4 TPO 04 of 2020.

**Amenity Value and Visibility of the Oak tree**

- 5 The Oak tree is situated within the rear garden of the property. It can be seen from the front of the building and from several neighbouring gardens. It appears to be in a sound and healthy condition and so offers a degree of amenity to the local area. The serving of this TPO would prevent its removal, thus preserving its amenity value.

## Agenda Item 5.1

### Representations

- 6 An objection has been received to the serving of TPO 04 of 2020. The objector is Mr Alan Fuller of Rough Close, Swan Lane, Edenbridge.
- 7 Mr Fuller objects on the grounds that the serving of the TPO is unnecessary as he has no intention of removing or damaging the Oak tree. A damaged limb had recently been removed from it. He states that the felling that had taken place was necessary as the felled tree was rotten and so had to be removed for health and safety reasons.
- 8 Mr Fuller claims that the serving of the order was directed solely at him and his property as only he and his immediate neighbour have access to the tree or can view it.
- 9 Mr Fuller also claims that due to the distance of the Oak tree to the public highway, it can only be seen from a distance and so is of limited amenity value.
- 10 Mr Fuller also states that there are several other Oak trees located within Swan Lane that are of equal amenity value that are currently unprotected. These should be protected also.
- 11 Mr Fuller has concerns that the serving of this order could affect the future value of his property.
- 12 Mr Fuller is concerned that the serving of this order could affect any future planning application to develop his property.
- 13 Mr Fuller also claims that the Oak tree has been plotted incorrectly on the TPO plan as it sits in the middle of the property boundary. He feels that this has not been demonstrated on the plan.

### Appraisal

#### Consideration of Objections

- 14 TPO 4 of 2020 was served to prevent the felling of the Oak tree from taking place. It was felt that its removal would be detrimental to the local amenity. By protecting this tree with a TPO, does not mean that works may not be carried out in the future, but that control could be exerted to the extent of any future pruning works.
- 15 With regards to the serving of the order being unnecessary, having seen the recent tree works within the rear garden of Rough Close, the serving of the order is considered to be necessary.
- 16 With regards to the serving of the order being directed solely to Mr Fuller and his property, the purpose of the serving of the order is to protect the Oak tree and to prevent any unnecessary works being carried out to it.
- 17 With regards to the lack of amenity value, this tree can be seen from the front of the property and from neighbouring gardens. It is considered to be

of high amenity value and its loss would be noted and would have a negative effect on the local amenity.

- 18 With regards to the presence of other Oak trees within Swan Lane of equal or greater amenity value that are currently unprotected, this may be the case. However, if there is no perceived threat to their immediate existence, the serving of an order to protect these trees is considered to be unnecessary at the moment.
- 19 With regards to the effect of the serving of this order on the future value of the property. This is not a material consideration as to whether or not to confirm a Tree Preservation Order
- 20 With regards to the effect of the serving of the order on any future planning applications, this again not a material consideration, as planning applications are judged on their own individual merit. The presence of a Tree Preservation Order does not automatically mean that a planning application will be refused, but the impact of any proposed development to need to ensure that the impact upon the tree is given due weight and protection.
- 21 With regards to the accuracy of the TPO plan, the purpose of the plan is to indicate the location of the protected tree or trees. It is not required that the tree is plotted with pinpoint accuracy. The question of ownership of this tree is a matter for the property owners.

**Expediency of Preserving the Oak tree.**

- 22 The Oak tree is prominent within its setting. The loss of this tree would be detrimental to the local amenity. The serving of this order would retain this tree and control would be exerted on the extent of any future pruning works to it.

**Conclusion**

- 23 It is therefore my recommendation that TPO 4 of 2020 be confirmed without amendment.

TPO plan with Schedule 1

Contact Officer(s):

Harry Walker

01732 227000

Richard Morris  
Chief Planning Officer



  
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 DISTRICT COUNCIL  
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 Ordnance Survey 100019403.

**Tree Preservation Order**  
**TPO 4 (2020)**  
**Marlridge, Swan Lane, Edenbridge, Kent, TN8 6AJ**  
 Scale: 1:1,250  
 Date: June 2020  
Prepared by the Liff Team, Ardenborough Estates Limited

<b>SCHEDULE 1</b>		
<b>SPECIFICATION OF TREES</b>		
<b>Trees specified individually</b> (encircled in black on the map)		
<i>Reference on Map</i> T1	<i>Description</i> Oak	<i>Situation*</i> Located on the eastern boundary of Martridge, Swan Lane, Edenbridge, Kent.
<b>Trees specified by reference to an area</b> (Within a dotted black line on the map)		
<i>Reference on Map</i>	<i>Description</i> None	<i>Situation*</i>
<b>Groups of trees</b> (Within a broken black line on the map)		
<i>Reference on Map</i>	<i>Description</i> None	<i>Situation*</i>
<b>Woodlands</b> (Within a continuous black line on the map)		
<i>Reference on Map</i>	<i>Description</i> None	<i>Situation*</i>
<p>* complete if necessary to specify more precisely the position of the trees.</p>		

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