

10 June 2021 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

Published: 02.06.21

This meeting will be live on YouTube and livestreamed here:

[https://www.youtube.com/channel/UCLT1f\\_F5OfvTzxjZk6Zqn6g](https://www.youtube.com/channel/UCLT1f_F5OfvTzxjZk6Zqn6g)



# Development Control Committee

## Membership:

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

## Agenda

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

	Pages	Contact
Apologies for Absence		
1. <b>Minutes</b> To approve the minutes of the meeting of the Committee held on 20 May 2021, as a correct record.	(Pages 1 - 10)	
2. <b>Declarations of Interest or Predetermination</b> Including any interests not already registered		
3. <b>Declarations of Lobbying</b>		
4. <b>Planning Applications - Chief Planning Officer's Report</b>		
4.1 <b>21/00694/FUL - The Elms Nursery, Bough Beech Road, Four Elms KENT TN8 6ND</b>  Creation of additional external seating area and associated footpath with hard standing base. Increase of operating business hours to Monday - Saturday 09:00 to 22:00, Sundays 10:00 to 17:00.	(Pages 11 - 24)	Emma Gore 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.

Any Member who wishes to request the Chairman to agree a pre-meeting site inspection is asked to email [democratic.services@sevenoaks.gov.uk](mailto:democratic.services@sevenoaks.gov.uk) or speak to a member of the Democratic Services Team on 01732 227000 by 5pm on Monday, 7 June 2021.

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

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

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

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

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

**DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held on 20 May 2021 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Reay (Vice Chairman)

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

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

Cllrs. Clack, Fleming and Thornton were present via a virtual media platform, which does not constitute attendance as recognised by the Local Government Act 1972.

178. Minutes

Resolved: That the Minutes of the Development Control Committee meeting held on 29 April 2021 be approved and signed by the Chairman as a correct record.

179. Declarations of Interest or Predetermination

Councillor Perry Cole declared for Minute 183 - 21/0019/HOUSE - Pettings Court, Hodsoll Street, Kent, TN15 7LH, that he was predetermined.

Councillor Cheeseman declared for Minutes 184 - 20/03735/FUL - Bower House, Bower Lane, Eynsford, Kent, DA4 0AJ, that he was predetermined.

180. Declarations of Lobbying

All Councillors present declared they had been lobbied in respect of Minute 181 - 21/00703/HOUSE - The Old Bakehouse, Six Bells Lane, Sevenoaks, Kent, TN13 1JE.

Councillor Perry Cole declared he had been lobbied in respect of Minute 183 - 21/00199/HOUSE - Pettings Court, Hodsoll, Street, Kent, TN15 7LH.

181. 21/00703/HOUSE - The Old Bakehouse, Six Bells Lane, Sevenoaks, KENT, TN13 1JE

The proposal sought planning permission for the conversion of disused outbuildings (washroom and outdoor WC), and an enclosed courtyard into a one bedroom

## Agenda Item 1

Development Control Committee - 20 May 2021

annexe. The application had been referred to the Committee by the Chief Officer Planning & Regulatory Services due to the sensitive nature of the proposal because of its background and planning history.

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

The Committee was addressed by the following speakers:

Against the Application: Timothy Craig  
For the Application: -  
Parish Representative: Town Cllr Michaelides  
Local Members: Cllr Fleming & Cllr Clack

Members asked questions of clarification to the officer. It was clarified that there had been a light assessment done but not a sunlight assessment. Regarding the neighbouring 8 Six Bells Lane which was a listed building, it was highlighted that there was no statutory requirement for the listed building consent and planning application to be submitted at the same time.

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

Members discussed the application and expressed concerns that the proposal did not preserve or enhance the conservation area. Further concerns were expressed over the size of the roof.

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

It was moved by Cllr Reay and duly seconded that the application be refused on the grounds that it does not preserve or enhance the conservation area.

The motion was put to the vote and it was

Resolved: That planning permission be refused on the grounds that:

By virtue of its design, the proposed annexe building would detrimentally affect the character and appearance of this part of Sevenoaks High Street and fails to preserve or enhance the character and appearance of Sevenoaks High Street Conservation Area and the setting of the curtilage/listed building(s). The development is contrary to Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework, policy SP1 of the Sevenoaks Core Strategy and policies EN1, EN4 of the Sevenoaks Allocation and Development Management Plan.

182. 20/03779/FUL - Land East of The Coach House, St Julians Road, Underriver, KENT TN15 0RX

The proposal sought planning permission for the erection of two stables, tack room and hay store for personal use. The application had been referred to the Committee by Councillor Thornton on the grounds of loss of openness, inappropriate development within the Green Belt, harm to the AONB and impact on the public right of way, contrary to the NPPF paragraphs 79, 143 and 144, policy L08 of the Core Strategy, policy LT2 of the ADMP and policies R7 & R8 of the Underriver Village Design Statement SPD.

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

The Committee was addressed by the following speakers:

Against the Application:	Linda Law
For the Application:	Pete Hadley
Parish Representative:	Parish Cllr Tony Bulleid
Local Members:	Cllr Thornton

Members asked questions of clarification to the officer. It was clarified that the Underriver Village Design Statement SPD had been taken into account by the Case Officer. It was highlighted that policies R7 and R8 of the Underriver Village Design Statement was similar to LT2 of the ADMP.

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

Members discussed the application and expressed concerns over the size and location of the proposed stables. Members considered the concerns raised by speakers including the impact the stables would have on the Green Belt.

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

It was moved by Cllr Reay and duly seconded that planning permission be refused on the grounds that the proposed stables would result in a loss of openness and would therefore be an inappropriate development within the Green Belt.

The motion as put to the vote and it was

Resolved: That planning permission be refused on the grounds that:

The proposed stables, tack room and hay store, by reason of their size and siting, would result in loss of openness and thus be inappropriate development within the Green Belt which would be harmful to the visual

## Agenda Item 1

### Development Control Committee - 20 May 2021

amenities of the Area of Outstanding Natural Beauty and impact on the public right of way, contrary to paragraphs 79, 143 and 144 of the National Planning Policy Guidance, policy L08 of the Core Strategy, policy LT2 of the Council's Allocations and Development Management Plan and policies R7 and R8 of the Underriver Village Design Statement Supplementary Planning Document.

#### 183. 21/00199/HOUSE - Pettings Court, Hodsoll Street, KENT TN15 7LH

The proposal sought planning permission for the demolition of existing outbuildings and the erection of a two storey side extension, extension to basement, associated landscaping, new porch and alterations to fenestration. The item had been referred to the Committee by Councillor Cole on the grounds that the planning application may extend above the 50% requirement for the Green Belt and due to concerns regarding the visual impact created by the addition of the basement to the main extension and associated terracing, contrary to policy EN1/EN2 and GB2.

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

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Neal Thompson
Parish Representative:	Parish Cllr Frank Cottee
Local Members:	Cllr Perry Cole

Members asked questions of clarification to the officer. It was clarified that the increase in floorspace of the proposal was under 50%.

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

Members discussed the application with concerns expressed over the visual impact of the basement. It was moved by the Chairman and duly seconded that an additional landscaping condition be included in the proposal.

The amendment was put to the vote and it was carried.

The substantive motion was put to the vote and it was

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

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

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

- 2) The 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 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: E001, P150 P3, P200 P3, P201 P3, P202 P2, P450 P4, P451 P3, the Tree Protection Plan (ref: 19-956-TPP) and Arboricultural Impact Assessment and Method Statement and Open Architecture Design and Access Statement.

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

- 4) Within three months of the commencement of works, a detailed ecological enhancement plan shall be submitted to the Local Planning Authority for approval in writing. The approved plan shall be implemented within a period of six months from the first occupation of the building as extended and retained as approved thereafter.

To enhance the biodiversity on the application site, as supported by Policy SP11 of the Sevenoaks Core Strategy.

- 5) Within two months of commencement of works on site, full details of soft landscaping proposals, including a schedule of landscape maintenance for a minimum period of 5 years, shall be submitted to the local planning authority for approval in writing. The approved landscape scheme shall be implemented prior to the occupation of the development hereby approved. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting season with others of similar size, species and number, unless otherwise agreed in writing by the local planning authority.

To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality in accordance with Policies EN1 and GB1 of the Sevenoaks Allocations and Development Management Plan.

#### Informatives

- 1) The proposed lighting to the application site shall follow the recommendations within the Bats and Artificial lighting in the UK

## Agenda Item 1

### Development Control Committee - 20 May 2021

document produced by the Bat Conservation Trust and Institution of Lighting Professionals.

- 2) No works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. This means that the Public Rights of Way must not be stopped up, diverted, obstructed 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 and across Public Rights of Way without consent.

(Having spoke against the application as a registered speaker, Councillor Perry Cole left the room during consideration of this item and did not take part in the debate or voting thereon).

#### 184. 20/03735/FUL - Bower House, Bower Lane, Eynsford, KENT DA4 0AJ

The proposal sought planning permission for the erection of 2 No. new dwellings with allocated parking in the rear premises of Bower House with demolition of the existing garage and shed. The application had been referred to the Committee by Councillor Cheeseman on the grounds that the scale and height of the development may have a significant, detrimental impact on neighbouring properties and the views from the historic Eynsford High Street.

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

The Committee was addressed by the following speakers:

Against the Application: -  
For the Application: -  
Parish Representative: -  
Local Members: Cllr Cheeseman

Members asked questions of clarification for the officer. It was clarified that Bower House was 7.2 metres to ridge was 7.8 metres.

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

Members discussed the application.

The motion was put to the vote and it was

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



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

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

- 2) No development shall be carried out on the land until details of the materials to be used in the construction of the external surfaces of the new dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 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: The location plan, 1 of 1, 19-26-21B, 19-26-22B, 19-26-23A, 19-26-24A, 19-26-25A, 19-26-26A.

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

- 4) No development shall take place until an archaeological field evaluation works in accordance with a specification and written timetable has been submitted and approved in writing by the local planning authority and further archaeological investigation recording and reporting determined by the results of the evaluation in accordance with a specification and timetable has to be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

To ensure the features of archaeological interest are properly examined and recorded as supported by Policy EN4 of the Sevenoaks Allocations and Development Management Plan.

- 5) Prior to first occupation of the dwellings, a lighting design plan to protect the biodiversity of the site shall be submitted to and approved in writing by the local planning authority. The plan should include the location of external lighting, demonstrating that areas to be lit will not disturb bat activity. All external lighting will be installed in accordance with the specification and location set out in the plan and shall be maintained as approved thereafter. No further external lighting shall be installed on site other than in accordance with details which shall first have been submitted to the Local Planning Authority for approval in writing.

To protect the biodiversity on the application site as supported by Policy SP11 of the Sevenoaks Core Strategy.

## Agenda Item 1

### Development Control Committee - 20 May 2021

- 6) Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to and approved in writing by the local planning authority. This will include details as recommended in section 4.4 of the Preliminary Ecological Appraisal (Corylus Ecology December 2019). The approved details will be implemented and thereafter retained.

To promote ecology on the application site as supported by Policy SP11 of the Sevenoaks Core Strategy.

- 7) Notwithstanding any indication on the approved plans to the contrary, the windows at first floor level on the north west elevation shall not be installed other than to be obscure glazed and fixed shut below 1.7 metres above the relevant internal floor level. The windows shall be retained as approved thereafter.

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

- 8) No equipment, machinery or materials shall be brought onto the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees as shown on the submitted plans, beyond the outer edge of the overhang of their branches in accordance with British Standard 5837:2012: Trees in Relation to Construction (or later revision), has been submitted to and approved in writing by the local planning authority, and the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

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

- 9) No development shall take place until full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, have been submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and thereafter retained. Any trees which die or are damaged within a period of five years must be replaced.

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

- 10) No development shall take place until details of all boundary treatment located along the north-west and south-east boundaries of the application site have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development or phased as agreed in writing by the local planning authority. The approved scheme shall thereafter be retained.

To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policies EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

- 11) The proposed parking and vehicle charging points shown on plan number 19-26-21 B must be provided and retained on site at all times.

To ensure a sustainable form of development, as supported by Policies T2 and T3 of the Sevenoaks Allocations and Development Management Plan.

- 12) No development shall take place until details of existing and proposed finished site levels have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

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

- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting or amending those Orders with or without modification), planning permission shall be required in respect of development falling within Schedule 2, Part 1, Classes A, AA, B, C, D or E of that Order.

To ensure that development within the permitted Classes in question is not carried out in such a way as to prejudice the appearance of the proposed development or the amenities of future occupants of the development or the occupiers of adjoining property in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

## Agenda Item 1

Development Control Committee - 20 May 2021

### Informatives

- 1) The applicant is reminded that under the Wildlife and Countryside Act 1981, as amended Section 1 it is an offence to remove damage or destroy the nest of any wild bird while the nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.
- 2) Habitats are present on and around the site that provide opportunities for breeding birds. Any work to vegetation/structures that may provide suitable nesting habitats should be carried out outside of the bird breeding season (March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation/structures need to be removed during the breeding season mitigation measures need to be implemented during construction. This includes examination by an experienced ecologist prior to starting work and if any nesting birds are found, development must cease until after the juveniles have fledged.

(Having spoke against the application as a registered speaker, Councillor Cheeseman left the room during consideration of this item and did not take part in debate or voting thereon).

THE MEETING WAS CONCLUDED AT 8.57 PM

CHAIRMAN

4.1 21/00694/FUL Revised expiry date 11 June 2021

Proposal: Creation of additional external seating area and associated footpath with hard standing base. Increase of operating business hours to Monday - Saturday 09:00 to 22:00, Sundays 10:00 to 17:00.

Location: The Elms Nursery, Bough Beech Road, Four Elms KENT TN8 6ND

Ward(s): Cowden & Hever

**Item for decision**

The application has been called to Development Control Committee by Councillor Dickins due to the potential noise impacts, specifically related to the opening hours which could result in an increase in the disturbance, to a level which would see the proposal fail to comply with policy EN7 of the Sevenoaks District Council Allocation 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 and details: 05 Rev 0, 02.

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 02.

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.

4) No external lighting shall be installed on the lower seating area (extended hard standing as identified on approved plan 02) without the prior written consent of the local planning authority.

To ensure the character and tranquillity of the local area in accord with policy EN6 of the Sevenoaks District Council Allocation and Development Management Plan.

## Agenda Item 4.1

5) The hereby approved lower seating area (extended hard standing as identified on approved plan 02) shall be used solely as an ancillary function of the cafe as identified on plan 02 and for no other purposes.

To ensure the character and tranquillity of the local area in accord with policy EN7 of the Sevenoaks District Council Allocation and Development Management Plan.

6) Within 3 months of the date of this decision, details of the re-landscaping of the area to the west of the lower seating area as identified on plan 02, shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented and maintained as such 6 months after the date of this decision.

To ensure the character of the area in accord with policy EN1 of the Sevenoaks District Council Allocation and Development Management Plan.

7) Vehicular access to the gym and cafe shall occur only within the bounds of the red line plan 05 rev 0.

In the interest of highway safety.

8) The Cafe as identified on plan 05 rev 0 and the gym as identified to the north east of the site to the rear of the equestrian store shall only operate during the hours of Monday - Saturday 09:00 to 22:00 and Sundays 10:00 to 17:00.

In the interest of neighbouring amenity in accord with policy EN7 of the Sevenoaks District Council Allocation and Development Management Plan.

9) No sound-amplifying equipment, loudspeakers or public address system shall be installed or operated outside of the premises at any time.

In the interest of neighbouring amenity in accord with policy EN7 of the Sevenoaks District Council Allocation 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 the Site**

1 The application site is located to the north east of Bough Beech Road and outside the settlement of Four Elms, Edenbridge. The site contains a garden centre (pet/equine supplier), café and gym, for which the garden centre is the primary use.

- 2 The built form is single storey with a central linear building containing the equine/nursery use, to the west the café extends on a north-south axis and to the east, the gym is located to the rear of the nursery. The car park is located to the front of the building and is directly accessed off Bough Beech Road.
- 3 The site is located in the Green Belt and the surrounding landscape is rural in character.

#### **Description of Proposal**

- 4 Creation of additional external seating area and associated footpath with hard standing base. Increase of operating business hours to Monday - Saturday 09:00 to 22:00, Sundays 10:00 to 17:00.

#### **Relevant Planning History**

- 5 19/01224/FUL- Proposed extensions to existing garden centre to provide enlarge kitchen and Cafe and staff facilities - GRANT
- 6 19/02324/NMA - non-material amendment to 19/01224/FUL - APPROVED
- 7 20/01683/FUL - Proposed exercise studio to replace consolidation of existing outbuildings - GRANT

#### **Policies**

- 8 National Planning Policy Framework (NPPF)
- 9 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.
- 10 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.

## Agenda Item 4.1

### 11 Core Strategy (CS)

- SP1 Design of New Development and Conservation
- LO1 Distribution of Development
- LO8 The Countryside and Rural Economy
- SP8 Economic Development and Land for Business
- SP11 Biodiversity

### 12 Allocations and Development Management (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- EN6 Outdoor Lighting
- EN7 Noise Pollution
- T2 Vehicle Parking

### 13 Other

- Development in the Green Belt SPD

### Constraints

#### 14 The following constraints apply:

- Green Belt

### Consultations

#### 15 Hever Parish Council -

16 'The HPC planning committee met on 26.03.21 and voted to object to the application. The function of and relevance of the planning and licensing applications and impact of, were considered and noted.

17 There is an absence of very special circumstances in this particular case to grant planning consent and the built form has reached its limits. The formalisation of the outdoor seating area by introducing further hardstanding encroaches onto the Green Belt. National planning policy guidelines are noted but should be considered in addition to the evidence the Authority holds relating to the unique prevailing acoustic environment (including any anticipated changes to that environment from activities that are permitted but not yet commenced).

18 Historical applications in the parish e.g. music festivals, provide independent data (and experiences from over the years of Neverworld) which verifies the reported concerns of residents in the way that sound (of different types) travels across this specific landscape form and the absolute low ambient noise levels. In addition, it is noted, that as a parish, Hever village is subject to flight path noise as part of the background noise, Four Elms is not'.



- 19 Environmental Health -
- 20 'I refer to the above mentioned application. We would suggest that in order to protect residential amenity, a condition is imposed that any amplified music used in conjunction with the use of the gym or cafe should not be audible outside of the boundary of the premises'.
- 21 SDC Tree Officer - No comment.

### Representations

- 22 We received 19 letters of objection to the proposal relating to:
- Area is a quite natural area
  - Hours for the café and gym would extend operations to 13 hours a day,
  - Hours would result in unacceptable noise levels and disruption to neighbours,
  - Proposal would result in a negative impact to barn owl population,
  - The additional hardstanding would result in harm to the adjacent hedgerow,
  - Licencing hearing established a 9 - 5pm, usage of the site,
  - Late night use will encourage anti-social behaviour,
  - Highway hazards would occur,
  - The site is subject to creep development over the past three years,
  - The site has been subject to development which flouts planning rules,
  - Increased road activities would result in harm to pedestrians, riders, cyclist and use of the countryside,
  - Concern with narrow Bull Lane being used to access the site,
  - Music being played outside would be harmful to neighbouring properties,
  - Listed hours differ from application form to Design and Access Statement,
  - The adjacent B road is quiet despite its classification increased hours would place un-due pressure on highway safety,
  - Only seeking to provide services to non-local people,
  - Noise, smell and disturbance from use to those in the local area,
  - Green Belt encroachment,
  - Impact to the local wildlife,
  - Wedding receptions would cause considerable disruption,
  - Harm to bat population,
  - Hours would make the café and gym non-ancillary functions to the site,
  - The more commercialised appearance of the site had changed the character of the site and its impression on the local area,
  - Development should be located outside of towns not in rural environments,
  - Light pollution would occur due to extended opening hours,
  - Impact to parking,
  - Air quality loss to traffic disturbance,
  - Increased footfall would have a negative impact on the local wildlife site,
  - Loss of tranquillity in the local environment,
  - Bunds require investigation,

## Agenda Item 4.1

- Creep development focusing towards eventual housing development,
- Affordable housing site to the north of the site,
- Character of the buildings are not in keeping with the character of the area.

### Chief Planning Officer's appraisal

23 The main planning considerations are:

- Principle of development
- Impact to the Green Belt
- Impact to the character of the area
- Impact to neighbouring amenity
- Impact to highways and parking
- Other

### Principle of development

- 24 Policy LO1 of the Core Strategy (CS) states that development will be focused within existing settlements and provides a hierarchy of settlements. The site is located outside of an existing settlement and therefore policy LO8 of the CS applies.
- 25 Policy LO8 of the CS states that the extent of the Green Belt will be maintained, landscape conserved and development that supports the maintenance and diversification of the rural economy, including small scale business development will be supported.
- 26 Paragraph 83 (a) of the National Planning Policy Framework states that:
- ‘Planning policies and decisions should enable:
- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;’
- 27 The proposal would allow a modest extension to the café provision in allowing outdoor seating and some further covers. The expanded operational hours of the café and gym would also allow a greater opportunity for business outside the hours of the site in general. The proposal would therefore offer an opportunity to expand on the sites contribution to the rural economy with staff required in connection with the use.
- 28 The proposal is located in the Green Belt and in a rural area and these matters will be considered below. While the proposal would meet with the aims and objectives of the NPPF and LO8 of the CS in regard to the rural economy, the principle can only be established through consideration of the impact to the area and Green Belt assessed below.

## Impact on the Green Belt

- 29 As set out in paragraph 145 of the NPPF, new buildings in the Green Belt are inappropriate development, there are some exceptions. 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.
- 30 Paragraph 144 of the NPPF advises we should give substantial weight to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. Therefore, the harm in principal to the Green Belt remains even if there is no further harm to openness because of the development.
- 31 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.
- 32 Assessment against policy and impact on openness:
- 33 The National Planning Policy Framework defines Previously Developed Land 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...’
- 34 The site is subject to existing structures and is considered to represent previously developed land. To the west of the café a small area of land extends to the highway. The confined nature of this land would be considered to represent previously developed land, while land which lies to the east of the site would not.
- 35 Paragraph 145 (g) of the National Planning Policy Framework states that:  
  
‘limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:  
– not have a greater impact on the openness of the Green Belt than the existing development; ...’.
- 36 The proposed extended hardstanding would sit against the length of the previously approved decking and a fairly modest depth. The path and base would also be fairly modest in comparison with the scale of the site. The overall height of the hardstanding would be approximately 0.59m, against the back drop of the existing decking.
- 37 The proposed hardstanding would be low lying and sit against existing development. The land has a commercial association and the overall impact volumetrically and visually would be limited to the openness of the Green

## Agenda Item 4.1

Belt. While the area would be used for additional seating the paraphernalia associated is not fixed to the ground and sits in the setting of sites use.

- 38 The proposal could see a small increase in activity associated with the café use. Policy LO8 does seek to maintain the extent of the Green Belt and also supports the maintenance and diversification of the rural economy. The proposal for the hardstanding is considered to maintain the extent of the Green Belt and would not materially harm the open character.
- 39 The proposal is considered to comply with policy LO8 of the Core Strategy and paragraph 145(g) of the NPPF.
- 40 Very special circumstances
- 41 The applicant has not made a claim for very special circumstances. In this case there are no material considerations that may amount to or contribute to a case for very special circumstances. This issue is considered in more detail in this report.

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

- 42 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.
- 43 The Elms site is located adjacent to Bough Beech Road and Homewood Road extends to the western boundary of the site. The site is located outside of the settlement of Four Elms and the general character of the area is rural interspersed with commercial and residential development.
- 44 The hardstanding low lying bulk and massing is a dominant feature of the area. The hardstanding is seen against the bulk and mass of the premises already located on the site. The car park and other areas directly to the rear of nursery are subject to hardstanding and paraphernalia and other items that are characteristic of the site.
- 45 The area is characterised by a rural landscape, to ensure the area retains the rural qualities, external lighting would be restricted on the outdoor eating area. Further, the outdoor area will be secured to be utilised in connection with the café use only.
- 46 The proposal would maintain the character of the site and its impression on the area. The proposal would be considered to comply with policy EN1 of the ADMP and LO8 of the Core Strategy.

### **Neighbouring Amenity**

- 47 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development. The Residential Extensions SPD recommends that a 45 degree test is undertaken for a loss of light to neighbouring dwellings, based on BRE guidance.

- 48 The proposal to extend the hardstanding would not result in bulk or mass that would result in a loss of daylight/sunlight to neighbouring properties. Again due to the limited bulk and massing of the hardstanding significant visual intrusion would not occur. The hours would not impact matters pertaining to light and visual intrusion.
- 49 As a general rule a distance of 21m is considered sufficient to prevent a significant loss of privacy. The distance from the hardstanding and built form to the surrounding properties exceeds 21m. The hardstanding would not be so elevated as to provide a significant platform. The distance would prevent a significant loss of privacy to neighbouring properties.
- 50 The proposed development would see increased hours to the café and gym. Permission currently exists for a gym, however this relates to the internal areas of the building and not externally. Any grant of consent would relate to the internal parts of the gym. It should be noted that operational hours are not development under the definition of section 55 of the Town and Country Planning Act as amended.
- 51 The site is located a fair distance from neighbouring properties. The Environmental Health Officer was consulted on the application in regard to noise implications. The Officer has not objected to the proposed opening hours of 09:00 to 22:00 Monday to Saturday and Sundays 10:00 to 17:00. The Officer has identified that a condition would need to be imposed to prevent any amplified music outside of the gym and café and that it should not exceed the built premises.
- 52 The restriction to contain the noise within the buildings during these hours would be considered necessary to prevent disturbance to the rural environment. Further, impacts to the wider environment would be monitored by Environmental Health legislation.
- 53 Some confusion has been born out of the discrepancy between the Design and Access Statement and the application forms depiction of hours. The local authority is not required to accept amendments and the application form is the formal declaration of the proposal. The hours considered are those identified in the proposal description.
- 54 Overall, subject to condition the proposal would be considered acceptable in regard to amenity impacts. The proposal would be considered to comply with policies EN2 and EN7.

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

- 55 Policy EN1 and T2 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking.
- 56 The red line plan includes an existing access and parking site which is located to the front of the building. Paragraph 109 of the NPPF states that:

## Agenda Item 4.1

‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’.

- 57 The proposed extension to the hardstanding would not be considered to increase the activity on site to such a degree that a severe impact to the highway would occur, particularly given the scale of the front car park. The proposal would be considered to comply with parking and highway policy.
- 58 The red line contains the front access and car park along Bough Beech Road, the red line does not include the access that runs to the north east of the site (Bull Lane). The local authority cannot control the use of publically maintained highway. A condition could secure access through the main access, however it would be difficult to enforce given the monitoring that would need to be conducted to identify a breach and the limited control planning legislation would hold over the use of existing accesses.
- 59 The hours may allow vehicles to access the site for an extended period. However, the car park to the front contains a number of spaces and the degree of those accessing the site is dependent upon the time and purposes of visiting the site.
- 60 The proposal would be considered to comply with highway and parking policy.

### **Trees and Landscaping**

- 61 The proposed extension of hardstanding would not necessitate the removal of trees which represent valuable visual amenity. The Tree Officer has no objection to the proposal. The proposal adds additional planting within the planters. A condition could be secured to ensure the area beside the extended hardstanding is returned to grass.

### **Biodiversity**

- 62 Policy SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancements to ensure no net loss of biodiversity.
- 63 The area of land subject to the hardstanding has been subject to low level maintained grass. Such an area would hold limited ecological value. The hedging is not proposed to be altered. Lighting restrictions could be conditioned to prevent disturbance to foraging bats and owls.

### **Other issues**

- 64 Licensing:

Licensing represents a separate process to planning legislation and is not a material planning consideration.

65 Air Quality:

The site is not located in an Air Quality Management Area. The site is bounded by a classified road and the increased activity is not considered to result in a significant impact to the local air quality.

66 Affordable Housing project:

As the site in question is not subject to an application for affordable housing provision, such matters are not material planning considerations in regard to the current proposal.

67 Bunds:

The bunds are not under consideration as part of this application.

**Community Infrastructure Levy (CIL)**

68 This proposal is not CIL liable.

**Conclusion**

69 The proposed hard standing and opening hours are considered acceptable against policy requirements. The proposal would support the rural economy and would be conditioned to ensure the tranquillity of the rural environment is maintained.

**Recommendation**

70 It is therefore recommended that this application is granted, subject to condition.

**Background papers**

Site and block plan

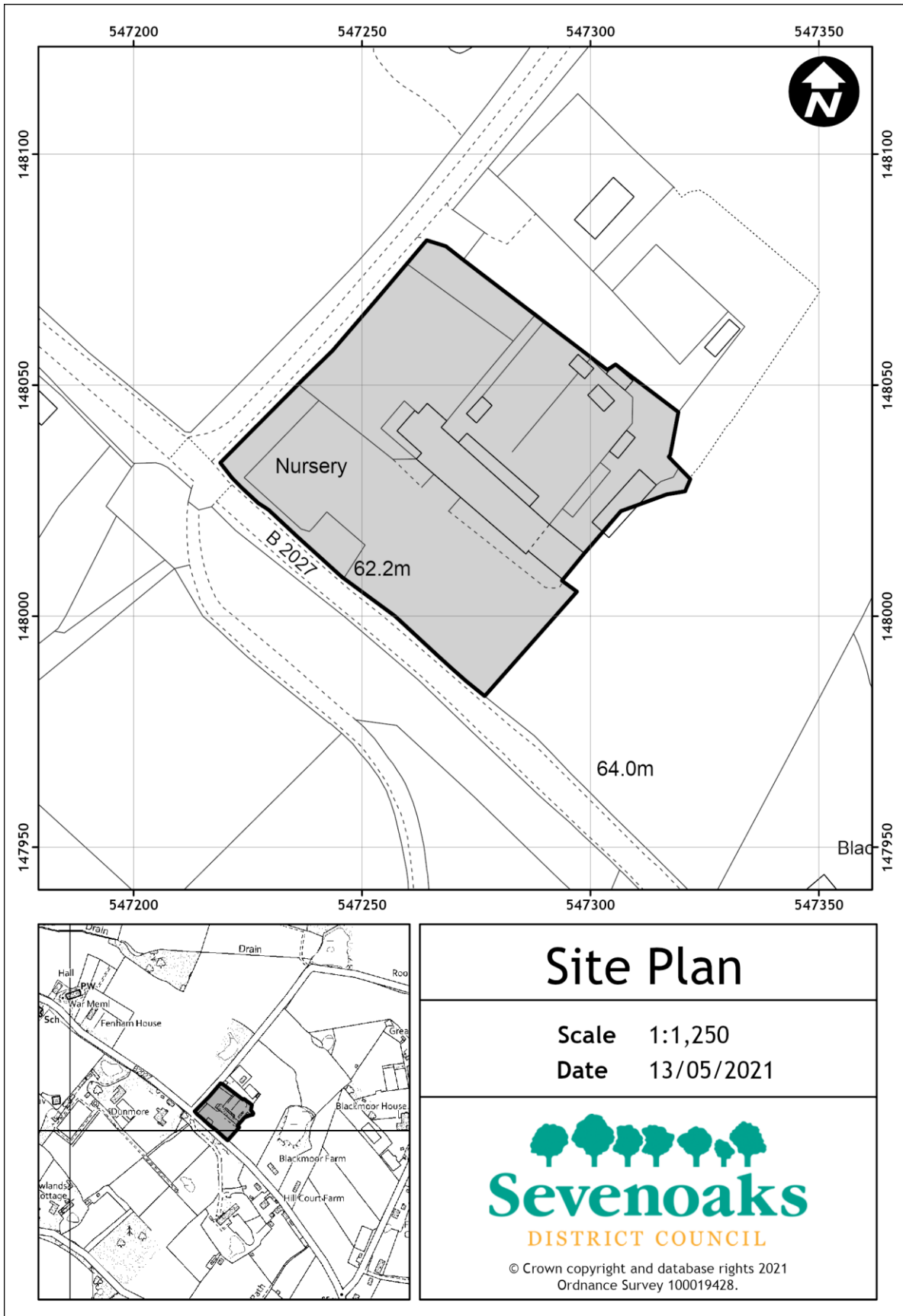
Contact Officer(s):

Emma Gore: 01732 227000

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

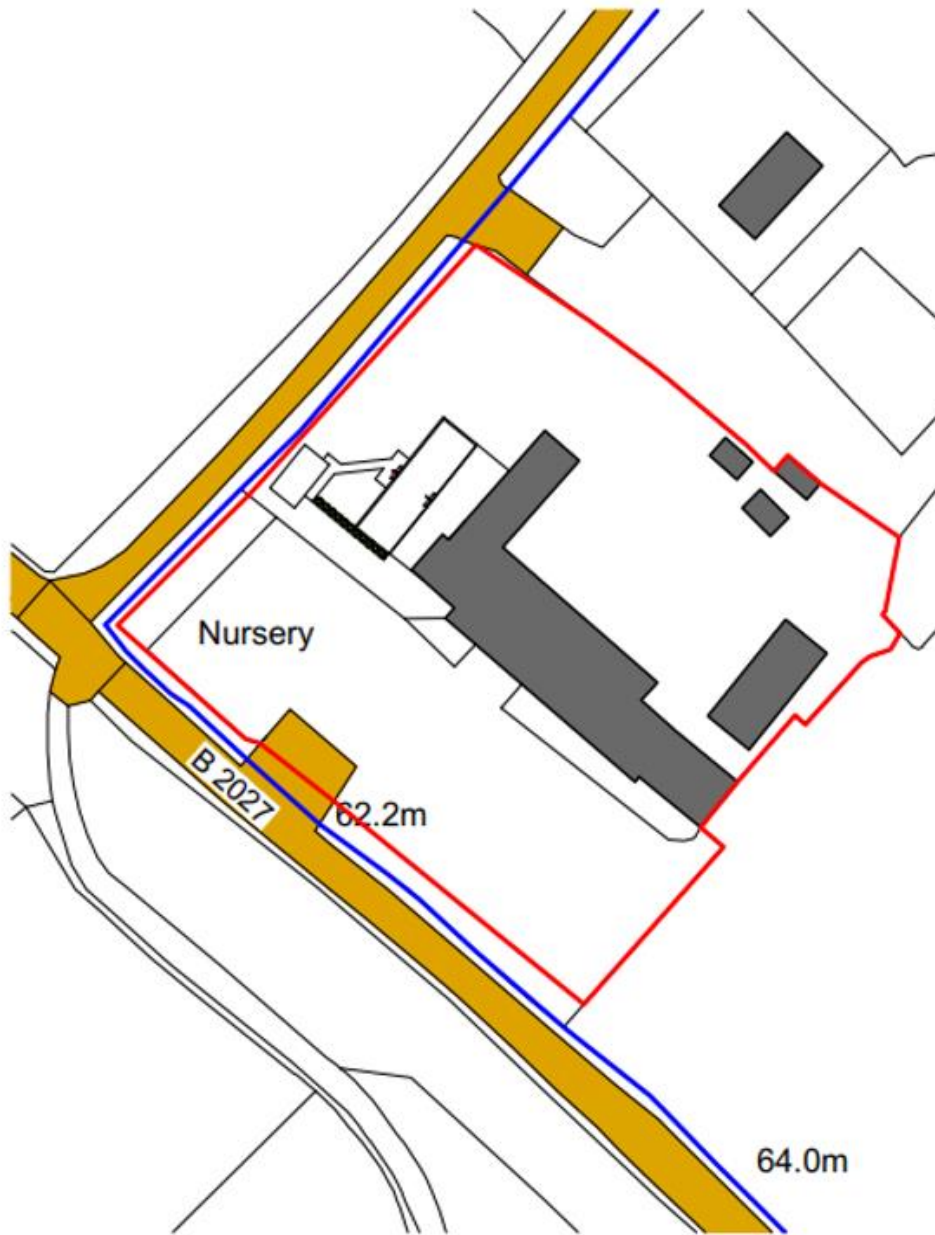
[Link to application details:](#)

[Link to associated documents:](#)





BLOCK PLAN



This page is intentionally left blank