

09 September 2021 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

Published: 01.09.21

This meeting will be 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 22 July 2021, as a correct record.	(Pages 1 - 4)	
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>21/02502/PAC - 160 London Road, Sevenoaks, KENT TN13 2JA</b>  Prior Approval for a change of use from Offices (Class B1 (a)) to Dwellinghouses (Class C3). This application is made under Class O of The Town and Country Planning (General Permitted Development) (England) Order 2015.	(Pages 5 - 14)	Mark Mirams Tel: 01732 227000
4.2 <b>20/03660/FUL - Chevening House, Chevening Road, Chevening KENT TN14 6HG</b>	(Pages 15 - 72)	Jim Sperryn Tel: 01732 227000

Chevening Estate Parkland enhancement, including construction of landscaped mounds, new planting, surface water drainage and public access.

- 4.3 **21/01388/FUL - Land South Of 1 Singles Cross Cottages, Blueberry Lane, Knockholt KENT TN14 7NH** (Pages 73 - 88) Jim Sperryn  
Tel: 01732 227000

Building operations relating to Lawful Development Certificate 20/02590/LDCPR, erection of fencing and entrance gates

- 4.4 **21/01214/FUL - Land Behind Barns East Of, Winkhurst Green Road, Ide Hill Kent TN14 6LD** (Pages 89 - 98) Jim Sperryn  
Tel: 01732 227000

Temporary consent for the retention of existing containers including re siting of 6 no. containers and removal from the site of 4 no. containers as amplified by amended site plan received 19 May 2021.

- 4.5 **21/01756/FUL - Mobile Home At, Robertsons Nursery, Goldsel Road Swanley KENT BR8 8BF** (Pages 99 - 108) Louise Cane  
Tel: 01732 227000

Construction of a stable block and an associated path.

- 4.6 **21/01444/HOUSE - Cockerhurst House, Redmans Lane, Shoreham KENT TN14 7UB** (Pages 109 - 120) Louise Cane  
Tel: 01732 227000

Stable block comprising 3 No loose boxes, hay store and tack/feed store.

#### 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, 6 September 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).

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**DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held on 22 July 2021 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Pett (Vice Chairman)

Cllrs. Ball, Barnett, Brown, Cheeseman, Perry Cole, Coleman, Edwards-Winsler, Hunter, Layland, McGarvey, Osborne-Jackson, Purves, Raikes and Reay

Apologies for absence were received from Cllrs. P. Darrington, Hogarth and Hudson

Cllr Thornton was also present via a virtual media platform, which does not constitute attendance as recognised by the Local Government Act 1972.

13. Minutes

Resolved: That the Minutes of the Development Control Committee meeting held on 7 July 2021 be approved and signed by the Chairman as a correct.

14. Declarations of Interest or Predetermination

There were none.

15. Declarations of Lobbying

Councillors Raikes and London declared that they had been lobbied in respect of Minute 17, 21/01366/House - 29-31 High Street, Chipstead, Kent TN13 2RW.

UNRESERVED PLANNING APPLICATIONS

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

16. 21/00812/ADV - White Oak Leisure Centre, Hilda May Avenue, Swanley, Kent, BR8 7BT

The application sought planning permission for the White Oaks leisure Centre signage - large letter format, illuminated and faced fixed to building. Everyone Active - Smaller logo and letter format signage, illuminated and faced fixed to building. Sevenoaks District Council - smaller logo and letter format signage,

illuminated and faced fixed to building. The application was referred to Committee because Sevenoaks District Council was the applicant.

It was moved from the Chair that the recommendations as set out within the report and late observation which set out an additional condition for controlling the timing of the sign be illuminated.

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

- 1) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 in the interests of amenity and public safety.

- 2) No advertisement shall be sited or displayed so as to: -a - endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military)b - obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or c - hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 in the interests of amenity and public safety.

- 3) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 in the interests of amenity and public safety.

- 4) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 in the interests of amenity and public safety.

- 5) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 in the interests of amenity and public safety.

- 6) The intensity of the illumination shall not exceed 600 candelas /m<sup>2</sup>

To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 in the interests of amenity and public safety.

- 7) The illumination of the signage hereby approved should only be static in nature.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 in the interests of amenity and public safety.

- 8) The signage shall only be illuminated during the hours that the leisure centre is in open to the public.

To safeguard the amenity of the area in accordance with policies EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

#### RESERVED PLANNING APPLICATIONS

The Committee considered the following planning applications:

17. 21/01366/HOUSE - 29 - 31 High Street, Chipstead, Kent, TN13 2RW

The proposal sought planning permission for the erection and playhouse in the garden. The application had been referred to the Committee by Cllr London because of the negative impact on the character of the Conservation Area and the setting of the listed building in Stairfoot Lane.

Members' attention was brought to the main agenda papers.

The Committee was addressed by the following speakers:

- Against the Application: -  
For the Application: -  
Parish Representative: -  
Local Members: Cllr London (submission read by Cllr Raikes)

## Agenda Item 1

### Development Control Committee - 22 July 2021

Members asked questions of clarification from the officer.

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

Members discussed the application.

The motion was put to the vote and it was

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

1) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 2210/01C, 2201/10, 2201/11 For the avoidance of doubt and in the interests of proper planning.

2) Within six months of the date of this planning permission, the proposed landscape planting shall be carried out in accordance with the approved detailed layout plan 2201 / 11. If within a period five years from the date of this permission any of the plants and hedging that forms part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

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

THE MEETING WAS CONCLUDED AT 7.18 PM

CHAIRMAN



4.1 21/02502/PAC Date expired 21 September 2021

Proposal: Prior Approval for a change of use from Offices (Class B1 (a)) to Dwellinghouses (Class C3). This application is made under Class O of The Town and Country Planning (General Permitted Development) (England) Order 2015.

Location: 160 London Road, Sevenoaks, KENT TN13 2JA

Ward(s): Sevenoaks Town & St Johns

**Item for decision**

The application has been referred to the Development Control Committee by Councillor Fleming on the grounds of lack of natural lighting for the proposed residential units.

RECOMMENDATION: That prior approval be GRANTED.

**Description of site**

- 1 The site consists of an existing building of approximately 28,959sqm gross internal floor area. The building is 3 storeys in height with a basement and was built in 2001. The ground, first and second floors are used as office space (Use Class E, formerly B1a) and the basement for car parking.
- 2 The site is located on the corner of London Road to the south and the Hitchen Hatch Lane to the east. To the west is the railway line and to the north is Bradbourne Multi-storey Car Park, beyond this is Sevenoaks Station Car Park and Lidl. London Road is host to several amenities as well as Sevenoaks Railway Station which is situated opposite the Site. The surrounding area to the north and east, beyond Bradbourne Car Park and the Premier Inn, is residential and to the south-east is predominately commercial in nature along London Road. To the southwest, beyond the Sevenoaks Railway Station and London Road, are further residential dwelling houses. There is pedestrian access to the Site on the corner of London Road and Hitchen Hatch Lane, as well as a second access for both pedestrians and vehicles via Hitchen Hatch Lane.
- 3 The site benefits from 532 existing car parking spaces, of which 6 are disabled parking spaces located within the basement and the eastern and northern part of the site at ground floor level. The site is situated less than 50m from Sevenoaks Railway Station. The site is not situated within a Conservation Area or land under an Article 4 Direction. The site falls within Flood Zone 1 which is the lowest probability category of flooding.

## Agenda Item 4.1

### Description of proposal

- 4 The application is submitted to establish whether the proposal complies with the requirements of Class O and that the prior approval is required for the change of use of the building from Class B1(a) (Offices) to Class C3 (Dwelling houses).
- 5 The proposals would provide 116 apartments (89 x 1-bedroom, 21 x 2-bedroom and 6 x 3-bedroom units).
- 6 The application is made under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2015 as amended.

### Relevant planning history

- 7 98/01435/HIST- Demolition of existing buildings and the redevelopment of the site to provide a B1 office building with associated basement and ground level car parking, access roads, service areas and landscaping. Approved 16/02/1999
- 8 11/03010/FUL-The installation of 3 external condensers at ground floor level, in order to provide comfort cooling to the second floor offices. Approved 25/01/2012
- 9 13/01186/FUL- Installation of Mitsubishi Split System Air Conditioner in the Comms Room of Suite 2, Second Floor, BT Workstyle Building Approved 27/06/2013

### Relevant Legislation

- 10 The issue for consideration is whether the proposal complies within the conditions as set out in Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended) and whether prior approval is required in respect of the following:
  - transport and highway impacts of the development;
  - contamination risks on the site;
  - flooding risks on the site
  - impacts of noise from commercial premises on the intended occupiers of the development; and
  - the provision of adequate natural light in all habitable rooms of the dwelling houses.
- 11 In accordance with Schedule 2, Part 3, Class O, these are the only matters which can be taken into account in considering whether prior approval is required.
- 12 Paragraph W of the General Permitted Development Order requires the Council to respond to the application within 56 days. After this time, if the Local Planning Authority have not notified the applicant as to whether prior approval is given or refused, the applicant may implement the

development. Therefore the Council has determine this scheme no longer than the 21 September 2021.

### Constraints

- 13 The following constraints apply:
- Allocated as employment land

### Consultations

- 14 At the time of writing this report the statutory consultation period has not expired. Consultation responses received to date are as follows, however where a response has not yet been received these shall be reported within the late observation papers.
- 15 It has been necessary to present this Committee Report without all the consultation responses in order that the Council can respond to the application within the 56 day period, unless the applicant receives a deemed consent.
- 16 SDC Environmental Health- No response to date.
- 17 SDC Business and Economic Development- No response to date.
- 18 Environment Agency -  
“We have assessed this application as having a low environmental risk. We therefore have no comments to make”
- 19 Thames Water (summary)  
Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. With regards to waste and sewerage water no objections raised.
- 20 Highways England- No response received to date.
- 21 KCC Highways Authority- No response to date.

### Representations

- 22 To date, three objections has been received. The issues raised can be summarised as:
- Though dwellings are a natural requirement for towns- to turn a vast office into class C occupancy is a step too far.
  - There is no need to have such a vast array of flats in such a suburban area of natural beauty. Especially when there is already too many in this particular area of Sevenoaks.
  - Increase in population places demands on existing facilities, ie, schools, doctors
  - Concerns over highways and traffic

### Chief Planning Officer's appraisal

- 23 The proposal complies with the requirements of Class O, as the premises are offices, the site is not a safety hazard area, a military explosives storage area, a listed building or an ancient monument. Therefore we then have to consider whether prior approval is required for the following matters:
- a) Transport and highways impacts of the development;
  - b) Contamination risks on the site;
  - c) Flooding risks on the site;
  - d) Impacts of noise from commercial premises on the intended occupiers of the development; and
  - e) The provision of adequate natural light in all habitable rooms of the dwelling houses.
- 24 The Government's Planning Practice Guidance is clear that "A local planning authority cannot consider other matters when determining a prior approval application."
- 25 Transport and highways impacts of the development
- 26 A Transport Statement has been submitted by the applicants. The site currently has 532 car park spaces, of which 516 are proposed to be retained as part of the change of use. It is acknowledged that this would in fact be in excess of the Kent County Council's ('KCC') maximum car parking standards for 116 units in this sustainable location. However the applicant has suggested that they are willing to accept an Informative or planning condition to consider the provision of amenity space in lieu of parking spaces.
- 27 It should also be noted that this site is located in a sustainable location and the proposal includes a secure, sheltered and well-lit cycle store with capacity for 116 cycle spaces which is in accordance with KCC standards, therefore promoting a sustainable mode of transport. The Transport Statement recognises that the site is accessible by non-car modes being within walking and cycling distance of day to day amenities and close to bus services, with Sevenoaks Railway Station located close to the site. The Transport Statement concludes that it is anticipated using TRICS data that there will be a reduction in the number of deliveries if the change of use is granted, as well as well as decrease in the number of car movements to the site compared to the permitted office use.
- 28 The refuse collection will continue to take place on-site with the suitable waste storage being located within the underground carpark. The refuse will then be transferred to surface level for collection and ease of access to be waiting for the refuse vehicles.
- 29 Taking into consideration the sustainable location and the parking provision, it is not anticipated to give rise to any major transport or highways issues. In conclusion, there would not be any unacceptable impact on the highways

and transportation network arising from the proposed change of use of the site from office to residential.

30 Contamination risks on the site

31 A Desk Study Report and Preliminary Contamination Risk Assessment has been prepared by Hydrock Engineering. Taking into consideration the use of the site as offices, the overall risk from land contamination at the Site is considered to be low.

32 The property is a purpose-built office building, which has been occupied by office workers and has complied with the relevant health and safety regulations. The property is situated away from any industrial uses which could give rise to any potential contamination risks. Conversion to residential would not involve substantial ground floor works which would interrupt or exacerbate any potential contamination. Our Environmental Health Officer does not raise any concerns over the scheme.

33 Flooding risks on the site

34 An updated Flood Risk Assessment has been submitted with the application. The site is located within Flood Zone 1 and as such there is a very low to low and unlikely risk of flooding from rivers, groundwater, public sewer/highways drains, or artificial sources.

35 The risk of surface water flooding would be very low to medium for the internal car park on the east and the surrounding road, as such the risk is predominately within the underground car park. The building's existing drainage system will be utilised, and it is considered that this will have a negligible impact to the existing situation.

36 The foul drainage strategy will also remain as existing with the existing connections to the public foul water sewer located within Hitchen Hatch Lane being retained. Additionally, given the Site is located outside a source protection zone, separate permission/approval is required to discharge the surface water and run-off from the development to the soakaways.

37 The proposed change of use is suitable and appropriate, and the proposed change of use would not result in any increased flooding at the site.

38 Impacts of noise from commercial premises on the intended occupiers of the development

39 A Noise Impact Assessment has been submitted as part of the application. This includes details of noise surveys undertaken and concludes that no significant commercial noise sources were identified. The Noise Impact Assessment did not identify any significant noise levels from nearby commercial noise at a level that would result in any harm to the intended occupiers.

## Agenda Item 4.1

- 40 The Assessment has also assessed other noise sources, including transportation noise such as the train on the railway track located to the east of the site and cars on the roads. However, the Regulations highlighted above are clear that the LPA are only able to consider the impact of noise from commercial premises.
- 41 It is considered that there will be no significant impact from commercial uses on the intended occupiers of the development, as demonstrated by the submitted Noise Impact Assessment. Our Environmental Health Officer does not raise any concerns over the scheme. As such the prior approval is acceptable in terms of noise.
- 42 The provision of adequate natural light in all habitable rooms of the dwelling houses
- 43 Under Class O, paragraph 1(e) requires the provision of adequate natural light in all habitable rooms of the new dwelling houses. The applicant is required to provide floor plans indicating the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwelling houses, which they have provided.
- 44 The applicant has also submitted an Internal Daylight Assessment to demonstrate the levels of natural daylight received by the proposed habitable rooms.
- 45 The assessment has been carried out using the accepted BRE sunlight and daylight standards, as well the British Standard BS 8206: Part 2: 'Lighting for Buildings - Code of Practice for Daylighting'. These assessments seek to provide a minimum Average Daylight Factor for habitable rooms and every proposed bedroom or living/dining/kitchen for each unit has been tested. These are appropriate standards for testing daylight.
- 46 In each and every case, the natural daylight to all the rooms passed these standards and therefore the proposal would provide an adequate natural daylight to all the habitable rooms. This assessment has taken account of a number of the residential units do not have external windows, but face into an existing glazed atrium. The assessment has also taken account of the geographically surroundings of the site.
- 47 Therefore I am satisfied that the scheme will be provide adequate natural daylight into all the habitable rooms. There is no ground to refuse the scheme on lack of natural daylight, as it passes the relevant tests.

### Other issues

- 48 Additional matters have been raised within the public consultation response, relating for example, such prominence of flats in this part of Sevenoaks. However the regulations under which this application is submitted do not allow us to take the wider characteristics of the area, or the mix of accommodation in the area, into account.

**Community Infrastructure Levy (CIL)**

49 The proposal is CIL liable.

**Conclusion**

50 The proposed change of use of the building fully accords with the requirements of Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended).

51 Recommendation that Prior Approval be Granted.

**Background papers**

Site and block plan

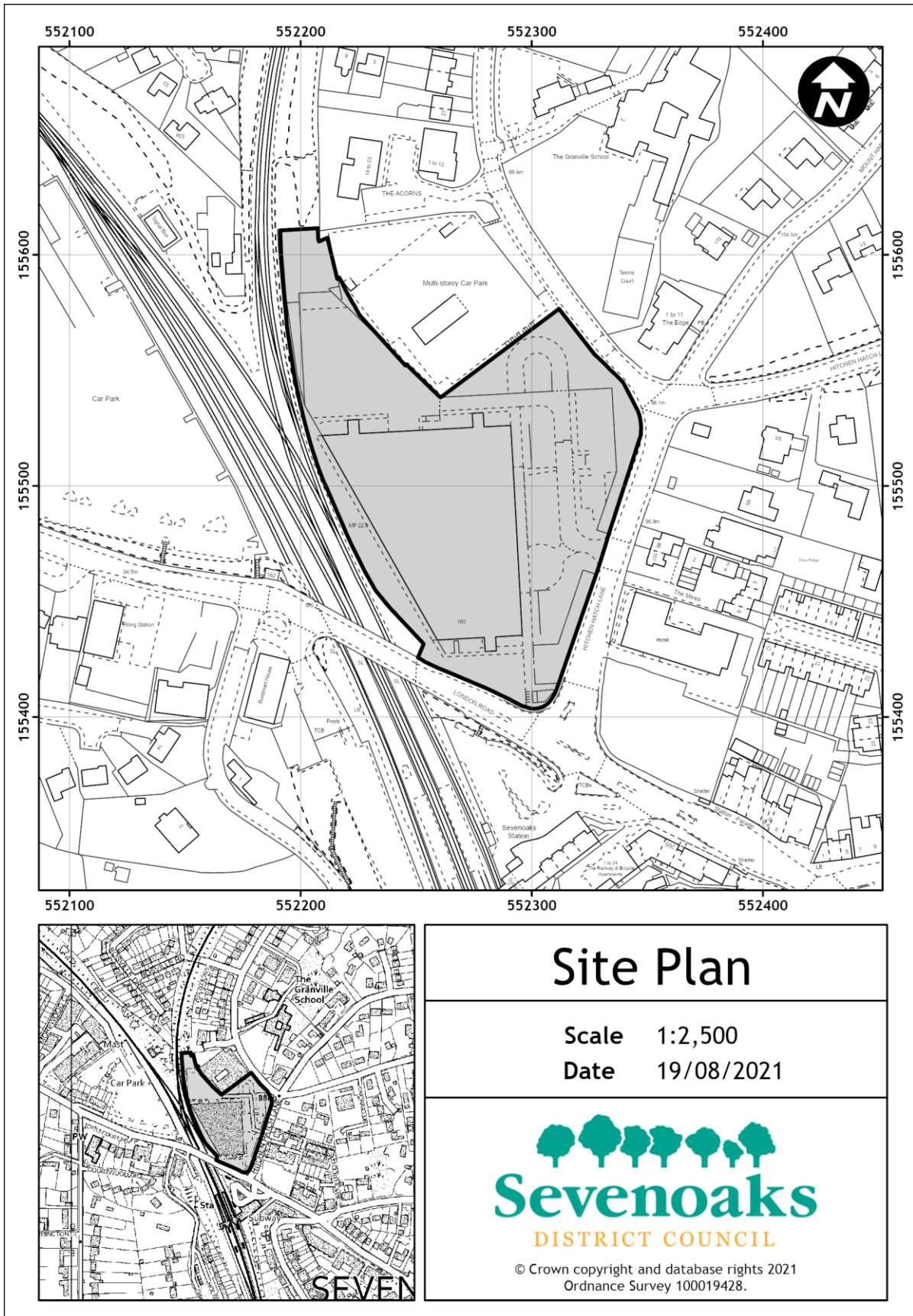
Contact Officer(s):

Mark Mirams: 01732 227000

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

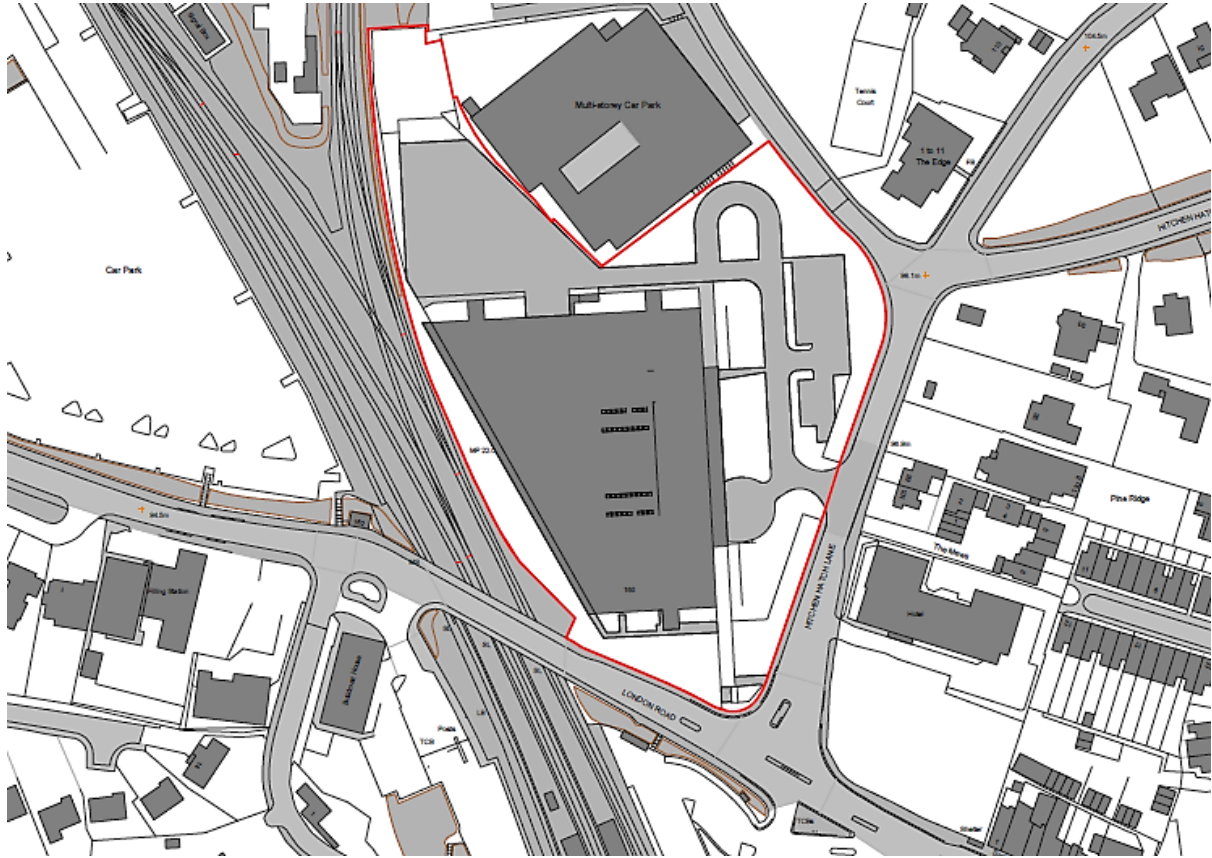
[Link to application details:](#)

[Link to associated documents:](#)





**BLOCK PLAN**



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4.2 20/03660/FUL Date expired 15 March 2021

Proposal: Chevening Estate Parkland enhancement, including construction of landscaped mounds, new planting, surface water drainage and public access.

Location: Chevening House, Chevening Road, Chevening KENT TN14 6HG

Ward(s): Brasted, Chevening And Sundridge

**Item for decision**

Referred to Committee by Councillor London on the grounds of significant adverse impact on AONB landscape and also inadequate traffic plans for the large numbers of lorries planned over 5 years.

RECOMMENDATION A: That planning permission be GRANTED subject to:

a) The Conditions set out below, subject to any minor changes to wording being agreed in writing by the Chief Officer for Planning and Regulatory Services, and

b) A satisfactory legal agreement made under section 106 of the Town and Country Planning Act 1990 (as amended)(or Unilateral Undertaking) being completed no later than six months, unless in accordance with a new timescale otherwise agreed in writing by the Chief Officer for Planning and Regulatory Services.

**Section 106 Agreement/Unilateral Undertaking**

The Section 106/Unilateral Undertaking shall include the following requirements:

Commitment from the applicant to provide a Creation Agreement for a new Public Right of Way to join up SR174, SR173 and SR172 and to fund the full costs of preparing and submitting a variation report to the Secretary of State to seek to divert the National Trail, using their best endeavours to ensure that the variation is successful.

The provision and installation of three new North Downs Way fingerposts to show the new route of the National Trail.

**RECOMMENDATION B:**

In the event that a satisfactory legal agreement made under section 106 of the Town and Country Planning Act 1990 (as amended)(or Unilateral Undertaking) has not been completed, that the application be REFUSED on the grounds that the proposals would be harmful to public safety and fail to enhance the rights of way

## Agenda Item 4.2

network as supported by policy EN1 of the Council's Allocations and Development Management Plan.

### Definition:

For the purposes of the these conditions enabling works shall comprise the installation of ecological fencing, creation of receptor areas and translocation of affected species, work to public footpaths and Phase 1 works including the installation of temporary site fencing, office and compound and temporary site access.

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) For the avoidance of doubt, the plans and documents to which this decision relates is as follows: Application Site Boundary/location Plan: CEPE/PA/101, Existing Contour Plan: CEPE/PA/102, Landscape Masterplan: 4193-LLB-XX-XX-DR-L\_005 P10, Illustrative Landscape Masterplan: 4193-LLB-XX-XX-DR-L-0009 P02, Masterplan Cross-Sections (existing ground shown)(Lloyd Bore) 4193-LLB-XX-XX-DR-L-0007 P08, Proposed Landform Contours Plan: CEPE/PA/201 Rev.A, Proposed Cross Sections: CEPE/PA/202 Rev.A, Constraints Plan: CEPE/PA/103, Ecological Constraints Plan: CEPE-PA-104 C, Design and Access Statement including community benefits plan, Kember Loudon Williams - Planning Statement, Habitat Creation Enhancement Management Plan (HCEMP)(Outline), Phasing Plan: CHE/013 01, Rural Arisings Construction Environmental Management Plan (CEMP) (Dec 2020), Rural Arisings Construction Phase Ecological Management Strategy (CEMS) (Dec 2020), Heritage Assessment (RPS), Chevening Park Heritage Statement (G Carter - 2016), Biodiversity Net-Gain report - Lloyd Bore (rev.P04), Lloyd Bore - Ecological Impact Assessment and further letters dated 2.3.2021 & 16.3.21, Lloyd Bore - Landscape and Visual Appraisal, WE - Surface Water Drainage Strategy including FRA, Phlorum - Air Quality Risk Assessment (Oct 2020) and further letter dated 10.3.21, Southdowns Landscaping Noise Impact Assessment (Oct 2020 - 2343W-SEC-00001-03) and further letters dated 2.2.21 & 24.2.21, RGP Transport Consultants: Proposed Parkland Enhancement - Transport Assessment RUAR/15/2943/TA01 (Nov. 2020), including: Site access and crossing plan; HGV Management Plan; Proposed Phasing Plan; Hedge Reduction at Chevening Cross-roads plan; Stage 1 RSA and HGV Management Note. RGP Transport Consultants - further letters dated 17.2.21, 15.3.21 & 17.3.21, ASE - Archaeological reports inc. desk based assessment, geophysical survey & trial trenching reports, AEW Ltd - Ecological Surveys: 1. Phase 1 Survey, 2. Badgers Survey, 3. Bat Survey, 4. Breeding Birds Survey, 5. Dormice Survey 6. Great Crested Newt Survey, 7. Hedgerow survey, 8. Reptile Survey, Tree Survey Assessment - Indigo (Dec 2020).

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

3) No works other than ecological enabling works shall commence until details of a safe alternative pedestrian route to join up SR174, SR173 and SR172 as shown

on Plan no.: 2015/2943/010/Revision B has been submitted to the Local Planning Authority and approved in writing. The new pedestrian route shall be provided in accordance with the approved details prior to commencement of any Phase 2 works.

In the interests of public safety and to enhance the rights of way network as supported by policy EN1 of the Council's Allocations and Development Management Plan.

4) No works, other than enabling works, shall commence on site until the construction of the temporary works access route off Sundridge Road and creation of visibility splays have been completed in accordance with the details provided on Drawings 2015/2943/001E and 004H contained within the RGP Transport Assessment.

In the interests of highway safety as supported by policy T1 of the Council's Allocations and Development Management Plan.

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

To ensure that features of archaeological interest are properly examined and recorded as supported by policy EN4 of the Council's Allocations and Development Management Plan.

6) Other than for enabling works, development shall not begin in any further phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance): a) that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters, b) appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker. The drainage scheme shall be implemented in accordance with the approved details.

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding as supported by the NPPF. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

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

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 168 of the National Planning Policy Framework.

8) Notwithstanding any reference in the HGV Management Strategy to the contrary, there shall be no HGV movements along the A224 through Riverhead and Dunton Green between 08:00 and 09:30 in the morning or between 2:30 and 3:30 in the afternoon during school term times.

To reduce conflict with school traffic in the interests of highway safety and the free flow of traffic as supported by policy T1 of the Council's Allocations and Development Management Plan.

9) For the avoidance of doubt, no Heavy Goods Vehicle traffic serving the site shall travel between Chevening Cross and the site access along the B2211 Sundridge Road.

Interests of highway safety and impact on amenity as supported by policies EN2 and T1 of the Council's Allocations and Development Management Plan.

10) In the event that other local sources of fill material become available, no alternative HGV routes to those set out in the Management Strategy shall be used unless in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.

So that the impact on the public highway network and implications for highway safety and amenity can be fully assessed as supported by policies EN2 and T1 of the Council's Allocations and Development Management Plan.

11) The development shall not be carried out other than in accordance with the details of the management and operation of the site specified in the Rural Arisings Construction Environmental Management Plan (CEMP) dated December 2020.

To preserve highway safety and to protect residential amenity, to comply with policies EN1, EN2 and EN7 of the ADMP.

12) There shall be no Heavy Goods Vehicle (HGV) movements to or from the site other than between 07:00-16:30 hours Monday to Friday inclusive and, other than in the event of an emergency on site, no other works on site other than between

the hours of 07:30-18:00 Mondays to Fridays with no work on site at any other time.

In the interests of the residential amenity as supported by policy EN2 of the Council's Allocations and Development Management Plan.

13) The development shall not be carried out other than in accordance with the Site Management, Site Hours and Operation, HGV Routeing, Routine Monitoring, Breaches and Complaints Procedure details set out within the Chevening Estate HGV Management Strategy contained within the RGP Transport Assessment (ref: Appendix E - RUAR/15/2943/TN02). In addition, HGV movements shall be limited to a maximum 200 two-way movements from Polhill (A224 (north)), a maximum 40 two-way movements from the A224 (south)/A25 junction at Riverhead with a total maximum of 200 two-way movements per day into the site as specified at paragraph 5.1.4 of the RGP Transport Assessment. There shall be no more than a maximum 25 two-way trips in any one hour across the construction period.

In order to ensure a satisfactory impact on the public highway network, including highway safety, and residential amenity as supported by policies EN2 and T1 of the Council's Allocations and Development Management Plan.

14) Prior to completion of the works to create the earthwork mounds, the proposed all-ability permissive footpath adjacent to Sundridge Road shall be surfaced in accordance with details which shall first have been submitted to the Local Planning Authority and approved in writing and made available for use on foot or by bicycle. The path shall thereafter be kept available for unobstructed public use at all times.

To ensure satisfactory public access including for pedestrians and cyclists as supported by policy EN1 of the Council's Allocations and Development Management Plan.

15) From the commencement of works (including site clearance), all mitigation measures for protected species will be carried out in accordance with the details contained in the 'Construction Phase Ecological Management Strategy' (CPEMS - Rural Arisings December 2020), unless varied by a European Protected Species licence subsequently issued by Natural England.

To ensure adequate protection and mitigation for biodiversity during the construction process as supported by policy SP11 of the Core Strategy and the National Planning Policy Framework.

16) Prior to commencement of works (including site clearance), a detailed Habitat Creation, Enhancement and Management Plan shall be submitted to, and approved by, the local planning authority. The plan will include details as described in sections 5 and 6 of the Biodiversity Net-Gain Strategy (Rev P04 Lloydbore March 2020).

To ensure adequate protection and mitigation for biodiversity during the construction process as supported by policy SP11 of the Core Strategy and the National Planning Policy Framework.

17) Prior to commencement of planting, a detailed landscape plan and a schedule of planting to amplify the approximate location, number and species of trees to be planted across the site based on the LloydBore Landscape Masterplan shall be submitted to the Local Planning Authority for approval in writing. The planting shall be carried out in accordance with the approved details.

To enhance the visual appearance of the area as supported by policies EN1 and EN5 of the Sevenoaks Allocations and Development Management Plan.

18) The finished site levels shall not exceed the levels indicated on the Proposed Landforms Contours Plan CEPE/PA/201 Rev. A.

To ensure a satisfactory for of development and safeguard the visual amenities of the area as supported by policies EN1 and EN5 of the Council's Allocations and Development Management Plan.

### **Informatives**

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

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

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

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

2) With regard to Condition 3, the applicant is advised that the new public right of way shall be a minimum 2m in width or 2.5m if it is to be fenced or hedged.

### **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 a number of agricultural fields in arable use, an arable field margin, grassland and hedgerow with small water bodies and water courses. It has a total area of approximately 39.6 hectares and is located approximately 700m beyond the northern edge of Chipstead, to the north of the M25/M26 motorway junction, and to the east of the village of Chevening.
- 2 More specifically the main body of the site is contained by Chevening Road to the west and the B2211 Sundridge Road to the south and east. However, there is a further, triangular parcel of land on the eastern side of Sundridge Road, which runs for a distance of approximately 350m adjacent to the edge of the M25 motorway. The northern edge of the site roughly follows the public right of way, which runs eastwards from St Botolph's Church towards Turvin's Farm. It also includes a northerly projecting limb along the line of the route of the public footpath east and north of Turvin's Farm.
- 3 The land generally slopes gently from north to south and rises slightly from east to west towards Turvin's Farm. Hence looking eastwards from Chevening, particularly the northern end the M25, which is set on slightly raised ground, and vehicles travelling along it are visible. From a distance, the existing fields appear open and level. Field boundaries are defined by hedge planting and trees.
- 4 Chevening House is located to the north-east of the site. Chevening House is Grade I listed and the surrounding Chevening Park is a Grade II\* Registered Park and Garden of Historic Interest. The Church of St Botolph's is Grade I listed and the houses opposite forming the hamlet of Chevening are all Grade II listed. Chevening House, part of the gardens, the Church to the east and adjacent houses (and land to the east along the edge of the fields) are within the Chevening Conservation Area.

### Description of proposal

- 5 The proposals seek to create an extended parkland.
- 6 The works seek to improve the setting of various heritage assets by creating landscaped earthwork mounds to screen the estate from the harm caused by the adjacent elevated section of the M25, by extending the parkland setting surrounding the estate. The proposals are also intended to provide a more formal and fitting approach to the house from the south.
- 7 In summary, the works would comprise as follows:
  - New earth contouring and planting to extend the Chevening estate designed parkland into the south eastern quadrant of the estate, and to

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mitigate views within the landscape of the M25 motorway, moving vehicles and lighting columns;

- This is to be achieved through the construction of four large, landscaped, gently contoured, mounds. These are designed to have an irregular form and siting, intended to avoid the impression of a single continuous feature. They would be extensively planted with woodland trees.
- The mounds would be created through the importation of some 750,000 cubic metres of soil onto the site.
- Introduction of new waterbodies for visual amenity, drainage and habitat creation;
- Conversion of arable land to parkland and grazing;
- Extensive planting works of native species trees, shrubs and meadow grassland;
- Upgrade existing footpath which runs eastwards from the Church and create new footpath northwards (west of Turvin's Farm) to connect to other footpaths;
- Creation of new, all-ability footpath adjacent to Sundridge Road, screened by hedging;
- New informal permissive path through the site, to open periodically.
- An existing sewage treatment plant would be replaced by a modern buried equivalent.
- New estate fencing to Chevening Road boundary;
- Ecological enhancements (eg. wet woodland, new lake, native woodland and new hedges, including 9.5ha of woodland, 22.5ha of meadow grass and 1.5ha of open water);
- Long-term landscape management as grazed parkland and woodland.

8 Imported soil is to comprise that which comes from excavation related to building works elsewhere. The majority will be soil, but may contain stone/brick, to comprise general bulk to form the basic landform. The existing topsoil is to be re-used, screened to remove larger particles with the soil improved to facilitate planting.

9 The applicant categorically states that the site will not accept general household or contaminated waste and soil will managed/inspected/tested, which is a requirement of the necessary Environment Agency permit.

### Relevant planning history

10 18/02233/RG5: Screening opinion - Development incorporating improvements to the existing landscape to improve the character of the land including the planting of additional trees and engineering works. Environmental Impact Assessment not required.

11 Other history of most relevance to the present application relating to Chevening House itself, specifically landscaping works, are listed below:

12 09/02580/LBCALT: Repairs and Restoration to West Park - Ha-Ha wall. Granted 25.3.2010.

## Policies

- 13 National Planning Policy Framework (NPPF)
- 14 Core Strategy (CS)
- L08 The Countryside and the Rural Economy
  - SP1 Design of New Development and Conservation
  - SP2 Sustainable Construction
  - SP9 Infrastructure Provision
  - SP10 Green Infrastructure, Open Space and Recreation Provision
  - SP11 Biodiversity
- 15 Allocations and Development Management Plan (ADMP)
- SC1 Presumption in Favour of Sustainable Development
  - EN1 Design Principles
  - EN2 Amenity Protection
  - EN4 Heritage Assets
  - EN5 Landscape
  - EN7 Noise Pollution
  - G11 Green Infrastructure and New Development
  - T1 Mitigating Travel Impact
- 16 Other:
- Sevenoaks Countryside Character Area Assessment
  - Kent Downs AONB Management Plans
  - Chevening Conservation Area Appraisal

## Constraints

- 17 The following constraints apply:
- Green Belt
  - Kent Downs Area of Outstanding Natural Beauty
  - Listed
  - Adjacent to Chevening Conservation Area
  - Adjacent to Grade 1 Listed St Botolph's Church and Grade II Listed Buildings in Chevening village
  - Adjacent to Grade 1 Listed Chevening House
  - Adjacent to Grade II\* Registered Chevening Park and Garden
  - Public Rights of Way (SR174 runs east-west along northern edge of site; SR173 runs north-south to the east of Turvin's Farm)
  - Extreme western edge of site and north-western corner of site Area of Archaeological Potential.
  - Small portion to south-east edge of site within Flood Zone 2 & 3.
  - Adjacent to Local Wildlife Site - Chevening Churchyard & part of Chevening Estate.

### Consultations

- 18 A number of the consultation responses set out below have been summarised for conciseness. Full copies of the responses are available online. Please note where consultee responses refer to the NPPF, the paragraph numbers may be those prior to the publication of the latest version.
- 19 SDC Conservation Officer - (In summary - full comments provided in main body of report below)
- “The proposed landscape development can be regarded as the latest stage in the evolution of the Chevening Estate. It will represent a change in character of the landscape but this is considered appropriate to the setting of the designated heritage assets, as discussed above. The scheme also presents the benefit of visually screening the M25, helping to mitigate its negative impacts. The proposals will sustain, or in places help to better reveal, the special interest of the designated heritage assets, and are supported in conservation terms (NPPF para 193).”
- 20 SDC Arboricultural Officer -
- “I refer to the above application. I have visited the site and have studied the plans provided and have made the following observations:
- I can inform you that there are no protected trees located at this site. The majority of the site is situated outside of the Chevening Conservation Area. I have read through the Arboricultural Report submitted by Indigo Surveys Ltd. The principle trees are to be retained. I have also read through the Landscape & Visual Appraisal compiled by Lloyd Bore Ltd. Providing the proposed landscaping is carried out, I have no objection to the proposed development.”
- 21 Historic England (In summary) -
- 22 “Chevening is a small and isolated settlement formed of a row of grade II listed cottages and the grade I listed St Botolph’s Church which abut the Chevening Estate, all of which sit within the Chevening Conservation Area. Chevening is a nationally significant estate which comprises of the Grade I house surrounded by its Grade II\* registered park. The current house on the site was reputedly built to designs by Inigo Jones, with later alterations including new wings and pavilions, carried out under Earl Stanhope in the early 18th century. Nicholas Dubois, Thomas Archer, and Thomas Fort are all known to have worked on the house.
- 23 The house is surrounded by gardens and wider parklands. The gardens were initially set out as formal gardens to the south of the house in the early 18th century but these were altered and softened in the 1770s onwards. The current garden and parkland owe much to the fourth earl who was responsible for much of the existing layout of the gardens and park in the 19th century. He inserted a codicil to his will in which he requested that the garden and wider parklands be kept unchanged, which has largely been the

case. The house and gardens are kept in trust and are used by the government as an official residence.

- 24 Chevening is therefore of great significance as a nationally significant estate. It is of particular importance for its historic, associative and aesthetic values as a superb example of a large estate associated with nationally important architects such as Inigo Jones. Its aesthetic values are enhanced by its retention of much of its parkland setting and the charming character of the isolated settlement of Chevening. These qualities are visually and acoustically marred by the M25, which passes to the south of the park and village and which is visible from within the gardens.
- 25 It is proposed to create an area of landscaping in the arable fields to the east of Chevening Road, outside the registered park, which would allow for better visual screening of the M25 from inside the park, as HGVs and gantries are quite visible from inside the Grade II\* landscape. This landscaping would also provide a more fitting avenue of approach to the house from the south.
- 26 This is the latest part of the wider landscape plans, which are being implemented by the Chevening Trust. It is part of the long-term aspirations of the trust to continue the parklands to the south-east of the house, as has been successfully implemented to the north. The landscaping would include a series of large-scale bunds, new planting and ponds, which would be fed from existing water courses, as well the provision of a new footpath.
- 27 The creation of this landscape would remove some historic field boundaries, and remove the fields from arable use. Although these elements form part of the wider rural setting of the designated heritage assets adjacent, we agree with the heritage assessment submitted that they do not make a 'particularly distinct contribution to the significance of the assets.'
- 28 We think that the proposal would deliver enhancements to Chevening Estate. It would be a particular enhancement to the Registered Park and Garden, as it would visually screen the M25 from within the park. The M25 currently causes some harm to its significance both visually and acoustically, and these proposals would remove part of this problem. The landscape proposals are also intended to create a more obvious 'entrance' to Chevening estate for visiting dignitaries, as the current approach from the south, which is not the original intended approach, does not give the impression that visitors are approaching a historically significant house. We think that the improvements proposed, would create a more welcoming and imposing approach to Chevening which would better reflect its significance.
- 29 The proposed works would also have some public benefits. The masterplan indicates that an additional footpath would be introduced, although we note that this would not be open at all times of the year, and specific closure times have not been submitted as part of this application."
- 30 "We do not think that this proposal would cause harm to the significance to the designated heritage assets in the village of Chevening or in Chevening Park through changes to their setting. We think that the landscaping would

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be an enhancement to Chevening House and its wider parkland which would be appreciated both in the approach to the house and from within the parkland.

- 31 We also have a statutory duty to have regard to the purpose of enhancing and conserving the natural beauty of the Kent Downs AONB. The Kent Downs management plan notes that sites that characterise the Kent Downs' historical and cultural fabric are to be maintained and enhanced to reflect their local character and significance. Furthermore, the landscape context and setting of all historic buildings, features and settlements is to be protected, conserved and enhanced. With regard to this, and as stated above, we do not think that the proposal would have a negative effect on the AONB.
- 32 Recommendation:
- 33 Historic England has no objection to the application on heritage grounds. We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 190, 192 and 196.”
- 34 The Gardens Trust (In summary) -  
“We have considered the information provided in support of the application and liaised with our colleagues in Kent Gardens Trust. On the basis of this we confirm we do not wish to comment on the proposals at this stage. We would however emphasise that this does not in any way signify either our approval or disapproval of the proposals.”
- 35 Kent Downs AONB Unit (In summary) -
- 36 “The Kent Downs AONB Unit produces a Management Plan on behalf of the local authorities within the AONB. The Management Plan has been adopted by all local planning authorities in the Kent Downs.
- 37 The National Planning Policy Guidance, 2019, confirms that Management Plans can be a material consideration when assessing planning applications.”
- 38 “The following policies from the Management Plan are considered to be of particular relevance to the application:
- 39 SD1 The need to conserve and enhance the natural beauty of the Kent Downs AONB is recognised as the primary purpose of the designation and given the highest level of protection within the statutory and other appropriate planning and development strategies and development control decisions.
- 40 SD10 Positive measures to mitigate the negative impact of infrastructure and growth on the natural beauty and amenity of the AONB will be supported.
- 41 LLC1 The protection, conservation and enhancement of special characteristics and qualities, natural beauty and landscape character of the Kent Downs AONB will be supported and pursued.

- 42 BD5 The protection, conservation and extension of Kent Downs priority and distinctive habitats and species will be supported through the Local Plan process, development management decisions and the promotion of the Biodiversity Duty of Regard (NERC Act 2006).
- 43 AEU 14 Proposals which detract from the amenity and enjoyment of users of the Public Rights of Way network will be resisted.”
- 44 “Landscape Character - The site lies within the Chevening sub-area of the Darent Valley Landscape Character Area as identified in the Landscape Assessment of the Kent Downs AONB. The description of the sub-area refers to parkland and estate architecture being a local characteristic which is particularly noticeable around the Chevening Estate - official home of the British Foreign Secretary. It includes paragraph 9.2.4 which says:
- 45 “In recent years, the building of the M25 and M26 motorways through the middle of this vale, while continuing the tradition of this area as a transport corridor, has damaged the visual integrity and tranquility of the landscape, and altered the focus of the valley away from the river and its historic villages”.
- 46 Landscape Management Recommendations include:
- Protect the settings of historic sites, particularly where they are potentially affected by development or infrastructure.
  - ...Continue to integrate motorways into the landscape using sensitive, nonlinear tree planting... Be mindful of the need to retain noise masking of traffic.
  - Manage parkland, wood pasture and veteran trees, promoting Parkland Management Plans where appropriate. Encourage replanting of replacement trees which will become the parkland and veteran trees of the future.”
- 47 “The proposed conversion of arable land to parkland would be seen as a natural extension of the existing parkland setting to the Chevening estate. While the loss of historic field boundaries and hedgerows, including that along Chevening Road is unfortunate, the proposed development overall is considered to be a positive enhancement of the landscape, biodiversity and heritage assets of the Kent Downs
- 48 AONB which aligns with the Darent Valley Strategic Landscape Enhancement Plan and the Landscape Character Area recommendations. The increase in access provision is very much supported and commended, but it is disappointing that the proposed routes are only footpaths and no provision is made for cyclists or horse-riders.”
- 49 KCC Public Rights of Way Officer (In summary) -
- 50 “Public Right of Way Footpath SR174 runs along the northern edge of the site and the North Downs Way, a National Trail, runs along Public Footpath SR173 which exits onto Sundridge Road almost directly opposite the intended new haul road entrance/exit.”

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- 51 Concern was originally raised regarding the impact on the Public Rights of Way, particularly the impact of HGV movements on walkers proceeding along Sundridge Road. The proposed amendments to the routing, surfacing and timing of the PRow's was unclear and potentially requires formal approval for re-alignment of North Downs Way, which is a National Trail. Although no objections are anticipated to this, the costs for the "variation Report" should be secured from the applicant via a legal agreement/undertaking.
- 52 "Whilst there will be considerable adverse effects on the visual and auditory experience for walkers during the construction phases of this project these can be mitigated against, in the longer term, by the improvement of surfacing on SR174 to make this an all-weather/all ability route."
- 53 "The scheme should also consider access provision for cyclists and equestrians, given the lack of local off-road opportunities available for these path users."
- 54 "As a general comment, the KCC PRow and Access Service welcome the prospect of improving public access in this region and looks forward to working with the Chevening Estate to deliver these proposals."
- 55 In response to the additional information submitted, KCC PRow Officer has commented as follows (in Summary):
- 56 "The increase in HGV and construction worker traffic on the B2211 resulting from the proposed development, during construction, would directly affect users of the public right of way network going east from public footpaths SR174 and SR173. The North Downs Way, a National Trail follows SR173. Pedestrian safety on this section of road, which does not have a footway, would be seriously compromised.
- 57 I would therefore request a condition requiring a Creation Agreement with KCC (under the Highways Act 1980 Section 25), for a new public right of way Footpath to join up SR174, SR173 and SR172 as shown on Plan 2015/2943/010/Revision B, to be confirmed with a minimum width of two metres (2.5 metres if it is to be fenced or hedged) and the new route provided prior to the commencement of any works: to ensure public safety and enhance the rights of way network. Without this Condition I would object to the development.
- 58 I would also request a unilateral agreement or a section 106 agreement from the applicant to fund the full costs of preparing and successfully submitting a variation report to the Secretary of State to seek to divert the National Trail which currently runs down SR173 and along the B2211 to run east along the newly created public right of way route and down SR172 (from where there is a footway on the south side of the road running east along the route's continuation). The costs would also include the provision and installation of three new North Downs Way fingerposts to show the new route of the National; Trail. Without this agreement or contribution I would object to the development due to the increase in traffic on the road between SR173 and SR172- the official line of the National Trail- during



construction. This agreement should be produced within 12 months of the commencement of works on site. Without this agreement I would object to the development.

- 59 With regard to a route that the applicant suggests will run along the southern boundary of the site, whilst the route may provide a local circular route for dog walkers it does not add to the wider connectivity of the PRow network and would therefore best be served by a permissive path.
- 60 It is unlikely that the proposed route would assist with better connectivity of the public rights of way network so KCC would be unlikely to be willing to enter into a licence agreement as there may be additional financial and management implications.”
- 61 A condition is recommended.
- 62 “I am pleased that the Landscape Master Plan shows that SR174 will be upgraded to an all-ability footpath. The specification should be agreed in consultation with the Public Rights of Way and Access Service.
- 63 I would also request a change to Plan 2015/2943/010/Revision B to include signage at the southern end of SR173 to discourage walkers from coming in/going out along this route and also that the signage with regard to the new connecting route linking SR172, SR173 and SR174 remains after construction is completed as it will be many years before Ordnance Survey paper maps and North Downs Way guidebooks will show the new route, and one would wish to encourage use of the traffic free route.”
- 64 Natural England (In summary) -  
Summary: No Objection
- 65 Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.
- 66 As the site is within an Area of Outstanding Natural Beauty, regard should be had to the relevant National and Local Guidance and policy.
- 67 KCC Ecology (In summary) -
- 68 “The proposal seeks to turn existing agricultural land (with relatively low ecological value) into an area of ecologically valuable and diverse habitats, including meadows, woodland and seasonal water scrapes. As such, the completed development should entail a high level of biodiversity value.
- 69 We are supportive of this proposal in principle and highlight paragraph 175 of the National Planning Policy Framework (2019), which states “development whose primary objective is to conserve or enhance biodiversity should be supported”. However, there are protected species/habitat considerations, which must be addressed, as discussed further on.

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### 70 Protected Species

71 The ecological surveys have identified several protected species utilising the site that must be taken into consideration regarding the construction phase of the development. This includes badgers (and their setts), reptiles and Great Crested Newts (GCN). Several notable breeding bird species were also observed.”

72 To safeguard these species during the construction phases, mitigation measures have been proposed. Details for the application of the above measures (regarding each phase of construction) has been provided in the ‘Construction Phase Ecological Management Strategy’. KCC Ecology advise that the measures are appropriate and should be conditioned if planning permission is granted. Suggested wording (provided).

### 73 “Habitats and Biodiversity Net-gain

74 We highlight concern over the amount of hedgerow to be removed, with EclA stating “The proposals will result in a net loss of hedgerow from the application site”. Not only are these considered ‘priority habitats’ (under section 41 of the NERC Act 2006) as acknowledged in the report, but some of these hedgerows appear to have been present for over 30 years and likely contain more than seven woody species. Meeting this criteria would constitute ‘important hedgerows’ under the Hedgerows Regulations Act (1997).

75 The ecological mitigation strategy states that “...there have been recommended amendments to the law that would negate these hedges being deemed important for these historic reasons and would stop the requirement for permission to remove these hedgerows being sought. Permission will be sought before any hedgerows are transplanted.”

76 Whilst most of these hedgerows are proposed to be transplanted to form woodland edge scrub habitat, we highlight that the Hedgerow Regulations Act must be adhered to regarding the removal of ‘important’ hedgerows. Additionally, red-listed birds found on-site, such as Yellowhammer, require hedgerow habitat and will not necessarily benefit from the proposed habitat changed.

77 However, the proposals should entail an overall gain in biodiversity with the following ecological features being created:

- Fluctuating waterbodies.
- Wet woodland.
- Lowland woodland.
- Damp meadow.
- Wood pasture.
- Native planting

78 No management prescriptions, or details of creation for the proposed habitat, have been provided, with the net-gain strategy document stating that a ‘Habitat Creation, Enhancement and Management Plan’ (HCEMP) will

be produced and implemented. As biodiversity net-gain is clearly achievable regarding the proposals, we are satisfied that a HCEMP can be secured via a condition with any granted planning permission. Suggested wording provided.”

79 KCC Archaeology (in summary) -

80 “Chevening House estate is a high status Medieval, Post Medieval and Modern residence with outbuildings, formal gardens and wider landscaped parkland. There may be remains associated with its status as a medieval manorial complex, especially close to the church.

81 Pre-application liaison has taken place with the applicant’s archaeological agent, ASE, and extensive preliminary archaeological works have taken place. No significant archaeological (remains) has been identified within the areas of impact but there is still some potential for as yet unidentified archaeological (remains) to be revealed.”

82 In view of the archaeological potential, a condition is recommended.

83 KCC Highway Authority -

84 “This application was the subject of comprehensive pre-application discussion with the applicant’s Transport Consultants in March 2020 during which the majority of transport related issues were resolved.

85 The application is now supported by a Transport Assessment dated November 2020 produced by RGP. This is considered to be a robust assessment of the highways impact of the proposal, subject to clarification of some issues arising which I refer to in my comments below.

86 Traffic Generation (Construction):

The most significant impact of this proposal is the importation of 750,000 cu.m. of restorative material by road from various sources - a total of approximately 15,000 HGV loads per year (words in italics inserted as typographical omission) over a 5-year period and resulting in an average of 130 two-way movements per day with a maximum of 200 two-way movements per day.

87 Traffic Generation (Post-Construction):

The Transport Assessment suggests that post construction there will only be minimal maintenance-related traffic much as existing (Para 1.1.5). However, it is expected that the estate would be open to the public, albeit not regularly, during the year and as a result would require access and vehicle parking. If this is the case then confirmation of details should be provided, otherwise a Condition should be applied to any consent granted not to allow public visitors (other than using the PROWs).

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### 88 Construction Access:

It is proposed to construct a new access off Sundridge Road in the vicinity of Turvins Farm to the south of the road, with a haul road to the south-west with a signal-controlled crossroads all as shown on Drawings Ref.

2015/2943/001E and 004H. The proposals have been subjected to a Stage 1 Road Safety Audit which is found to be acceptable to the Highway Authority. These works where it affects the public highway will need to be the subject of a Section 278 Agreement and a Condition requiring these works to be completed prior to any works on the site being commenced should be applied.

89 Visibility splays at the northern access of 2.4m x 115m to the east and 2.4m x 84m to the west are to be provided which is considered adequate based on a traffic speed surveys carried out in 2018 for the Turvins Farm improvements resulting in 85th %ile speeds of 43mph. Similarly, visibility splays proposed at the southern crossroads are 2.4m x 130m to the north and 2.4m x 134m to the south - relating to 85th %ile speeds of 47mph. These visibility splays should be provided in advance of any works taking place on the site.

90 The design of the northern access is such that two HGVs are able to pass when turning without needing to stop on Sundridge Road and also that emerging vehicles are only able to turn right (to the east) thus preventing vehicles from travelling towards Chevening/Chipstead and only towards Morants Court Roundabout. Similarly, at the southern (crossroads) access HGVs can only travel straight across and are not able to turn left or right, again preventing HGVs from travelling towards Chevening / Chipstead.

91 Wheel washing facilities are to be provided at both access point to avoid mud etc. being deposited on the highway.

### 92 Highway Safety:

Analysis of crash records from KCC Highways shows that for the 5 year period ending September 2019 along Sundridge Road to the Chevening crossroads to the south-west and the Morants Court Roundabout to the east shows that there have been 13 personal injury crashes, all except one being slight. The majority of these have occurred at the Chevening Cross which would not be affected by the proposed traffic movements from the site. The records demonstrate that there is no particular pattern to these crashes and no highway improvement works can be identified.

### 93 Highway Impact:

Traffic surveys carried out in 2018 demonstrate that the increase in traffic movements due to these construction works on the local highway network would not be significant. This takes into account the restrictions proposed on the number and direction of HGV movements i.e. a total of 200 two-way movements per day of which a maximum of 40 two-way movements per day using the A224 south towards Riverhead. The overall impact results in a maximum increase of 3.3% on Sundridge Road and a maximum of 1.5% on

the A224 travelling north. Since the vast majority of these movements would be HGVs, the figures provided in the Transport

- 94 Assessment do not quantify the existing number of HGV movements or calculate the percentage increase in HGV movements, which is expected to be a lot higher. However, given the status and width of the proposed access roads and the restrictions on the number of HGV movements on Sundridge Road and the A224 both north and south from Morants Court Roundabout, this is not of particular concern.
- 95 I do have concerns about the increase of HGV movements along the A224 south through Dunton Green and Riverhead due to primary schools located along these routes - maximum 40 two-way movements per day. I would therefore recommend that HGV movements along this route is restricted by Condition not to travel between 08:00 and 09:30 in mornings and 2:30 and 3:30 in afternoons during school term times.
- 96 The impact of the increased traffic movements on the A224 junctions both to the north towards J4 of M25 and south toward J5 of the M25 are not considered significant enough to raise highway safety or congestion issues.
- 97 HGV Routing:
- 98 It is proposed in the Transport Assessment that the number of HGV movements to the site is restricted to a total 200 two-way movements per day (07:30 - 16:30) with a maximum of 40 two-way movements via A224 to Riverhead. This is acceptable although I would recommend that, in order to avoid bunching, an additional restriction of a maximum of 25 two-way HGV movements in any one hour.
- 99 It should be conditioned such that no site traffic should travel west from the access along Sundridge Road towards Chevening Cross at any time and not to travel through Chipstead village which is unsuitable for HGV traffic. Note that current width restrictions should prevent that anyway.
- 100 It is noted that it may arise during the 5 year construction period that other sources of fill material become available for which the two specified HGV routes are not appropriate. Such locations are not known at the current time. I would recommend that any alternative HGV routes that become appropriate are subject to submission and approval in writing prior to their use.
- 101 HGV Management Strategy:
- This is included as Appendix E to the Transport Assessment, but I consider should be specifically referred to in any consent granted as possibly a separate Condition that must be complied with. It covers the following issues:
- Site Management - contact details in cases of concern or complaint
  - Site Hours and Operation - 07:00 till 16:30 Monday to Friday with no HGV movements outside these hours (and subject to further restrictions as outlined above through Dunton Green and Riverhead)

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- HGV Routing - As described above with no other routes permitted (unless otherwise agreed by the LPA) other than Sundridge Road to the east, the A224 north to M25 J4, and A224 south / A25 to M25 J5.
- Routine Monitoring - in addition to the monitoring specified in the Appendix, I would recommend that it is a requirement of all haulage vehicles to be recorded via GPS as to their timing and routing. This information does not need to be sent to the LPA but be available for interrogation in cases of complaint or dispute. I understand from other similar operations that software is readily available to achieve this.

102 Breaches and Complaints Procedure - details of how breaches will be dealt with:

- Regular Update Meetings - so that any issues arising from the operations by local residents, Parish Councils etc. can be discussed and resolved.
- Other Mitigating Measures - such as additional signage, pedestrian facilities etc.

103 Chevening Cross:

Whilst there should be no traffic generated by the works to use Chevening Cross, as a gesture of goodwill the applicant is offering to reposition the hedge line to the north-east of the crossroads in order to improve visibility which is currently restricted. This would increase the visibility from 30m to 100+ metres. This is shown on Drawing Ref. 2015/2943/008B. Whilst not strictly required as a mitigating measure, it is welcomed as a highway safety improvement.

104 Conclusions:

In conclusion and taking into account the clear advice provided in the NPPF - particularly Paragraph 109 which states that a planning application should not be refused on highway grounds unless the impact in terms of safety or congestion are severe, I can see no reason why there is justification for a highway objection to these proposals provided the Conditions covered above are applied to any consent granted. The restrictions on the number of HGV movements, their timing, and their routing means that the level of HGVs using the local highway network is not at a significant level to raise concerns.”

105 An informative is recommended.

106 Following submission of clarification, KCC Highways have agreed the construction access need not be signal-controlled due to the low traffic flows along Sundridge Road and the visibility available and confirmed that subject to conditions no objections are raised to the proposals.

107 Highways England (In summary) -

“Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and

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street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

108 In the case of this proposed development, Highways England is interested in the potential impact that the development might have the SRN, in particular, the M25 at Junction 4.”

109 They originally raised a number of queries so that they could understand the potential impacts of the development and to be satisfied that the proposals would not materially affect the safety, reliability and/or operation of the SRN.

110 Following the submission of further information, they have commented as follows (in summary):

“Upon review of the latest information received, we are generally content that our queries have been answered and that the number of staff/ visitor trips forecast to be generated during the five year construction period (a maximum of 12 two-way daily trips associated with 12 members of staff/ visitors on site at any time) are likely to have a negligible impact on the SRN. However given the high number of HGVs forecast to route via the SRN over the construction period (up to a maximum of 200 two-way movements per day), we recommend that a pre-commencement condition is implemented to mandate the information contained within the Transport Assessment and RGP’s Consultees Response letter.

Highways England recognise that the route to agreeing pre-commencement conditions is for the LPA and the Applicant to be in agreement with the wording of our suggested conditions before we submit our final response.”

111 A condition is suggested condition seeking clarity on the way in which the Applicant will ensure the operational hours of construction, vehicle routing and hourly trips are agreed and managed, in order to control and reduce additional trips on the SRN.

112 Lead Local Flood Authority (in summary) -

“The application is supported by a Flood Risk Assessment prepared by Water Environment Ltd (November 2020). The re-modelling of the land will result in raised earth bunds with ponds and wetland areas. A Micro drainage model has been provided for pre- and post- development assessment. This model includes a base flow in the existing ditch which crosses the site. A site-specific soil parameter has been set at the high end, reflecting more impermeable soils.

113 The critical storm was assessed for the site as being 60 minute summer storm for the 1 in 100 year return period. Flows to the three identified outfalls have been retained, though there would also be a transfer of catchment area from the northern catchment to the southern culvert.

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- 114 It was recognised that the main difference would be the change in slope of the catchments and potential changes in the time of concentration. This would result in a significant change in peak flows from two of the catchments if unmitigated.
- 115 We appreciate the consideration given to the site analysis and the approach taken to identify the impact of the change in landforms within the site.”
- 116 They initially raised a number of questions seeking clarity over a number of details drainage issues, but raised no objections subject to several conditions.
- 117 In response to the submission of additional information, the LLFA have commented as follows:
- 118 “We have previously recommended the inclusion of a verification report for the construction of the surface water drainage system. We would continue this condition to recommend for this application, particularly in relation to the recording of any critical drainage assets.
- 119 Our request for control of silt and pollutants applies not only to construction but normal drainage operation. The applicant’s consultation does note that the control of silt and pollutants would normally be covered in a construction environmental management plan (CEMP). Given the extent of ground works onsite, we would assume that a CEMP would be considered an appropriate condition.
- 120 Our previous recommendation for approval with appropriate conditions remains unchanged and we would refer you to our consultation response of 28 January 2021.”
- 121 Environmental Health (In summary) -
- 122 “I have reviewed the submissions and have one observation regarding the information provided. The noise assessment for the works includes the methodology for a decision on the noise permitted from the activity was briefly discussed but with no details or extent of the proposal and only in principal with the noise consultants.
- 123 However the no specific discussion was had regarding any works in the evening or at weekends. I do not believe that evening work or weekend working with the possible exception of Saturday morning are necessary for potentially noisy activities, I have no objection to non-noisy works.”
- 124 Following the submission of further information regarding the impact of the bunds on noise levels and the potential impact on air quality, including as a result of the creation of the bunds, Environmental Health have commented as follows:
- 125 “I have reviewed the submission and the supplemental submissions regarding noise and air quality and I can confirm that I have no adverse comments. However, this is predicated on the applicant being able to ensure that vehicles servicing the site use from the A224 Polhill to the North



and any change to this position would require further permission via the planning process.

- 126 I had a look at the additional information and I believe it to be a fair assessment both in terms of potential impact on air quality and in relation to noise impact of bunds. The numbers of vehicle movements would be unlikely to have impacted in any way to the East due to the M25. Bunds are not as reflective to noise as conventional barriers and hence I agree with the findings of the assessment, the only situation where there may be a difference is if the site traffic were to approach the site via junction 5 from the South or from the East via Chipstead. It is very unlikely tipper vehicles would be able to access easily through Chipstead due to the constraints of the road network.
- 127 40 movements in each direction in a day will be insignificant both in noise and impact on air quality given the existing impact of the M25. The M25 is by far the greatest source of noise and impact on air quality so the addition of 80 vehicles amongst many thousands in the near vicinity is negligible for AQ with daily mean levels or noise with 16 hour assessment period.”
- 128 Environment Agency (in summary) -
- “Owing to the ongoing impacts of Covid-19 and high workloads, we are currently unable to provide bespoke comments on development not:
- in a Source Protection Zone (SPZ);
  - in Flood Zone 3;
  - within 20 metres of a main river;
  - involving a fuel filling station or cemetery.”
- 129 Standard advice recommends regard be had to Government guidance and that proposals should not increase the risk of flooding, or cause pollution to the water environment and that they generally support the use of sustainable surface water drainage systems.

### Representations

- 130 Chevening Parish Council (in summary) -
- 131 Chevening Parish Council objects to the proposed development of Chevening Parkland.
- 132 Chevening Parish Council has commissioned reports from ADN Planning Ltd and Liz Lake Associates. In summary, these assessments conclude that the mounds would appear as an artificial, man-made feature and would fail to maintain openness. The benefits from the proposals do not amount to very special circumstances.
- 133 The mounds would have a linear form and would appear as an incongruous feature at odds with the natural contours of the land. Evidence supporting the effectiveness of the proposals is inconclusive. Whilst there will be some community benefits, this will not overcome the harm.

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- 134 In landscape terms, the proposals will result in the irreversible loss of an important arable farmland mosaic and hedgerow patterns, which are the features the AONB Management Plan seeks to preserve. The proposals fail to conserve the historic landscape qualities of the area. The mounds would represent an alien intrusion into the relatively flat landscape. The impact of the motorway is exaggerated. The proposed landscape features would not outweigh the harm to the other features.
- 135 In addition to the above, Chevening Parish Council have made a number of further comments summarised as follows:
- Consideration should be given to alternative ways to screen the village from the motorway.
  - Relocation of wildlife will not be 100% successful.
  - Further information should be provided regarding public access to the parkland and parking for this.
  - Question the implications of the bunds on the disbursement of noise on neighbouring occupiers and the wider Parish (including Chipstead).
  - Question impact on air quality to local residents.
  - The cumulative impact of other major developments in the locality should also be taken into account.
  - There should be restrictions on lorry movements.
  - The noise and pollution impact of traffic movements should be taken into consideration.
  - The Public Rights of Way improvements should be implemented at the start.
  - Query the numbers of dignitaries visiting Chevening House.
- 136 In response to additional information/clarification provided by the applicant, the Parish Council have reaffirmed their objections.
- 137 Riverhead P.C. (in summary) -
- The Trust only opens the gardens to the public 3 times a year, so only few people will benefit from this project. There will be minimal benefit to local residents who will have to put up with 60+ extra HGVs passing through Riverhead Village on a daily basis for 5 years causing noise, pollution and traffic disruption.
  - At morning and afternoon school run times, Worships Hill (A25) is not suitable for HGV traffic due to parking on the road, with inadequate space for Lorries to pass.
  - Adverse impact of air pollution on children walking to or from school & in the school playground.
  - Consideration needs to be given to other nearby major developments going on in the same period, which will result in more HGVs using the same residential roads at the same time - eg Covers Farm Quarry and Fort Halstead.
- 138 No further response received to additional information submitted.

- 139 Badgers Mount Parish Council (In summary) -
- 140 Raise concern that they were not directly consulted on the application and raise objections on the following grounds:
- Badgers Mount is the only village which the majority of the HGVs going to and from the site will pass through. Up to 200 additional lorry movements each day for 5½ years will have a intolerable impact on residents.
  - Applicant did not carry out pre-application consultation with BMPC.
  - Noise and air quality Impact on Badgers Mount totally ignored in applicants' documents.
  - Level of HGV movements of significant concerns, especially when taken into consideration with movements from other sites.
  - Subsidence at A224 Polhill is of great concerns and proposals could exacerbate this.
  - Proposals could exacerbate congestion, especially if and obstruction on the M25 and traffic diverted.
  - Vehicles often mount the kerb on the Orpington Bypass approach to Hewitts Roundabout and the road should be modified.
- 141 No further response received to additional information submitted.
- 142 Halstead Parish Council (in summary) -
- Disappointed not consulted directly.
  - Will adversely affect residents over long period of time without providing benefits to them.
  - Inappropriate development in the Green Belt.
  - Proposals should not rely on importation of spoil (could be reduced in scale).
  - Loss of historic features, particularly hedgerows and concern about impact on local wildlife.
  - Significant impact from associated HGV movements, particularly when other sites on A224 route (e.g. FM Conways site) taken into consideration. The impact on air quality should be considered.
  - Also concern raised over potential importation of contaminated soil.
  - Concerned about impact on traffic at Morants Court Roundabout.
  - Concern regarding subsidence and road surface of A224 Polhill.
  - Potential impact on cyclists using Polhill.
  - Conclude that disruption does not outweigh the benefits.
- 143 No further response received to additional information submitted.

#### Public Comments

- 144 Letters of objections have been received from 93 members of the public raising the following objections:
- Unacceptable impact on traffic congestion and road safety

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- Lorries should only use of Junction 4 of the M25 and should not divert from this route
- Increase in HGV traffic will cause significant problems to traffic flows and congestion in Riverhead, Chipstead Village, Chevening, Sevenoaks and Dunton Green
- Traffic at Polhill
- Applicant should be made to upgrade the B211 between Chevening Cross and Morants Court Cross to remove the need of HGVs to use the A225/A224
- Permanent width restrictions required throughout Chipstead Village
- The proposal to use Riverhead as an access and egress point for lorries will cause severe road congestion
- What procedures for when M25 Junction 5/6 are closed and A25, which happens regularly
- Potential for traffic accidents
- Generation of 5 years of traffic
- Riverhead roundabout already congested
- Existing infrastructure not adequate
- Original reason was to block view of M25. However, this cannot be seen from Chevening House
- Not for public benefit No evidence that motorway can be seen from Chevening House
- The listed brick wall, surrounding cottages, church and trees already screen the motorway Need for mounds not necessary
- The adverse effect of the motorway on Chevening House and its residents has not been demonstrated. Therefore, need for development has not been proved
- Benefits to the community do not outweigh harm
- Money could be better spent on making a positive contribution to the community
- Proposed benefits are weak and impacts are not justified
- No interest to the community
- Increase in air pollution due to greater increase in vehicles
- Increase in HGV traffic will cause significant problems for air quality
- Importing/exporting soil will have a greater environmental impact. Existing soil should be utilised for creating earth bunds/mounds
- Not beneficial to the environment
- Are there any plans for carbon offsetting?
- Negative impact on Council's aim to be zero carbon by 2033
- The proposal would result in considerable environmental damage
- The site is located in the Green Belt and therefore object
- Eyesore in the Green Belt
- Conflicts with openness of the Green Belt
- Community benefit does not warrant a case for very special circumstances for inappropriate development in the Green Belt
- The site is located in the AONB and therefore object
- Mounds will appear alien in this part of the AONB
- Bunds not in keeping with landscape
- Impact natural beauty of this location

- Potential damage to Grade II listed wall as a result of lorries
- Loss of historic features Impact on views of St Botolphs Church
- Impact on Crossways House
- Noise and disruption for residents during years of construction works
- Loss of views for nearby properties as a result of earth mounds
- Loss of privacy - for example, when stood on Bund individuals will be able to see into Crossways House
- Impact on visual amenities
- Disruption to wildlife through removal of hedgerows and mature trees
- Impact on ecology with no mitigation measures
- Noise and disturbance will affect wildlife
- Wildlife will be disturbed and their habitats destroyed
- Destroying mature hedgerow and felling multiple healthy trees
- There should be more sympathetic planting of native hedges and trees to provide a sound and visual barrier
- T96 should not be destroyed or knocked down during construction phase
- Hedgerows should be translocated at a suitable time of year
- Noise unacceptable for resident health and wellbeing Increase in HGV trips would have an impact on safety of residents, particularly children walking to school Health impacts resulting from pollution
- During COVID-19, the proposal will create anxiety for those who are already lonely and depressed
- Walking from Chipstead Village to St Botolphs Church will be dangerous
- Risk to walkers from lorry movements
- No adequate parking
- Will the footpath be open all the time?
- Proposals regarding existing footpaths do not provide sufficient linkage with other footpaths in the area or directly serve any nearby dwellings
- Proposal does not meet para 109, 143, 144 or 184 of the NPPF
- Will CIL be imposed and if so, can it be used for resurfacing surrounding roads with traffic calming measures?
- Section 106 for establishing footpaths across Chevening Cross
- Condition requirement for permanent public access to and through the site
- Condition for residents to be able to access the property more than once a month
- Cumulative impact of other developments should be considered
- Development could take place at the same time as Covers Farm Quarry proposals

145 Additional Public Responses after 26<sup>th</sup> March -

146 Three letters have been received objecting on the grounds of:

- Adverse impact on HGV movements on the amenities of occupiers in Dunton Green adjacent to the main road.
- No need for screening and proposals are purely for financial gain.
- HGV routing plan will not be infallible and likely some will go through Chipstead. Loss of wildlife and measures go well beyond what is reasonable.

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- Plans do not benefit anyone living in the local area.

### Chief Planning Officer's appraisal

#### Policy Background

- 147 Presumption in favour of sustainable development:
- 148 Paragraph 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.
- 149 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 protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>7</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 7 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

#### Principal issues

- 150 The main issues requiring assessment relate to:
- Whether the development is appropriate in the Green Belt and Impact on openness;
  - Design and impact on the landscape/AONB;
  - Impact on Heritage Assets
  - Impact on highways and Public Rights of Way
  - Impact on residential amenity, including noise and air quality;
  - Impact on ecology and biodiversity

#### Green Belt considerations -

- 151 The site is located entirely within the Green Belt.
- 152 The works seek to improve the setting of the Grade I listed Chevening House and other heritage assets including the Grade I listed St Botolph's Church and Grade II listed houses of Chevening, all of which form part of the Conservation Area. To achieve this it is intended to extend the existing managed parkland surrounding the estate, to provide a more fitting setting and enhanced approach to the house.
- 153 The proposals include significant ground works including the creation of a number of large earthwork mounds. These would raise the ground level of

parts of the site by between approximately 7-12m in height. This is intended to mitigate the harm of the elevated section of the M25.

- 154 The planting of vegetation does not normally require planning permission. However, these works comprise development in the form of engineering operations. Therefore they require the benefit of planning permission.
- 155 Local Plan policy seeks to maintain the extent of the Green Belt. This reflects Government guidance in the form of the National Planning Policy Framework (NPPF), Chapter 13 of which amplifies the purposes and approach to take when considering applications within the Green Belt.
- 156 Paragraph 145 of the NPPF states that once Green Belts have been defined, local planning authorities should, amongst other things, plan positively to enhance their beneficial use, such as looking for opportunities to provide access, to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity.
- 157 Paragraph 147 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.
- 158 Para 148 of the NPPF advises that LPA's should give substantial weight to any harm to the Green Belt. "Very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. Therefore, the harm in principle to the Green Belt remains even if there is no further harm to openness because of the development.
- 159 The concept of "openness" is broad policy concept, which relates back to the underlying aim of Green Belt policy of preventing urban sprawl. Openness is the counterpart to urban sprawl, but does not imply freedom from any form of development. Some forms of development, for example, mineral extraction, might be compatible with the concept of openness and a quarry could, as a barrier to urban sprawl, be regarded as open in Green Belt terms.
- 160 Case law has established that the visual quality of the landscape itself is not an essential part of the "openness" for which the Green Belt has been protected.
- 161 In light of the above, there is a general presumption against the construction of new buildings within the Green Belt. However, there are exceptions to this. In addition, and of particular relevance in this case, there are also other forms of development, which may be acceptable within the Green Belt.
- 162 Paragraph 150 of the NPPF states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include engineering operations and material changes in the use of

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land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).

- 163 As explained above, the present proposals comprise engineering operations. Such works may be appropriate under the exception listed above.
- 164 The key question is whether these works would preserve the openness of the Green Belt, or otherwise conflict with the purposes of including the land within the Green Belt.
- 165 In short openness is about freedom of built form, but a number of factors can be relevant in individual cases. There can also be a visual aspect to openness. In assessing the impact in such terms, it is helpful to refer to the purposes of Green Belt.
- 166 Paragraph 137 of the National Planning Policy Framework (NPPF) makes clear that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 167 The purposes of the Green Belt are as follows:
- a) to check the unrestricted sprawl of large built-up areas;
  - b) to prevent neighbouring towns merging into one another;
  - c) to assist in safeguarding the countryside from encroachment;
  - d) to preserve the setting and special character of historic towns; and
  - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 168 In short, the engineering operations are required in connection with the creation of an extended parkland. Most significantly, the works would include the creation of a series of extensive earth mounds.
- 169 To avoid to appearance of formal, “man-made” bunding, the earthworks have been designed to avoid any abrupt or unnatural elements and thus are designed to be more organic in appearance. Furthermore, extensive tree planting would soften the edges of the mounds, which to the north-west, would merge into large areas of grassland. The main pond would be irregular in shape, with the smaller “scrapes” (shallow depressions with gently sloping edges, which seasonally hold water) having an informal and natural appearance. Once completed and established, I do not consider the earthworks would appear as incongruous or intrusive features within the landscape.
- 170 It is proposed to commence planting on each phase of the works as they are completed in order to establish the planting regime, minimise the visual disruption of the works and to help establish the parkland appearance as swiftly as possible. No structures or buildings are proposed, other than those directly required in connection with the works. As the works are complete,



the parkland would become established. The land would have a less formal appearance to the parkland directly to the south of Chevening House

- 171 Any visual impacts from the construction works would be short-lived. Ultimately, whilst the appearance of the site may change from a managed agricultural one to a managed parkland, it would not in my view appear incongruous within the landscape. Managed parkland settings are a common feature of many Green Belt landscapes. This proposal does not include buildings, but does include engineering operations that would facilitate the enhancement of the heritage assets identified above. Whilst there would be changes to the landscape, the inherent openness and visual aspect of it would remain. The site would remain permanently open, verdant and rural in appearance and in this way would preserve the character of the Green Belt.
- 172 In terms of visual impact, the proposals would retain the open and green nature of the site and would check the unrestricted sprawl of large built-up areas and the merging of neighbouring towns. They would clearly safeguard the countryside from encroachment. The village of Chevening, St Botolph's Church and Chevening House can be glimpsed across the fields. The proposals are considered to preserve the setting and special character of the village.
- 173 In light of the above, I do not consider the proposals would be harmful to the maintenance of the Green Belt or to its openness. I consider the proposals would fulfil the fundamental aim of Green Belt policy. They would also support the purposes of the Green Belt.
- 174 In addition, the proposals would have the benefits of improving the public footpath network and in turn recreational use of the countryside and also enhance the ecological biodiversity and drainage of the site.
- 175 I therefore consider the proposals represent appropriate development within the Green Belt.
- 176 The issue of the wider visual impact on the character of the landscape and the visual impact on local residents is discussed further below.

**Design and impact on landscape/AONB -**

- 177 The site is located within the Kent Downs Area of Outstanding Natural Beauty (AONB).
- 178 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.

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- 179 Section 85 of that Act requires decision-makers in public bodies, in performing any function affecting land in an Area of Outstanding Natural Beauty, to have regard to the purpose of conserving and enhancing the natural beauty of that area.
- 180 The National Planning Policy Framework paragraph 176 requires great weight to be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas. It also states that planning permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. However, whether the proposal represents a major development in terms of the AONB definition, is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact (my emphasis in italics) on the purposes for which the area has been designated or defined.
- 181 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.
- 182 The Kent Downs Management Plan is also a material consideration. In summary, the policies generally recognise that the highest level of protection should be given to AONB's and the primary purpose of policy is to conserve and enhance the natural beauty of the AONB. Positive measures to mitigate the negative impact of infrastructure and growth on natural beauty and amenity of the AONB will be supported. The enhancement of special characteristic qualities and landscape character and conservation of biodiversity will be supported.
- 183 Within the Sevenoaks Countryside Appraisal (2011), the site falls within the Scarp Foot Farmland Estates Landscape Type and the landscape description includes scattered historic houses and mature parkland trees, indicative of former parkland estates. Within this, the Character Area is described as Knockholt Scarp Foot Estates. Key characteristics of this area include the large historic country house at Chevening with park and associated hamlet. There are many long distance views southwards from this area, "interrupted by the M25". Smaller scale fields are found around Chevening Park. The landscape analysis notes that "Chevening Park is a significant and harmonious feature with its parkland and farmlands. The motorway is one of the few detracting features." The sensitivity of the area is described as high with landscape actions seeking to conserve and reinstate estate landscape features such as specimen trees, avenues, gates and entrances.
- 184 The emerging (not yet formally adopted) Sevenoaks Landscape Character Assessment also notes historic parkland at Chevening. The landscape description notes that primary transport routes cut across the area and disrupt what is otherwise a peaceful landscape. The historic field pattern contributes to local distinctiveness and the historic parkland at Chevening

provides a sense of history and contributes to scenic quality. Objectives for this area include improving the integration of the A25 and the motorway into the landscape, for example through the planting of woodland belts on the valley sides, management of the historic parkland and create opportunities for long distance views.

- 185 The Kent Downs Partnership have also produced the Kent Downs AONB Management Plan, which includes a Landscape Character Assessment and this is also a material consideration.
- 186 The site lies within the Chevening sub-area of the Darent Valley Landscape Character Area as identified in the Landscape Assessment of the Kent Downs AONB. The description of the sub-area refers to parkland and estate architecture being a local characteristic which is particularly noticeable around the Chevening Estate - official home of the British Foreign Secretary. It includes paragraph 9.2.4 which says:
- 187 “In recent years, the building of the M25 and M26 motorways through the middle of this vale, while continuing the tradition of this area as a transport corridor, has damaged the visual integrity and tranquility of the landscape, and altered the focus of the valley away from the river and its historic villages”.
- 188 The application is supported by a detailed Landscape and Visual Appraisal. In summary, this explains that the landscape plan has been evolved over a number of years and the mitigation to avoid any potential adverse landscape impacts will be implemented in full. It is recognised that the proposals could impact a wide visual envelope, potentially impacting views with a radius of approximately 1.5km. The change to landform, vegetation cover and land use/management could all have a potential effect on the character of the landscape and could impact the visual amenities of neighbouring properties, public views and historic assets.
- 189 Chevening estate consists of 3000 acres stretching between Sevenoaks and Biggin Hill. The gardens include a lake, maze, parterre and a double hexagonal walled kitchen and over 530 acres of mixed woodland surrounding the park. A detailed description of the registered gardens is provided. In summary there are formal Italianate parterres (planted flower beds), lawns and pleasure grounds. A ha-ha runs round the south and west sides of the park. A dominant feature in the pleasure grounds south of the house is an informally shaped lake, an adaption, carried out in 1776, of the formal canal, which formed the central axis of the formal garden. There are avenues of lime trees. Formal rides extend into surrounding woodland, all of which forms part of the registered gardens.
- 190 In summary, the mounds themselves are estimated to increase existing levels as a maximum by approximately 4m on the southern portion of the site, approximately 9m in the central portion, up to 12m at the northern portion and 7m towards the north-east. Works would be phased, with new tree planting beginning early in the process.

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- 191 A detailed assessment has been undertaken to determine the potential visual impact on the surrounding area, particularly from neighbouring residential properties, adjacent motorways/A21 and longer distance views including public footpaths. This assesses the likely impact of the landform based on the maximum height of the bunds. The assessment is amplified by a detailed photographic appraisal.
- 192 In my view, the site is visible from a number of public view points, both at close quarters and from longer distance. There is no question that the short-term impact would be a significant one, which is likely to have a high impact on a number of sensitive views. However, it is intended to establish new landscaping and tree planting early in the phasing of the development. This will begin to soften the visual impact. In the longer-term there would be some loss of views, for example from Sundridge Road from the east towards the Church and North Downs, but these would be largely restricted to passing vehicles and at close quarters. In the context of longer distance views from the south, the wooded mounds would be visible in the foreground, but the North Downs should remain clearly visible beyond.
- 193 The proposals would result in the loss of some historic field network. This does result in some harm, in my view, but that is not to say it cannot be weighed against any benefits from the proposals. Though the parkland may have a more “formal” appearance, I doubt this formality would be readily apparent from a distance as it would contain a mix of grassland, meadow and woodland. The proposals would retain an open and sylvan landscape.
- 194 I am mindful of the various Sevenoaks landscape assessments summarised briefly above and also the Kent Downs AONB Management Plan, which specifically includes the following recommendations for this specific area:
- Protect the settings of historic sites, particularly where they are potentially affected by development or infrastructure.
  - ...Continue to integrate motorways into the landscape using sensitive, nonlinear tree planting... Be mindful of the need to retain noise masking of traffic.
  - Manage parkland, wood pasture and veteran trees, promoting Parkland Management Plans where appropriate. Encourage replanting of replacement trees which will become the parkland and veteran trees of the future.
- 195 I consider the proposals would achieve these aims.
- 196 I am also particularly mindful of the support expressed by the Kent AONB Unit, whose role it is to provide expert advice on such matters. They have noted the loss of historic field boundaries and hedgerows, which they also consider unfortunate. However, overall the proposals are considered to represent a positive enhancement of the landscape, as well as the biodiversity and heritage assets of the Kent Downs AONB.

- 197 Whilst it is possible that such improvements could be achieved through lesser measures, the application falls to be judged on its merits as submitted. In my view, the proposals would directly fulfil a number of the objectives/ recommendations promoted in the above documents in a thorough and comprehensive manner.
- 198 As mentioned above, whether the proposal represents a major development in terms of the AONB definition, this is a matter for the decision maker. The test is whether the proposals could have a significant adverse impact. Bearing in mind the AONB Unit considers the proposals represent a positive enhancement of the AONB and lack of objection from Historic England in terms of the impact on the AONB, whilst the proposals would clearly have a significant impact it is my conclusion that the proposals would not have a “significant adverse impact” on the purposes for which the area has been designated or defined.
- 199 In conclusion, noting the support of statutory consultees, I consider the proposals would represent long term enhancement of the landscape and to be policy compliant in these regards.

**Impact on heritage assets -**

- 200 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires consideration of whether the application would affect any listed building or its setting. In doing so decision makers must:
- 201 “have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it processes”
- 202 Furthermore, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 203 Paragraph 130 of the NPPF explains that, amongst other things, planning decisions should be sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 204 Government policy in respect of the historic environment is set out in the National Planning Policy Framework. Paragraph 189 of the Framework recognises that historic assets are an irreplaceable resource that local authorities should conserve in a manner appropriate to their significance.
- 205 Paragraph 195 of the NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposals on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.

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- 206 The setting of a heritage asset is defined in the NPPF as “the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”
- 207 At paragraph 197, the NPPF advises that in determining planning applications LPA’s should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets;
  - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - The desirability of new development making a positive contribution to local character and distinctiveness.
- 208 Paragraph 199 of the NPPF guidance states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.
- 209 Paragraph 202 states that “Where a development proposals will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposals.”
- 210 Paragraph 206 of the NPPF states that Local planning authorities should look for opportunities for new development within the Conservation Area...and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 211 Policy EN4 of the ADMP advises 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. Where they may be an impact on archaeology, an assessment should be made to ensure that the impact on the archaeology of a site is properly recorded and/or preserved.
- 212 The application is supported by a Heritage Statement and Heritage Assessment.
- 213 The proposals have been subject to detailed consideration by both the Council’s Conservation Officer and also Historic England.
- 214 The Council’s Conservation Officer Comments provide an assessment of the impact of the proposals and starts by identifying the significance of the various historic assets, including both Listed Buildings and Conservation Area. The conclusions reached express clear support for the proposals. I consider significant weight may be attached to the potential benefits to the various heritage assets. Therefore, in support, and by way of more detailed explanation, I provide the Conservation comments in detail below.

215 “Significance:

The site is adjacent to the Grade II\* listed Chevening Registered Park and Garden, in which stands the Grade-I listed Chevening House and Grade-II\* listed walled garden. The north-west corner of the site sits within the Chevening Conservation Area. There are several listed buildings immediately adjacent to the site (including the Grade-I listed Church of St Botolph), and Morants Court – the Grade-II listed house and garden which is in the Kent Compendium of Historic Parks and Gardens – lies to the east of the site.

216 Chevening House (listed Grade I) is a large, three-storey country house built in red brick with blue headers and rusticated stone quoins under a tile roof. There are service and stable wings set back from the central main section of the house, which was built in c.1620 on the site of an earlier building. In 1717 house bought by General Stanhope, later the 1st Earl. Its special interest lies in its architectural design, the historic fabric and historic associations of the owners.

217 The double walled garden to the north-west of the house dates from c.1775 enclosing eight acres, and developed under the supervision of the wife of the 2nd Earl Stanhope. It is possibly unique (in England) as a hexagonal-shaped walled garden doubled on four sides to make maximum use of south facing walls.

218 To the south-west of the house there are Italianate parterres, centred on a Coade stone urn (separately listed at Grade II). The maze below the west front was planted by the 4th Earl in the early 19th century and has been replanted to the original design. Beyond the gardens there are lawns and pleasure grounds, the lawn to the south being bordered by a double row of yews. A ha-ha runs round the south and west sides of the area, separating the ornamental plantings from the south park. A high brick wall (separately listed at Grade II), dating from the 1770s, screens the pleasure grounds from Chevening Road on the east side. The dominant feature in the pleasure grounds south of the house is an informally shaped lake. The pleasure grounds extend into formal rides cut through Home Wood to the south-west of the lake. The Wood formed an extension to Stanhope's wilderness.

219 The parkland extends to the west of the House and to the south over rolling farmland. To the north it stretches past Park House up to the North Downs, and is surrounded by hanging beech woods planted on the steep scarp formed in the 19th century. A network of drives runs through the woods. Directly aligned on the House is a narrow cut through the trees, referred to as The Keyhole, which formed the extension of an avenue which ran across the land north from the public road.

220 As noted in the Heritage Statement (George Carter, 2016) the landscape of the Estate has been changing and developing since its inception as a country house, prompted by things such as changes in taste, evolving farming practices, and other practical decisions.

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- 221 The special interest of the Registered Park and Garden lies in it being a designed landscape (incorporating both formal and informal elements) dating from the 18th century.
- 222 Chevening Conservation Area consists of a group of estate houses (listed at Grade II) which served, and are subservient to, the large country house from which they are separated by the Grade-II listed boundary wall. The Grade-I listed Church of St Botolph (which is probably Anglo Saxon at its core) forms part of this group and is included within the Conservation Area, as is the open land to the south.
- 223 The cottages are brick built with roofs covered with clay tiles hung on pegs or nibs. There are some dormer windows inserted in the roof slopes. The cottages sit close to the road and are separated from it only by a narrow path of stone setts, or a small front garden bounded by a brick wall. Hedges line the roadside at the more open southern approach to the Conservation Area.
- 224 The isolation and unspoilt nature of this tiny settlement provide much of its charm and character. The hamlet nestles close to the wall of the Park and is dominated by the church.
- 225 The open expanse of agricultural land to the east is visible beyond the hedges and the mature trees in the Park are silhouetted behind the roof lines of the cottages to the west.
- 226 The scene has changed little in the years since the cottages were built and it is this integrity which makes the hamlet unusual and important.

### Impact Assessment

- 227 The proposal is for the Chevening Estate Parkland enhancement, which includes the construction of landscaped mounds, new planting, surface water drainage and public access. The proposal site represents a significant portion of land to the south east of the hamlet of Chevening, up to the M25. Pre-application consultation was provided (PA/20/00103).
- 228 At present the site comprise a number of arable fields separated by hedges along the boundaries. As proposed the land would be designed and managed to create a parkland appearance, which will include grazing pastures. This change in character is considered appropriate to the setting of the heritage assets.
- 229 The application material explains that the existing approach to Chevening House, from the south along Chevening Road, was never designed or intended as such and is there by a historical accident. The proposals offer the opportunity to provide a parkland setting to the principal approach with a stronger sense of arrival. The ability to appreciate the open expanse of land to the east visible beyond the existing hedgerow, which is an important feature of the conservation area, will be maintained.



- 230 The proposal includes a number of bunds, the layout of which has been designed to mitigate the impact of the motorway in views from the formal gardens of Chevening House, and views within the conservation area. The proposed landscaping and woodland planting would screen views of taller motorway infrastructure and light pollution.
- 231 The proposed public footpath and permissive footpath (which would open periodically) will provide additional public views of the estate and hamlet and their designated heritage assets.

### Conclusion

- 232 The proposed landscape development can be regarded as the latest stage in the evolution of the Chevening Estate. It will represent a change in character of the landscape but this is considered appropriate to the setting of the designated heritage assets, as discussed above. The scheme also presents the benefit of visually screening the M25, helping to mitigate its negative impacts. The proposals will sustain, or in places help to better reveal, the special interest of the designated heritage assets, and are supported in conservation terms (NPPF para 193 - now 199).
- 233 The Design and Access Statement (Lloyd Bore, 2020) identifies noise, dust and vibration as a constraint during the construction phase of the development. Where necessary, measures to mitigate any potentially damaging effects on adjacent designated heritage assets during the construction phase should be taken and set out in a construction plan, or similar.”
- 234 Historic England have also commented in detail on the proposals. These are provided in detail above. In summary, they note that “Chevening is therefore of great significance as a nationally significant estate...its aesthetic values are enhanced by its retention of much of its parkland setting and the charming character of the isolated settlement of Chevening. These qualities are visually and acoustically marred by the M25, which passes to the south of the park and village and which is visible from within the gardens.”
- 235 Historic England note that the proposals would provide better screening of the M25 and provide a more fitting approach to the house from the south. It is recognised that some historic field boundaries would be removed. However, the enhancements to the heritage assets, particularly the Registered Park and Garden and the provision of a more fitting approach to the Chevening estate, would create a more welcoming and imposing approach to Chevening, which would better reflect its significance.
- 236 Having walked the site extensively, I consider the M25 a highly dominant feature. It is clearly visible from the approach to Chevening village and the Church. From longer distance views from the edge of the downs to the north, the registered parklands and house are very clearly set within the context of the motorway, which in my view seriously detracts from what is otherwise a predominantly open, verdant and peaceful landscape. Noise from the motorway is also inescapable.

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- 237 In my view there is no doubt that the short-term impacts of operations on site would be harmful to the setting of the heritage assets, however, these would be relatively short-lived and clearly outweighed by the significantly longer-term benefits of the enhanced parkland. In my view, the proposals provide a unique opportunity to enhance the setting of the Conservation Area of Chevening, as well as the Grade I listed St Botolph's Church and Grade I Chevening House and the Grade II\* registered historic parkland.
- 238 In light of the above and the clear support expressed by the Conservation Team and Historic England, I consider the proposals to comply with the policies summarised above.

### Highway implications

- 239 Paragraph 113 of the NPPF states that applications that will generate significant amounts of movement should be supported by a transport statement or assessment so that the likely impacts of the proposals can be assessed.
- 240 Policy EN1 will permit high quality design, which amongst other things, respect the topography and character of the site and incorporate natural features, provide satisfactory access and parking, enhance biodiversity and green infrastructure and improve access.
- 241 Policy T1 of the ADMP requires new developments to mitigate any adverse travel impacts, including their impact on congestion and safety, environmental impact, such as noise and tranquillity, pollution and impact on amenity and health. T2 seeks parking in accordance with adopted standards, subject to specific local circumstances.
- 242 The site occupies an isolated and rural location, outside the confines of any village settlement. The transport and highways implications from the development arise from the construction process, rather than the completed and operational stages.
- 243 A detailed Transport Statement (RGP) been submitted in support of the proposals. This includes accident data, a Road Safety Assessment, a road Safety Audit and a details HGV (Heavy Goods Vehicle) management plan. This also includes traffic counts and speed measurements.
- 244 In summary, the phases of development would comprise as follows:

1. Enabling works, including, erection of fencing and ecological preparatory works, and realignment of some hedgerows and creation of a temporary site access on a parcel of land to the east.

This access is to bring construction vehicles off the main road (B2211) opposite Turvins Farm to avoid the sharp southerly bend in the road. It is accepted that the road to Chevening and onto Brasted is not suitable for construction traffic. Hence, traffic is to be specifically directed (and designed) to arrive from, and depart towards, the east. A new crossing over Sundridge Road into the northern part of the site would be created to the

south, where acceptable vehicular sightlines could be provided (130m north & 134m south).

2. Works closest to Chevening Village, including creation of main pond, ditches and wet woodland, diversion of run-off from Chevening Road to main pond, replacement of sewage treatment plan and upgrading of Public Footpath to be undertaken.

3. Divert underground cables and complete earthworks to northern portion of northern field.

4. Complete earthworks to southern portion of north field, drainage works, and creation of damp meadow.

5. Complete earthwork mound south of stream, build all ability access path between Chevening Crossroads and Turvins Farm and open for use (adjacent to Sundridge Road), removal temporary access/works compound and make good.

245 In summary, the construction of bunding would require the importation of approximately 750,000m<sup>3</sup> of material. Works would take place in five phases, with importation of soil over a period of approximately 5.5 years. Material would be imported on ridged tipper trucks with a capacity of 10m<sup>3</sup> (net volume, as total capacity would normally equates to 15m<sup>3</sup>). This equates to 15,000 deliveries per year (30,000 two-way movements) with an estimated average of 65 deliveries per weekday (130 two-way movements), between 7am-4.30pm (not Saturdays, Sundays or Bank Holidays).

246 As part of the proposals it is intended to strictly control the routing of HGV traffic serving the site. Traffic would predominantly utilise the “A” roads and motorways, which are designed to accommodate such activity. It is proposed that HGV’s accessing to/from the Strategic Road Network (SRN) would primarily travel via Junction 4 of the M25 then travel via the A224 Orpington by-pass/London Road/ Polhill and onto the B2211 Sundridge Road via the roundabout at the bottom of Starhill. A secondary, but more limited route, is proposed via the A224 Morants Court Road/London Road between Riverhead and the Starhill roundabout junction.

247 Daily HGV movements are to be limited to:

- Total 200 two-way movements per day into the site (100 deliveries);
- A maximum 200 two-way movements per day from polhill (A224 north), with average of 130 two-way movements per day;
- Maximum 40 two-way per day movements from A224 (south)/A25 junction at Riverhead (this route to be utilised by local Sevenoaks sites only);
- It is not intended that there be any HGV traffic along the B2211 from Sundridge or via Chipstead.
- Locally sourced fill may follow alternative routes, but this is expected to be limited (and in any event serviced from the east).

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- Existing Public Footpaths are to remain open during works with new routes provided in advance of works.
- 248 A number of detailed mitigation measures are also proposed, set out in an HGV Management Strategy, including limiting HGV deliveries to 07:00 to 16:30 only, the routing plan to be provided to HGV hauliers. There will generally be 6 permanent members of staff on site, with occasional visitors. A Site Manager shall be given as a local contact for any third party queries. Adherence to the route set out in the Management Strategy will include logging via automatic number plate recognition and CCTV and examination of GPS lorry route history if necessary. All complaints would be recorded and actions logged and retained. Other measures will include signage, provision of new footpaths prior to works commencing.
- 249 Subsequent to the original submission, the applicant has sought to clarify highway matters raised by KCC Highways and third parties.
- 250 In brief summary, they confirm that the applicant would accept a condition to prevent HGV traffic through Dunton Green/Riverhead during school delivery/collection hours. They emphasise use of, and agree to, a detailed condition relating to the HGV Management Strategy. This would be used to control traffic routes/movements. The applicant confirms that the Transport Assessment figures includes the potential (long-term) impact of other major developments in the immediately locality, including Fort Halstead. They also confirm that the number of deliveries (A224 north to Polhill and M25 and south to Riverhead) has been restricted to ensure limited impact on highway safety and congestion and to ensure air quality is not significantly affected. They also note that the A224 London Road/Orpington Road is a wide, “A” class, primary road, capable of accommodating, and designed to cater for, all vehicular traffic including HGV’s and that the average number of HGV’s using this route would be 130 two-way movements per day. The impact on the stability of the A224 at Polhill is a matter for KCC, who are responsible for the local road network.
- 251 KCC Highways have reviewed the addition information submitted providing clarification of various highway matters.
- 252 Reference should be had to KCC Highways comments, which have been set out in full above.
- 253 In summary, it is accepted that the proposals will result in a significant number of HGV movements over a 5-year period, resulting in an average 130 two way movements per day over this period (65 HGV’s per day on average). These would be split between 2 routes. The primary route comprising the A224 through Badgers Mount via Polhill and the Orpington by-pass to the M25 and a secondary route via London Road through Riverhead. The route through Riverhead would be limited to a maximum 20 HGV’s per day maximum (40 two-way movements). This would also be restricted to avoid the school peak traffic times.

- 254 Paragraph 111 of the NPPF states 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.”
- 255 The traffic surveys have demonstrated that the overall impact of these additional lorry movements during the construction period would result in a maximum increase of 3.4% over existing daily flows on the A224 through Badgers Mount and a maximum 1.7% increase through Riverhead. Accident data has revealed no pattern to accidents on Sundridge Road and the roundabout to the north-east. Accident data reveals that Chevening crossroads has experienced the highest accident rate, but construction traffic will be routed away from this junction (Lorries exiting the site will have to turn right towards Morant Court Cross (roundabout)).
- 256 Thus the increase in traffic movements on the local highway network due to the construction works is not considered to be significant and does not raise safety or congestion issues. Given the status and width of the roads, particularly the A224 northwards which will carry the greater portion of associated traffic, it is also accepted that the road network is designed for, and capable of accommodating, the type of vehicles proposed.
- 257 Though not a requirement of the proposals, the applicant is also proposing to re-position the hedge at Chevening Cross to improve the vehicular sightlines. This is welcomed as a highway safety measure.
- 258 In terms of longer-term impact, as would be anticipated once the works are complete, apart from routine maintenance of the site, which is expected to come from the Estate, associated vehicular activity would be likely to be limited.
- 259 Whilst I do note third party concerns regarding the impact of HGV movements, I consider this an amenity issue rather than a limitation of the highway network.
- 260 In addition, Highway’s England have also assessed the potential impact on the M25 at junction 4. In light of additional clarification provided by the applicant, they are generally content that the proposals are likely to have a negligible impact on the Strategic Road Network. Subject to the provision that a satisfactory pre-commencement condition relating to an HGV Management Strategy to confirming operational hours, routing and a limit on hourly HGV movements can be imposed, no objections would be raised.
- 261 In light of the above, subject to conditions, including that relating to a detailed HGV management strategy to control the routing of HGV’s and site management amongst other things, I am satisfied that the proposals would have an acceptable impact in highway terms and to be policy compliant in this regard.

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### Public Rights of Way:

- 262 Paragraph 92 of the NPPF explains that planning decisions should aim to achieve healthy, inclusive and safe places which, amongst other things enable and support healthy life-styles, for example through the provision of safe and accessible green infrastructure. Paragraph 98 states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.
- 263 Paragraph 100 states that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.
- 264 The main Public Rights of Way affected by the proposals are as follows:
- SR174 - runs eastwards from St Botolph's Church to meet Sundridge Road directly adjacent to Turvin's Farm.
  - 
  - SR173 - runs northwards from Sundridge Road towards Star Hill to the west of Turvin's Farm (close to the proposed site access). This is part of the North Downs Way National Trail.
  - 
  - SR172 - runs northwards from Sundridge Road towards Star Hill to the west of Morants Court Farm (located approximately 350 to the west of the application site).
- 265 It is worth noting that at present there is no link between the western end of the path from St Botolph's Church to the footpath to the west of Turvin's Farm and pedestrians have to walk along the edge of Sundridge Road for approximately 170m to continue along this route.
- 266 As part of the application, it is proposed to make up the informal track, which skirts around Turvin's Farm to the north to provide a link to tracks to the east. It is intended to provide this prior to commencement of works. This would provide a long-term alternative to pedestrians having to walk along Sundridge Road.
- 267 In summary, KCC Public Rights of Way (PRoW) originally raised concerns regarding the re-routing of the footpath, as the long-term implications were unclear. The proposed route would need to be subject to formal agreement and should be made into a permanent Right of Way. However, they do not anticipate objections to this diversion.
- 268 Following further discussions, the applicant confirmed that the new proposed route around Turvin's Farm would become an adopted Public Right of Way. Signage would be used to advise walkers of the change, to be removed post-construction.
- 269 The applicant also proposes to surface route SR174 between St Botolph's and the cottages on Sundridge Road in stone chippings, prior to works.

- 270 In response to the additional information/clarification, the KCC PRow Officer re-iterates that as there is no footpath along Sundridge Road between the existing footpaths, pedestrian safety would be unacceptably compromised unless the proposed new path around Turvin's Farm is made up prior to commencement of any works. However, the imposition of a condition requiring a Creation Agreement with KCC to make up the paths prior to commencement of works would address this objection.
- 271 A legal agreement is also requested to fund the full cost of preparing and successfully submitting a variation report to the Secretary of State to seek to divert the National Trail from running along the B2211 to the new path past Turvin's Farm. This should include the provision of finger posts, which should remain in situ after construction. The agreement should be produced within 12 months of commencement of works. Without this, an objection would be raised to the proposals.
- 272 The footpath along the southern edge of the site should be a permissive footpath, as it would not add to the wider connectivity of the PRow network. This could be subject to a suitable condition. The all-ability surface treatment proposed for SR174 is encouraged and the details should be subject to consultation with the Public Rights of Way and Access Service.
- 273 It is accepted that whilst there will be considerable adverse effects of the visual and auditory experience for walkers during the construction phases of the project. However, whilst the re-routing of the footpath network to run around Turvin's Farm would clearly benefit the applicant for the duration of works, I consider both the short and long-term advantages to the public would be significant. Specifically providing a safe alternative route for pedestrians who presently have to walk along Sundridge Road to link between the existing footpaths. In addition, a new (permissive) pedestrian route is also proposed along the southern edge of the site, adjacent to Sundridge Road between Chevening Cross and Turvin's Farm (screened from the roadway by hedging).
- 274 In the circumstances, subject to conditions/legal agreement to secure provision of the above benefits, I consider the proposals would represent a clear improvement in terms of public safety and access to the countryside and to represent a significant benefit. I therefore consider the proposals to be policy compliant in this regard.

**Impact on ecology and biodiversity -**

- 275 Section 15 of the NPPF relates to conserving and enhancing the natural environment and includes discussion relating to biodiversity.
- 276 Paragraph 180 explains that when determining planning applications "development whose primary objective is to conserve or enhance biodiversity should be supported".
- 277 At a local level, policies SP11 of the Core Strategy and GI2 of the ADMP state that the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity.

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- 278 The application is supported by an Ecological Impact Assessment, various surveys/reports relating to the potential impact on Bats, reptiles, Great Crested Newts amongst other species. These have been used to inform a Construction Phase Ecological Strategy (CPEMS). This provides a breakdown of the ecological management works and associated compensation, enhancement and management measures requires for the enabling and construction phases. There is also a Construction Environmental Management Plan (CEMP) and an outline Habitat Creation, Enhancement and Management Plan (HCEMP) and a Biodiversity Net Gain Strategy. Certain works, for example mitigation works in connection with Great Crested Newts, would require a European Protected Species Licence (from Natural England).
- 279 In summary, the proposals seek to turn existing agricultural land (with little ecological value) into an area of ecologically valuable and diverse habitats, including meadow, native woodland and seasonal water scrapes (shallow depressions with gently sloping edges which seasonally hold water). Whilst some hedgerow would be lost, it is intended to translocate and replant this.
- 280 KCC Ecology have examined the proposals in details. It is noted that the ecological surveys have identified several protected species utilising the site that must be taken into consideration regarding the construction phase of the development. This includes badgers (and their setts), reptiles and Great Crested Newts (GCN). Several notable breeding bird species have also been observed.
- 281 To safeguard these species during the construction phases, the following mitigation measures have been proposed:
- Improvement of on-site receptor areas prior to works commencing.
  - All works to be carried out under supervision of an experienced ecologist and Natural England licence (where necessary).
  - Installation of reptile/GCN fencing around work areas, followed by a translocation exercise to on-site receptor areas. Retention of waterbodies for GCN.
  - Retention of badger setts with only one inactive sett subject to potential disturbance - this inactive sett will be subject to a survey immediately prior to works starting.
  - Works to breeding bird vegetation will be undertaken outside of the breeding bird season.
- 282 Details for the application of the above measures (regarding each phase of construction) has been provided in the 'Construction Phase Ecological Management Strategy'. KCC Ecology advise that the measures proposed are appropriate subject to suitable conditions, which will provide further detail and clarity regarding these proposed measures.
- 283 As mentioned above, the proposals do include a loss of hedgerows which, because of their age, may constitute "important hedgerows" under the Hedgerows Act (1997). It is noted that most of these hedgerows are proposed to be transplanted to form woodland edge scrub habitat. Any



removal of hedgerow would have to be undertaken in accordance with the requirements of that Act.

- 284 Whilst the loss of hedgerow may be regrettable, this should be balanced against the potential gain in biodiversity, which include the following features
- Fluctuating waterbodies.
  - Wet woodland.
  - Lowland woodland.
  - Damp meadow.
  - Wood pasture.
  - Native planting
- 285 KCC Ecology advise that biodiversity net-gain is clearly achievable through the proposals. They are satisfied that the details for achieving this can be secured through the production and implementation of a ‘Habitat Creation, Enhancement and Management Plan’ (HCEMP) and a condition is recommended to achieve this.
- 286 The Council’s Arboricultural Officer notes that there are no protected trees on site and that principal trees are to be retained. Subject to implementation of the proposed landscaping, no objections are raised.
- 287 In conclusion, subject to suitable mitigation and control through the conditions suggested above, I consider the proposed net-gain in biodiversity across the site would represent long-term ecological enhancement of the site, which would outweigh any harm.
- 288 I therefore consider the proposals would have an acceptable impact in ecological terms and to be policy compliant in this regard.

**Impact on Residential amenity -**

- 289 Policy EN2 of the ADMP requires that any development should safeguard the amenities of existing and future occupiers of nearby properties by ensuring that development does not result in excessive noise, vibration, odour, air pollution, activity or vehicle movements, amongst other things. Such considerations are intended to relate to the finished form of the development, rather than the implications from the construction period.

**Visual impact**

- 290 I do not consider the change from an agricultural landscape to a proposed landscaped parkland generally to have an unacceptable visual impact in terms of the amenity of neighbouring occupiers. Whilst in visual terms the character would clearly be different, the landscape would remain open and verdant. However, it is worth considering whether the changes in levels would adversely impact residential amenity.

## Agenda Item 4.2

- 291 In very general terms, the more significant areas of bunding, the further they would be set from neighbouring occupiers.
- 292 With regard to Chevening itself, it should be noted that the field immediately to the south of St Botolph's Churchyard and east of Chevening is to be ploughed only and reseeded (other than altered in connection with drainage works), with a large margin adjacent to the north-western corner adjacent to 1-5 Chevening Road to be untouched. The western-most extent of earthworks are estimated to be set approximately 290-360m to the east of houses in the centre of Chevening and in fact part of the site closest to the houses is to be used as a Great Crested Newt and reptile receptor area.
- 293 The highest point of the bund in the southern-most corner of the site would be set approximately 120m from Crossways House, which is located just to the south of Chevening Cross, and approximately 96m from Phoenix House, which is located on the southern side of Sundridge Road, slightly further to the east. This bund would be raised approximately 7m above the existing ground level. The site would be separated from these properties by Sundridge Road and new boundary hedging proposed along the southern boundary of the site.
- 294 A further bund located approximately centrally within the site adjacent to the Sundridge Road would be more extensive in area. This would also rise above existing ground levels by approximately 7-9m at the highest point. The eastern edge would be rise relatively steeply and is intended to be densely wooded, with the north-western slope a gentle one. The peak of this bund would be set approximately 70m from Sundridge Road and would appear as a wooded bank. However, the bund is set a considerable distance from neighbouring properties.
- 295 The largest bund would be centred towards the north-eastern corner of the main body of the site, but would include a lower level projection running south-westwards through the centre of the site. The main bund would rise approximately 10-12m above the ground, with the northern and eastern edge steeper and wooded and the western slope a long, gentle one. However, as the northern corner of the site (24 Turvin's Farm) represents the highest ground level of the site, the relative increase in height between the top of the bund and this property would be slightly less. In addition, there would be no immediate change in level beyond the boundary of 24 Turvin's Farm with the crest of the ridge approximately 80m away. I consider the bunding would be set a sufficient distance away to ensure that it would not appear as a dominant or overbearing feature. Furthermore, the bank would be wooded, which would considerably soften the visual impact.
- 296 The last bund would be located to the south-east of the bend in Sundridge Road, opposite Turvin's Farm agricultural barns. This is a "tear-drop" shaped mound, which would rise steeply to the north with a gentle slope to the south. From the north, this bund would rise approximately 7m over a distance of 40m. This bund is to be entirely wooded, with new drainage and small ponds. Due to the distance from the 24 Turvin's Farm, I do not consider this bund would appear as an overbearing form. Due to the distance to 23 Turvin's Farm (north-west of the farm buildings) and

presence of very large intervening agricultural buildings, the direct impact on this property would be limited.

- 297 I would note that as well as some relatively significant changes in landform and levels, it is also intended to plant woodland on the finished mounds. This would potentially add to the height and bulk of the mounds. However, because of the distances between neighbouring properties and the softening impact of planting, I do not consider the proposed landform would appear overbearing to neighbouring residents, or to result in loss of visual amenity.
- 298 The works are to be phased with the intention to commence planting on each phase as it is completed in order to establish the planting as swiftly as possible.
- 299 Maintenance of the site would be relatively low-key and accessed from the Estate. I do not consider this, or associated vehicular activity, would be likely to result in noise or disturbance. In light of the above, I do not consider the impact of finished proposals would be harmful to the amenities of neighbouring occupiers or residents in the wider locality.
- 300 Though the impact of the construction works themselves would not normally be a material consideration, the issue of noise and disturbance from the works on site and from associated HGV movements has been raised by numerous third parties. In the particular circumstances, I consider it worthwhile considering whether the impact on these regards would render implementation of the proposals unacceptable.

#### Noise and vibration

- 301 In summary, (para 174) the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, amongst other things, preventing new development from contributing to unacceptable levels of air or noise pollution. Decisions should take into account the presence of Air Quality Management Areas. Opportunities to improve air quality or mitigate impacts should be identified, for example, through traffic and travel management.
- 302 Paragraph 185 states that planning decisions should take into account the likely effects of pollution on health, living conditions and the natural environment and should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development.
- 303 The application has been supported by a Landscaping Noise Impact Assessment. This has reviewed background levels of noise and assessed the potential impact on occupiers adjacent to the site including those in Chevening itself, properties south of the site adjacent to Chevening Cross (and the northern edge of Chipstead south of the motorway), Turvin's Farm and Morants Court Farm.

## Agenda Item 4.2

- 304 In summary, the assessment models the impact of noise and vibration from equipment that will be used on the site (primarily dumpers, diggers and bulldozers) and concludes that an assessment of the calculated noise levels indicates no exceedances of the relevant threshold criteria are predicted. Best practice management of the site is recommended.
- 305 An assessment has also been made of the impact on HGV traffic throughout the period of the works. In summary, these use baseline figures from automatic traffic counts. This exercise focused on traffic counters close to Morants Court Farm and on the A224 London Road, as these are along the main route to the site. The proposals would, on average, result in an additional 15 HGV movements during any hour along this route. The impact of noise from the additional construction traffic over and above existing levels on properties located adjacent to this route has been categorised as having a “minor” impact at worst. Thus the report concludes that there will be no predicted significant effects from HGV movements relating to the landscaping works.
- 306 Concerns have been raised by third parties regarding the impact of the bunds potentially resulting in increased noise levels for properties on the opposite side of the M25, essentially that noise from the M25 would be reflected southwards.
- 307 Because of this, an additional study has also been produced to analyse this. This concludes that there would be no perceptible change in traffic noise at any sensitive receptor (mostly residential properties) in the area as a result of sound reflections from the earth bunds. This is because the earth bunds would absorb noise from the motorway and any sound not absorbed would be reflected upwards. However because of the design of the bunds, reflected noise from the motorway would be likely to be very limited (imperceptible).
- 308 I note third party concerns that the impact on residents along this portion of the route have not been properly considered by the applicant. I have some sympathy with concerns regarding additional noise and disturbance from HGV movements along the A224 through Badgers Mount, as this is the main proposed route for construction traffic.
- 309 However, the noise surveys that have been undertaken further to the south along London Road have concluded that the impact on construction (HGV) traffic would not be significant and would be acceptable. The impact on the survey areas is likely to be more significant as they are more remote from the main highway network. The traffic counts have also shown that the HGV traffic associated with the proposals would represent an insignificant increase in overall number of traffic movements along this route. Though the traffic counts do not extend as far as the Orpington By-Pass through Badgers Mount, the impact of construction traffic is likely to represent a smaller proportion of the overall movements as traffic from other sources converge on the A21/M25 junctions. In the circumstances, whilst I am sympathetic to, and do not dispute concerns regarding the perception of HGV noise along this route, I am satisfied that additional noise specifically

attributable to these proposals would not be so significant as to justify refusal on such grounds.

- 310 The Environmental Health Team have reviewed the proposals including the additional information summarised above. They agree with the finding of the assessment and do not raise objections on noise grounds, subject to traffic being controlled as set out in the Traffic Management Plan.
- 311 In light of the above, I am satisfied that the noise emanating from construction works on site, and from related HGV traffic movements, would not be significant and that subject to suitable conditions the proposals would not have an unacceptable impact on the amenities of neighbouring occupiers.

### Air Quality

- 312 Paragraph 186 of the NPPF states that decisions should sustain and contribute to relevant limit values or national objectives for pollutants and take into account the presence of Air Quality Management Areas.
- 313 Policy SP2 of the Core Strategy also states that development should take into account the need to improve air quality.
- 314 Both the M25 and M26 are within an Air Quality Management Area (AQMA 2 and 3 respectively). The northern buffer to this includes a small section of Sundridge Road and short section of the A224 to the east of the site.
- 315 Construction dust is recognised as having the potential to produce air pollution, as well as the impact of construction traffic. The potential impact throughout the duration of the works on adjacent properties has been assessed.
- 316 An air quality risk assessment has been undertaken to assess the impact both of HGV movements and dust and particulate matter linked to the landscaping works.
- 317 The level of HGV traffic resulting from the proposals would not impact on the adjacent Air Quality Management Areas (eg. adjacent to M25), subject to the proposed HGV traffic routing (set out above). Nuisance from dust is likely to be modest (assessed as “Medium Risk”, but Negligible with recommended mitigation carried out on site). In conclusion, subject to mitigation in the form of site management, use of suitable dust suppression, the control of operations on the site and adherence to the traffic routing plan, significant air quality effects should be prevented and the development is expected to comply with all relevant air quality policy. This includes limiting the amount of traffic serving the site via Riverhead. This has benefits in terms of limiting the overall number of related HGV movements along that route, and also restricting movements during peak school drop-off/collection periods, in turn reducing the potential for associated noise and air pollution.

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- 318 A further addendum report confirms that the assessment has specifically considered the impact on residential properties close-to the site, including Crossways House, Phoenix House and Turvin's Farm. They would not be adversely affected by HGV movements, as these vehicles are not travel west along Sundridge Road. Furthermore, the bunds would not result in post-development increase in pollution as a result of "pooling" pollution or deflecting pollution back towards properties. In any event these areas are already at background levels and the proposals would not exacerbate this. Badgers Mount is located within an area of good quality air and the proposals would not alter this.
- 319 The Environmental Health Team have reviewed the proposals and documentation submitted, including the addendum air quality report, and raise no objection to the proposals on air quality grounds. They also note that the impact on air quality of the additional HGV movements through Riverhead would be negligible.
- 320 In light of the above, subject to conditions, particularly adherence to the routing of the HGV traffic proposed in the Management Plan, the impact on air quality would be acceptable. I therefore consider the proposals would be policy compliant in this regard.

### Archaeology -

- 321 The policy background relating to heritage assets has been summarised above. With specific regard to archaeology the paragraph 194 of the NPPF explains that where a development has the potential to include heritage assets of archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. The Council's ADMP takes a similar approach.
- 322 The application has been supported by an Archaeological Desk-Based Assessment.
- 323 KCC Archaeology have reviewed the submission and advise that the proposals have been subject to pre-application discussions and preliminary archaeological works have taken place. No significant archaeological remains were found, but as there is potential, a condition is recommended seeking a "watching brief".
- 324 In light of the above I am satisfied, that subject to the condition recommended by KCC Archaeology, the proposals would be policy compliant.

### Drainage and flooding -

- 325 The NPPF explains that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Paragraph 166 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and, where appropriate, applications should be supported by site-specific flood-risk assessments. Major development should incorporate sustainable drainage systems, take account of advice from the

lead local flood authority and, where possible, provide multifunctional benefits.

- 326 Paragraph 174 of the NPPF also states, amongst other things, that planning decisions should contribute to and enhance the natural environment minimise the impact on and provide net gains for biodiversity.
- 327 The proposals include a full Flood Risk Assessment and a Sustainable Drainage Strategy. The proposals have also been subject to pre-application discussions with the Kent County Council Local Lead Flood Authority, who have also commented in detail on these proposals.
- 328 Paragraph 120 of the NPPF states that planning decisions should encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains - such as developments that would enable new habitat creation or improve public access to the countryside.
- 329 KCC Drainage Policy requires proposals to protect people and property from flooding, reduce existing flood risks where possible and consider the potential to improve biodiversity in considering drainage design.
- 330 The majority of the site is located within Flood Zone 1, which is the lowest category of flood risk, with part of the southeast corner within Flood Zone 3. It is also noted that there is a known flooding problem on Chevening Road and the proposals also seek to remove this. The mitigate against any potential for increase in surface run-off and any risk of flooding off-site the proposals include an integrated Sustainable Drainage System (SuDS).
- 331 The proposals include a new drainage system including management of existing streams, new attenuation ponds and scrapes (shallow depressions with gently sloping edges). These measures have been designed to reduce flooding on the site and elsewhere. The proposed water environment would provide key ecological benefits.
- 332 Kent Local Lead Flood Authority have examined the drainage proposals in detail, together with further clarification submitted by the applicant's consultants. They recommend approval subject to a number of conditions.
- 333 In light of the comments from the LLFA, I am satisfied that the proposals will not result in increased risk of flooding on or off the site. Indeed, not only do the proposals provide the opportunity to reduce the occurrence of flooding along Sundridge Road, the proposals also offer the potential to increase the ecological biodiversity of the site by enhancing the water environment on the site, including through the provision of the ponds.
- 334 I therefore consider the proposal to be beneficial in both these regards, to represent an enhancement of the site in these respects and thus, subject to conditions, to be policy compliant.

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### Planning Balance and Conclusion

- 335 In my view, the creation of the parkland would permanently retain the open, verdant and rural nature of the site. In light of the above, the proposals are considered to represent appropriate development in the Green Belt.
- 336 The impact of the motorway is noted within landscape guidance documents as a feature which detracts from the landscape including Chevening Park. The proposals would help screen the impact of the motorway and enhance the setting of the heritage assets, including the Grade I listed Chevening House and St Botolph's Church, the listed buildings which form the hamlet of Chevening as well as the conservation area in general. In the circumstances, I consider the proposals would meet recommendations set out in the Kent Downs Management Plan as well as local plan documents. In light of the support expressed by the Kent Downs AONB Unit and Historic England, I consider the proposals would represent an acceptable change to the landscape, which would enhance the setting of these heritage assets. I consider these to represent significant benefits. The proposals would also improve the long-term biodiversity of the site and improve drainage conditions. The proposed enhancement to the public rights of way represent a clear benefit in my view and would permanently enhance pedestrian access through/adjacent the site.
- 337 No objections have been raised by statutory consultees on the grounds of the impact on the highway from construction Lorries or the impact on residential amenity, including from associated noise and air quality.
- 338 In conclusion, whilst there would clearly be a degree of noise, disturbance and disruption during the course of the engineering works, this is an inevitable consequence of any development. I do not consider these implications would flaw the proposals themselves. The landscaped parkland would change the appearance of the land, but the long-term benefits are considered significant and the proposals perhaps present a unique opportunity to achieve this.

### Conclusion

- 339 I therefore recommend the application for approval.



**Background papers**

Site and block plan

Contact Officer(s):

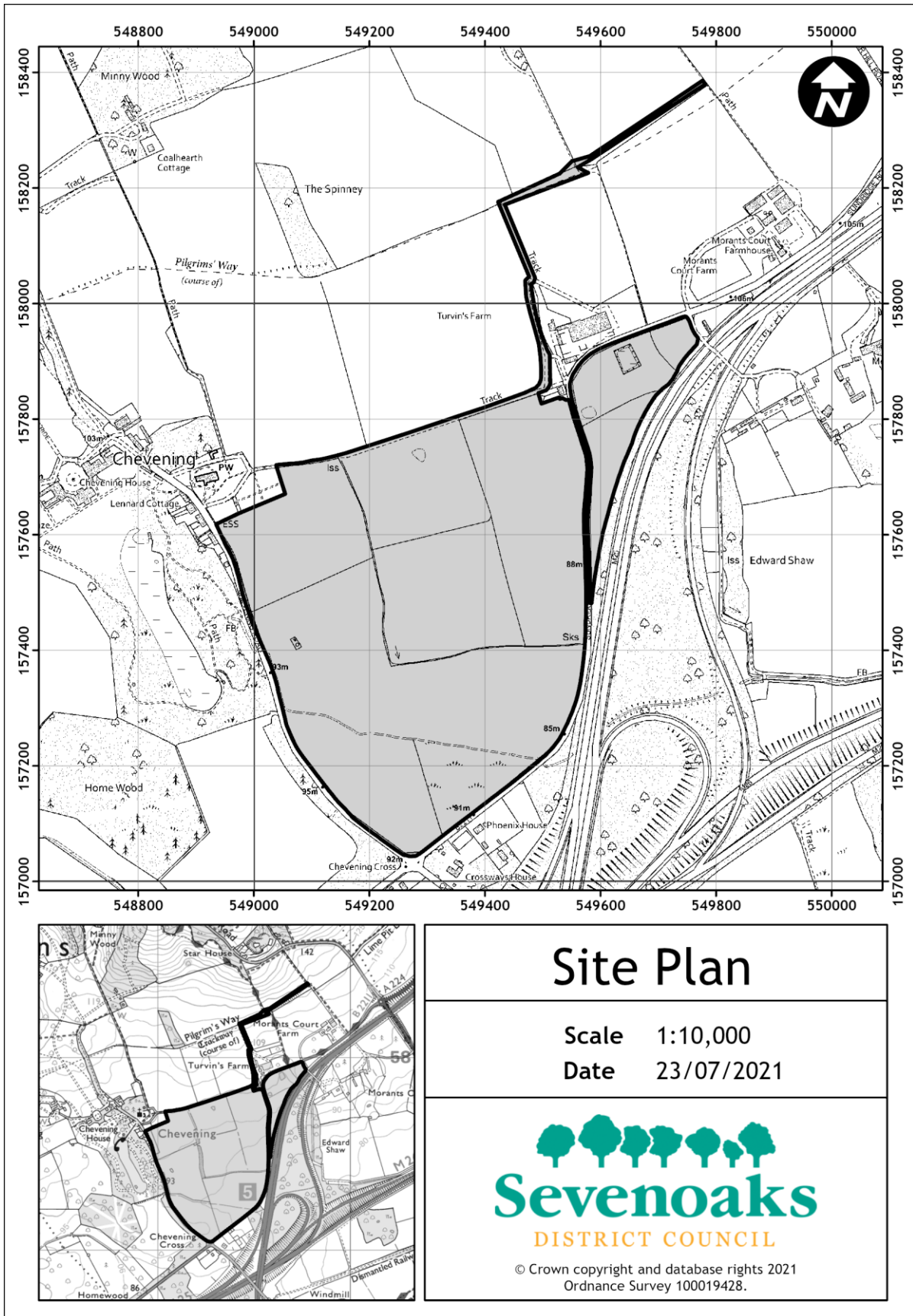
Jim Sperryn 01732 227000

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

[Link to application details:](#)

[Link to associated documents:](#)

# Agenda Item 4.2





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4.3 21/01388/FUL

Date expired 15 July 2021

Proposal:

Building operations relating to Lawful Development Certificate 20/02590/LDCPR, erection of fencing and entrance gates.

Location:

Land South Of 1 Singles Cross Cottages, Blueberry Lane, Knockholt KENT TN14 7NH

Ward(s):

Halstead, Knockholt & Badgers Mount

**Item for decision**

Councillor Williamson has referred the matter to Committee so that the implications on the openness of the Green Belt, impact on public right of way, highway conditions and viability can be discussed.

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) For the avoidance of doubt the information to which this decision relates is as follows: Drawing Nos.: 2705(02)1250 B, 001 A, 002 A, 003 A, 005 A; 2705(08)002 A, 2705(08)003 B, 2705(08)005 A, 2705(08)006 A, 2708(08)007 and A2705(08)008.

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

3) Within three months of commencement of works a scheme of landscaping shall be submitted to the Local Planning Authority for approval in writing to include details of the size and species of any trees in the close vicinity of the barns to be retained or removed and details of the size and species of the proposed hedging. The landscaping shall be carried out in accordance with the approved details prior to first occupation of the buildings. If within a period of five years from first occupation of the buildings, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of a similar size and species.

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

4) To ensure the protection of badgers and nesting birds, all works will be carried out in accordance with the details contained in the Conclusions section of

## Agenda Item 4.3

the Letter from Julian Thornber, AA Environmental Limited to Mr Cazaly, Cazaly Developments dated 16th March 2021.

In the interests of the ecology of the site as supported by policy SP11 of the Council's Core Strategy.

5) No external lighting shall be affixed to the buildings or installed on the site other than in accordance with a "lighting design strategy for biodiversity" which shall first have been submitted to the Local Planning Authority and approved in writing. The lighting strategy will: a) Identify those areas/features on site that, due to their potential for use by bats, are particularly sensitive to lighting impacts (including any biodiversity enhancement features) b) Show how and where external lighting will be installed in accordance with the Conclusions section of the Letter from Julian Thornber, AA Environmental Limited to Mr Cazaly, Cazaly Developments dated 16th March 2021 and with 'Guidance Note 8 Bats and Artificial Lighting' (Bat Conservation Trust and Institute of Lighting Professionals). All external lighting shall be installed in accordance with the specifications and locations set out in the approved strategy and will be maintained thereafter in accordance with the strategy.

In the interests of the ecology of the site as supported by policy SP11 of the Council's Core Strategy.

6) Prior to the completion of the development hereby approved, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. These will be in accordance with the Conclusions section of the Letter from Julian Thornber, AA Environmental Limited to Mr Cazaly, Cazaly Developments dated 16th March 2021 and will include the provision of integrated bat and bird boxes and native species planting. The approved details will be implemented and thereafter retained.

In the interests of the ecology of the site as supported by policy SP11 of the Council's Core Strategy.

7) The materials to be used in the exterior faces and roof of the buildings shall be as specified on the accompanying application forms.

To ensure that the proposed development does not prejudice the appearance of the locality, as supported by policy SP1 of the Council's Core Strategy.

### **Informatives**

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

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst

some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

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

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

2) The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way.

This means that the Public Rights of Way must not be stopped up, diverted, obstructed (this includes any building materials, vehicles or waste generated during the works) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

#### **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 accommodates two former agricultural, barn structures located some 190m to the south of 1 Singles Cross Cottages and to the rear of Blueberry Lodge, which has itself been the subject of a barn conversion. The barns are located towards the southern boundary of a large, open field, with woodland to the north and a tree line along the south-western boundary.
- 2 There is a gated access onto the field with a grass trackway leading towards the location of the barns. The site is located approximately 650m from the centre of Knockholt Pound to the east.
- 3 A right of way runs to the north and west of the site across the field.
- 4 The site is not within an Area of Outstanding Natural Beauty or Conservation Area.

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### Description of proposal

- 5 The proposals seek permission for physical works to the exterior of the building and the erection of fencing and gates at the entrance to the site.
- 6 Permission is not sought for the use of the barns or the curtilage to these buildings, as this benefits from permitted development.
- 7 Neither is permission sought for the access driveway, as this also benefits from permitted development.
- 8 The external changes to the barns comprise re-cladding the external elevations in cedar timber panels and re-roofing in grey slate. New door and windows openings would be limited and would be finished in anthracite grey aluminium.
- 9 Whilst works to the interior do not require planning permission, they indicate both units would comprise 2 bedroom, self-contained units of accommodation.
- 10 The new entrance gates would be recessed 6m into the site. Post and rail fencing is proposed to run along the northern boundary of the site and to define a modest curtilage around each of the buildings. New native hedging is proposed on the outside of the fence line. The gates and fencing do not form part of the original application description (added to amended description), but are likely to benefit from permitted development.
- 11 The applicant has advised that no trees are intended to be removed.

### Relevant planning history

- 12 98/01956/FUL: Demolition of two agricultural buildings and the erection of a single detached dwellinghouse. Refused.
- 13 14/02532/PAC: Prior notification for a change of use of agricultural building to a dwelling house (use Class C3). This application is made under Class MB of The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014 - Refused 29.9.2014 on the grounds of insufficient information to determine the degree of operational development necessary, lack of information regarding risk from contamination and inappropriate location - This related to the western-most of the two barns.
- 14 14/02533/PAC: As above, but for Barn 1 (eastern-most barn). Refused for same reasons outlined above.
- 15 19/03434/PAC: Prior Notification for a change of use from agricultural use to a dwelling house and associated operational development (Class Q Of Town and Country Planning (General Permitted Development) (England) Order 2015 - Refused on 30.1.20, in summary, on the grounds that the works went beyond that permitted under Class Q and the curtilage would exceed that permitted.



- 16 20/01796/PAN: Prior notification for change of use from agricultural use to Class C1 (hotel). Application made under Class R of The Town and Country Planning (General Permitted Development) (England) Order 2015. Notification only - acknowledged 6.7.21.
- 17 20/01804/LDCPR: Formation of vehicle access and hardstanding. (Under Schedule 2, Part 2, Class B of the Town and Country Planning (General Permitted Development)(England) Order 2015.) Granted 3.9.2020
- 18 20/02590/LDCPR: Change of use from agricultural buildings to class C1 Hotel (Under Class R of the Town and Country Planning (General Permitted Development)(England) Order 2015.) Granted 20.11.2020

### Policies

- 19 National Planning Policy Framework (NPPF)
- 20 Core Strategy (CS)
- L01 Distribution of Development
  - L08 The Countryside and the Rural Economy
  - SP1 Design of New Development and Conservation
  - SP11 Biodiversity
- 21 Allocations and Development Management Plan (ADMP)
- SC1 Presumption in Favour of Sustainable Development
  - EN1 Design Principles
  - EN2 Amenity Protection
  - EN5 Landscape
  - T1 Mitigating Travel Impact
  - T2 Vehicle Parking
  - T3 Provision of Electrical Vehicle Charging Points.
- 22 Other:
- Development in the Green Belt SPD

### Constraints

- 23 The following constraints apply:
- Green Belt
  - Adjacent to Public Right of Way

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### Consultations

- 24 Knockholt Parish Council (in summary):
- 25 We dispute the assumption in the D&A statement that the quoted Appeal decision makes permission a foregone conclusion.
- 26 In other totally unrelated Appeal cases, Inspectors have mentioned previous cases that have been won at Appeal, but they have then made and justified a different decision in the case they are reviewing.
- 27 Looking at the details of the quoted case it shows a far more substantial building, apparently capable of re-use, whereas these barns are almost non-existent. The 'Structural Survey' is a resubmit of the one from 2019 - which is completely inaccurate when compared with a previous Appeal Inspector's comments on the barns in 1998 (Appeal /APP//G2245/A/98/298149/P7) where he dismisses the claim that they were 'sound' then!
- 28 There was never an actual 'curtilage' to the barns as they were accessed direct from the working Blueberry Farmyard, not from Blueberry Lane, where the gate was only for stock and boundary maintenance.
- 29 The proposed access is on to what is an inappropriate de-restricted single-track lane with passing places, poor site lines, and regularly used as a cut through for speeding vehicles.
- 30 To obtain adequate site lines and a turning circle for large vehicles would require removal of considerable amounts of ancient indigenous hedgerow, contrary to current recommendations.
- 31 The proposed access road will necessitate at least 130m of agricultural land being hard surfaced, plus further destruction of existing pasture for vehicle parking and turning on site.
- 32 We note in the current application for residential development in Randles Lane there is comprehensive advice from the Fire Service on their requirements for emergency access on a previously developed and surfaced site.
- 33 We have not yet had the benefit of the usual required information on the footpath which runs in close proximity to the barns, development of which will adversely affect the views of what is idyllic rural scenery.
- 34 The proposed essentially 'new build' structures look exactly what they are - new residential units - as they are a resubmission of the previous 2019 application (refused) for conversion of the barns to residential - and will be a glaring intrusion in an unspoilt Green Belt location.
- 35 For development to be permitted in the GB requires preservation or enhancement, none of which this does.
- 36 We support all neighbours' objections to this inappropriate attempt to develop the Green Belt.

- 37 Were this application to be allowed, we strongly request that all PD rights for the entire site are removed.
- 38 KCC Highways:  
Proposals do not meet criteria to warrant involvement from the Highway Authority.
- 39 KCC Public Rights of Way Officer:
- 40 “Public Right of Way Footpath runs through the field where the development takes place but is approximately 24 metres from the north-western corner of barn 2. The route closer to the barns, presently walked to a stile in the boundary is not on the correct legal line. I enclose a copy of the Public Rights of Way network map showing the legal line of this path for your information.
- 41 This path runs from Blueberry Lane to New Years Lane a distance of 1.64 kilometres through fields and woods, with no dwellings apart from those on the road at either end. The rural aspect of the footpath will be adversely changed by the introduction of a vehicle access and two apart-hotels, replacing the two gently dilapidating agricultural structures.
- 42 I note that the Location Block Plan red line area does not match with the Landscaping Plan. There is an extra turning area to the northwest on the Landscaping Plan. This also extends further west than the area granted under the lawful development certificate for SE/20/01804/LDCPR and would therefore, I presume, require further planning permission to be sought”.
- 43 K.C.C. Ecology (in summary):  
Are satisfied that sufficient information has been submitted to inform the determination of the application. Conditions relating to mitigation and enhancement are recommended.
- 44 Arboricultural Officer:
- 45 “Views of the barns location is partially obscured due to its location in the corner of the field and the mature trees located immediately adjacent to their south. Those mature trees are an effective screen of the site for local residents and from the highway. I am aware however that PROW runs immediately to the north of the site.
- 46 No details have been given regarding the fate of the aforementioned trees although it does appear that these will be removed to accommodate the proposals as shown on drawing 2705(08)002, which effectively loses any screening that exists. I have noted that LDC's show previous approval for the proposals.
- 47 Should the driveway/access be constructed, I suggest that a suitable material is used for it to blend in with the landscape, which can be conditioned.

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- 48 The gateway/access design should also be conditioned to show suitable design for the location. Vision splays have not been referred to by KCC. I am concerned over how much hedging will need to be removed to accommodate suitable safety when leaving the site by vehicle. Are the dimensions as referred to on drawing number 2705(08)003 sufficient and realistic. Details of the new native hedging should be conditioned to show a suitable indigenous mix of species.”

### Representations

- 49 Comments have been received from seven local residents and the Knockholt Society raising the following objections, in summary:
- Structures are inappropriate for turning into “hotel” units.
  - Neither preserves nor enhances Green Belt/against spirit of the Green Belt.
  - No evidence an apart-hotel would be viable.
  - Buildings not capable of conversion.
  - What about impact on adjacent footpath which runs across the field within several metres of the site.
  - No pre-existing access into the site.
  - Access would require removal of hedgerow to gain sightlines and 130m of agricultural land being hardsurfaced.
  - Query suitability of access by emergency services.
  - Questions over suitability of infrastructure/drainage.

### Chief Planning Officer’s Appraisal

- 50 Background:
- 51 As the planning history of the site is relatively complicated, the following is provided as a summary:
- 52 In January 2020 an application was submitted to ascertain if prior approval was required for the change of use of two former agricultural buildings into two no.2-bedroom dwellings (20/03434/PAC). The application was made under Class Q of the Town and Country Planning (General Permitted Development) Order 2015 as amended. In summary, this Class allows for the conversion of agricultural buildings into dwellings subject to a number of criteria.
- 53 Due to the extent of works proposed, the proposals were considered to amount to rebuilding of the barn and thus to exceed the limitation on physical works allowed under this Class. Furthermore, inclusion of the access would result in the curtilage exceeding the relevant criteria under this Class. This application was refused.
- 54 In June 2020, the applicant submitted a notice advising that they intended to change the use of the barns into a flexible use (in this case specifying a hotel). This notice was submitted under Class R of the Permitted Development legislation. This Class of development permits such changes without recourse to the Council.

- 55 In September 2020, a Lawful Development Certificate was submitted for the formation of a vehicular access and hardstanding. This decision again, fell to be determined on the facts of the case. In summary, as the access would not be onto a trunk or classified road and was required in connection with development permitted under Class R, the certificate was granted.
- 56 The Lawful Development Certificate granted in November 2020 simply confirmed that the proposals would meet the criteria listed under Class R (which permits the change of use of a building and any land within its curtilage from a use as an agricultural building to a flexible use falling within a number of use classes, including Class C1 (hotels).
- 57 It is key to note that under Class R there is no requirement to consider the structural condition of the building, as there is under Class Q. This explains why the application above under Class Q was refused, whereas the application submitted under Class R was granted.
- 58 The agent confirms that frame repairs were undertaken in 2013 to make the structure sound. In addition, a structural support has been submitted in support of this application. In summary the report concludes that the main steel frames to the buildings are sound and capable of being retained, although it is clear that it will be necessary to re-clad and re-roof the barns and provide a new concrete floor.
- 59 Third parties have raised questions over the ability of the building to be converted and that the works involved would essentially amount to a rebuild.
- 60 An appeal decision from 2018 expressly considers this issue (appeal ref: APP/F1610/W/17/3188502, Middle Dutesbourne, Gloucestershire). The decision explains that permitted development rights under Class R are restricted to the change of use of the building. They do not grant any physical conversion works. Any associated operational development that would be reasonably necessary to use the building or land for the proposed use under Class R is required to be the subject of a separate planning permission.
- 61 The term “associated operational development” is defined within Class R.
- 62 This sets a clear expectation that any such operations are limited to those reasonably necessary so that the building and land can be used for a use granted under Class R. This restricts works so as to avoid superfluous accommodation or features, for example.
- 63 However, it is evident that substantial works can be considered acceptable, including new elevations and roof and ground bearing concrete floor, if the works are required to enable the building to function for its required purpose (in this instance as tourist accommodation/apart-hotel). It is also clear that consideration of whether the works involved are so significant that they go beyond conversion, is not a determining factor.

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- 64 In this instance, the Council have already confirmed that the change of use of the barns does not require prior approval and therefore the use already benefits from planning permission granted by the permitted development right under Class R.
- 65 Returning to the appeal decision, at paragraph 16, the Inspector states:
- “The confirmation by the Council that prior approval was not required means that permission exists for the change of use of the building to a hotel. This is a very significant factor and it cannot be set aside. The development that is subject to this appeal is not for the change of use, nor is it for the construction of a new hotel. It is expressly for the building works that relate to implementing the change of use. The works proposed are extensive and would result in new external walls on all four elevations and a new external roof. However, given the nature of the existing building, I cannot envisage that works which were significantly more modest than what is proposed would be sufficient to allow the building and land to be used for its intended purpose. The works would not exceed what is reasonably necessary.”
- 66 In light of the above, it is my conclusion that consideration of this application should be focussed on the impact of the changes to the exterior of the building and whether or not they would have an acceptable impact.

### Policy Background

- 67 Presumption in favour of sustainable development -

Paragraph 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.

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 protect areas or assets of particular importance provides a clear reason for refusing the development proposed; 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 7 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

### Principal issues

- 68 The main issues requiring assessment relate to:
- Impact on the Green Belt

- Appearance and impact on visual amenity/landscape
- Other matters

### **Impact on Green Belt**

- 69 Whilst there is a presumption against new buildings in the Green Belt, there are exceptions to this.
- 70 Bearing in mind the use benefits from under the prior approval process and the access also benefits from permitted development permission (as does the curtilage to the buildings), and putting the visual appearance to one side as the impact of this will be considered separately below, I consider the implications of the changes to the exterior of the building to be very limited in Green Belt terms.
- 71 In my view the tests to apply in the particular circumstances are akin to paragraph 149 g) of the NPPF. This states, amongst other things, that exceptions to inappropriate development include “limited infilling or the partial or complete redevelopment of previously developed sites (brownfield 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.”
- 72 Section 7 of the Development in the Green Belt SPD takes a similar approach to proposals for previously developed land and reflects the tenet of the NPPF.
- 73 In this instance, whether or not the barns are presently enclosed, their overall form in terms of height and size is clearly definable.
- 74 The addition of cladding to the buildings would not increase the height or size of the existing buildings and in the circumstances, I do not consider that the three-dimensional impact of the built form would be greater than the existing.
- 75 It is therefore my conclusion, that the proposals would represent appropriate development in the Green Belt.

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

- 76 Policies SP1 of the Core Strategy seek high quality development whilst protecting the environment. L08 supports the maintenance and diversification of the rural economy, including rural tourism projects, if they conserve the countryside. EN1 of the ADMP also seeks high quality design and policy EN5 seeks to conserve the character of the landscape.
- 77 The southern and western portion of the field within which the barns drops considerably in level relative to the eastern part adjacent to the road. There is also tree screening to the east of the barn within the boundary of Blueberry Lodge. Because of this, the barns would not be readily visible to the road.

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- 78 There is a footpath which runs from the north-eastern corner of the field directly south-westwards across the field, passing close to the west of the barns. However, the official Public Right of Way is set approximately 30m slightly further to the west. Whatever the route of the path, the southern portion would have a clear view of the application barns.
- 79 I am mindful that planning policy supports alternative uses within the countryside and that the re-use of existing buildings often involves complete re-cladding and re-roofing. I do not consider such works objectionable in principle.
- 80 Viewed from the public footpath, whilst the use itself and associated access and parking would contribute to the developed nature of the site, this application is not considering the implications of these aspects. As noted above, these elements do not require express permission.
- 81 In this instance, it is proposed to finish the barns in timber cladding with a grey slate roof. I consider this would reflect traditional materials seen in the wider locality and appear suitably subdued in terms of colouring, appropriate to their relatively isolated and rural setting. For these reasons, though they would be visible to the footpath, I do not consider the buildings themselves would appear visually prominent within the countryside or to be harmful to the visual amenities of the area.
- 82 I therefore consider the proposals would be policy compliant in this regard.

### Residential Amenity

- 83 Policy EN2 of the ADMP requires that any development should safeguard the amenities of existing and future occupiers of nearby properties.
- 84 The only property likely to be directly affected would be Blueberry Lodge. This itself was the subject of a barn conversion. The Lodge itself would be set a minimum 50m from the closest barn (Barn 1 on plan). There is existing foliage along the party boundary, which would soften the impact of the proposals. I note two windows are proposed in the western (rear) elevation of Barn 1. Because of the distances involved direct overlooking of habitable space would be limited, however, these windows could be conditioned to be obscure glazed. Otherwise, I do not consider the appearance of the buildings would be intrusive.
- 85 In the circumstances, I consider the proposals to be policy compliant in this regard.

### Other matters

- 86 The highway implications of the proposals, including visibility splays, do not fall to be considered, as permission is not required for the access.



87 Similarly, as the proposals relate only to the operational development (cladding of the building etc.), it would be unreasonable to impose conditions relating to the impact of the change of use. However, the applicant is amenable to conditions relating to ecological mitigation, enhancement and control of lighting on the site.

**Community Infrastructure Levy (CIL)**

88 There are no CIL implications from the external works proposed.

**Conclusion**

89 In light of the above, I consider the proposals represent appropriate development within the Green Belt. Furthermore, I consider the building operations proposed would be sympathetic and conserve the character and appearance of the locality. The impact on the occupiers of the neighbouring property would also be acceptable.

90 It is therefore recommend that the application is approved.

**Background papers**

Site and block plan

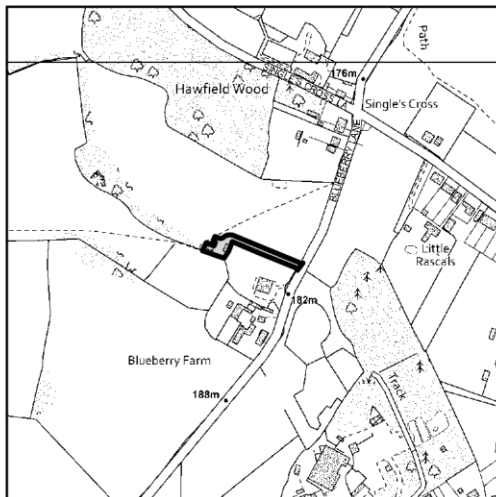
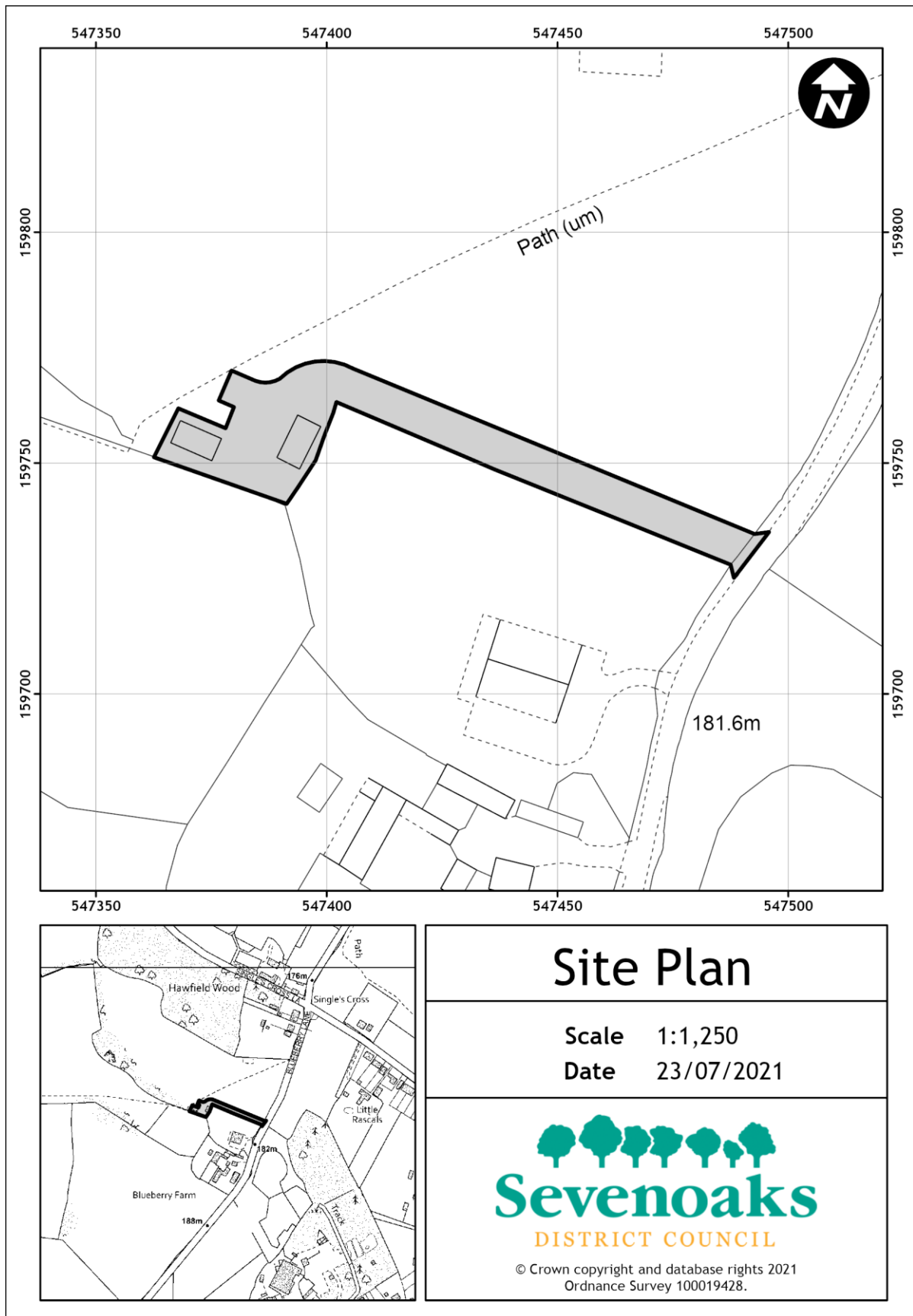
Contact Officer(s):

Jim Sperryn: 01732 227000

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

[Link to application details:](#)

[Link to associated documents:](#)

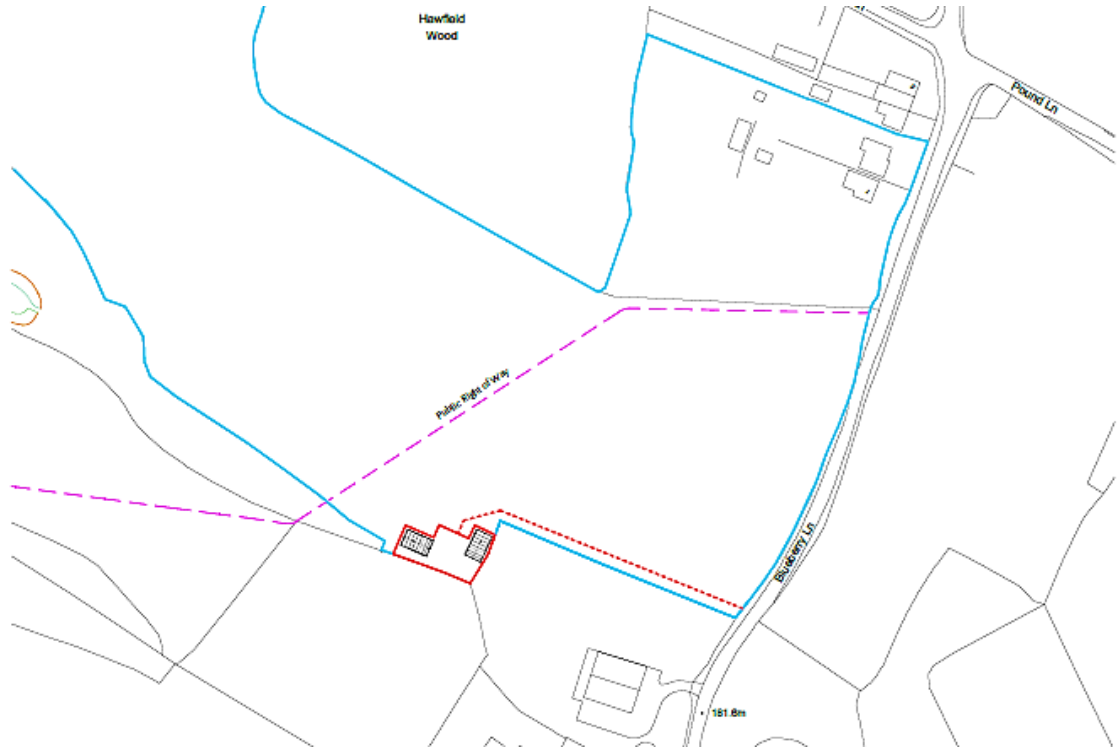


# Site Plan

Scale 1:1,250  
Date 23/07/2021



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Ordnance Survey 100019428.



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4.4 21/01214/FUL Revised expiry date 10 July 2021

Proposal: Temporary consent for the retention of existing containers including re siting of 6 no. containers and removal from the site of 4 no. containers as amplified by amended site plan received 19 May 2021.

Location: Land Behind Barns East Of, Winkhurst Green Road, Ide Hill Kent TN14 6LD

Ward(s): Brasted, Chevening And Sundridge

**Item for decision**

This item is referred to Committee as the applicant is a staff member.

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

The proposals represent inappropriate development, which would be harmful to the openness of the Green Belt and in conflict with the purposes of including land within the Green Belt, contrary to the aims of the NPPF.

The proposals would be harmful to, and at odds with, the rural character of the area and the Area of Outstanding Natural Beauty, contrary to policy EN1 and EN5 of the Sevenoaks ADMP and the aims of the NPPF.

The proposals, through being at odds with the rural and tranquil character of the area, would cause harm to the amenities of nearby residential occupiers, contrary to policy EN2 of the Sevenoaks ADMP.

**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 hard surfaced land located directly behind three large agricultural barns, together with access. The site is located to the west of Faulkners Hill Farm, north of Winkhurst Green, on Winkhurst Green Road, just south of the junction with Scallops. To the north

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## Agenda Item 4.4

is a residential property known as Old Forge Cottage and to the south a residential property called The Smokery.

- 2 Until recently the land comprised the edge of the adjacent field, with a small area of hardsurfacing immediately to the rear to the agricultural barns. This has more recently been informally extended using a hardcore surface.

### Description of proposal

- 3 Planning permission is sought for the siting of 16 metal storage containers for a temporary period of 5 years. Each container measures 5.4m by 2.3m wide, by 2.6m high. The footprint of the containers therefore equates to approximately 200m<sup>2</sup> in total area.

- 4 A number of containers have been on site since May 2020, although this application proposes a slightly change to their layout and reduce the total on site from 20 to 16.

- 5 The applicant explains that the containers are presently used as follows:

- 6 for farm storage
- 2 land rover parts storage
- 2 local carpentry storage
- 2 local gardeners storage
- 1 bric-a-brac storage
- 4 local builder/decorator/electrician storage
- 1 local pub storage
- 2 long term domestic storage.

- 6 The supporting Design and Access Statement explains that the containers are required to help the farm diversify to maintain viability.

- 7 The containers were originally all orientated along a north-south axis. However, following discussion with the neighbouring occupiers the layout has been amended so that 3 containers at the southern end are sited at 90° to the remaining ones, which provides some degree of enclosure at the southern end of the site.

### Relevant planning history

- 8 There is no history which relates directly to the application site, but that for the barns on the frontage are as follows:

- 9 08/00423/AGRNOT: Erection of new grain store. Granted 6.3.08 (southern-most barn).

- 10 12/01251/AGRNOT: Erection of general purpose building - Prior Approval Not Required 25.5.12. (Barn to north)

- 11 17/00676/AGRNOT: Extensions of 2 general purpose buildings and 1 grain store. Withdrawn 14.3.17.

- 12 17/00818/AGRNOT: Extensions of a general purpose steel framed building. Prior Approval Not Required 6.4.17. (Rear (eastern) extension to ALL 3 barns).
- 13 21/00738/FUL: Change of use from agriculture to land rover restoration firm. Granted 25.5.21. (Relates to central of the 3 barns).

### **Policies**

- 14 National Planning Policy Framework (NPPF)
- 15 Core Strategy (CS)
- SP1 Design of New Development
  - SP2 Sustainable Development
  - SP3 Affordable Housing
  - SP11 Ecology
  - L08 The Countryside and the Rural Economy
- 16 Allocations and Development Management Plan (ADMP)
- EN1 Design Principles
  - EN2 Amenity Protection
  - EN5 Landscape
  - GB7 Re-use of a Building within the Green Belt
- 17 Other:
- National Planning Policy Framework
  - Development in the Green Belt SPD

### **Constraints**

- 18 The following constraints apply:
- Green Belt.
  - Area of Outstanding Natural Beauty

### **Consultations**

- 19 Sundridge with Ide Hill Parish Council-
- 20 “The parish Council objects strongly to this proposal. The prior importation and use of 21 sea containers and subsequent retention of the majority without permission in an area of outstanding natural beauty is totally out of character with the locality and not allied to agricultural use. The use by various external parties will generate additional noise and traffic.”

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### Representations

- 21 A letter was received from a local resident objecting to the original layout as the containers are unattractive and their use results in noise and disturbance and loss of privacy from visitors to the containers.
- 22 Following receipt of the amended layout, the writer thanks the applicant for amending the layout, which will ensure they are not able to see the activities carried out.

### Chief Planning Officer's Appraisal

- 23 The main planning considerations are:
- Green Belt implications
  - Impact on character of area and Area of Outstanding Natural Beauty
  - Residential Amenity
  - Highways Impacts
  - Other issues

### Green Belt Implications

- 24 Current Government advice, in the form of the National Planning Policy Framework, supports the protection of the Green Belts and seeks to restrict development.
- 25 Paragraph 137 of the NPPF states that “The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”
- 26 Openness is an essential characteristic of the Green Belt and proposals may have a spatial and visual implication. 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.
- 27 As storage containers are mobile structures, they would not comprise operational development (building works). However, the containers would represent a material change in the use of the land.
- 28 Paragraph 150 of the NPPF states that other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes:
- 29 e) the material change in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).



- 30 In this instance, the use is not one that helps facilitate an open use of the land. Due to their overall bulk and massing, the large number of containers proposed have a very tangible physical presence on the site, which erodes the openness of the Green Belt. The containers are visible from a distance and their materials and commercial appearance are in contrast to the agricultural form of the adjacent barns and interrupts their setting on the edge of extensive fields. As a consequence, both the use and the form of the containers fail to safeguard the countryside from encroachment.
- 31 The proposals represent inappropriate development, which would be harmful to the openness of the Green Belt.
- 32 Government policy states that there is a general presumption against inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt. Such development should not be approved, except in very special circumstances.
- 33 Any case for very special circumstances will be considered further below.

**Impact on character of area and Area of Outstanding Natural Beauty**

- 34 SP1 of the Core Strategy requires all new development to be designed to a high quality and respond to the distinctive local character of the area in which it is situated. Policy EN1 of the ADMP requires development to respond to the character of the area.
- 35 In respect of the AONB, policy EN5 of the ADMP is relevant and states that proposals will be permitted where the form, scale, materials and design would conserve and enhance the character of the landscape. The policy states that the highest level of protection shall be given to the protection of the landscape and scenic beauty.
- 36 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. Section 85 of that Act requires decision-makers in public bodies, in performing any function affecting land in an Area of Outstanding Natural Beauty, to have regard to the purpose of conserving and enhancing the natural beauty of that area.
- 37 The level of the land drops from the application site towards the west. A small stream runs along the valley bottom, the land rising again towards the junction with Yorks Hill/entrance to Faulkners Hill Farm. There is a public footpath running southwards adjacent to the stream and another through the higher woods to the west. Views of the site from the latter are restricted by the woodland, but there are clear views along Winkhurst Green Road and the junction with Yorks Hill. There are also glimpses from the footpath adjacent to the stream. From these vantage points, the storage containers appear as an alien and incongruous feature within the rural

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landscape. Whilst I note the applicant has offered to plant foliage to screen the containers, this itself would be likely to appear as a somewhat incongruous feature on the edge of an otherwise extensive open field.

- 38 In the circumstances, I consider the containers represent an obtrusive form of development within the countryside, which would fail to conserve or enhance the rural character of the countryside and the AONB.
- 39 In the circumstances, bearing in mind the relatively isolated, rural and tranquil nature of the site, I do not consider the site to be appropriately located for the general commercial uses proposed and consider the use and appearance of the containers to be wholly at odds with the character of the area.

### **Residential Amenity and Highways Impacts**

- 40 Policy EN2 of the ADMP seeks to protect residential amenity.
- 41 Core Strategy policy SP8 seeks to focus commercial development in or adjacent to existing urban centres and policy EMP1 of the ADMP allocates specific sites. The application site is not so identified.
- 42 Paragraph 111 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.”
- 43 The site has sufficient parking to accommodate visitors, although associated vehicular activity and access to the containers is likely to result in some related noise and disturbance. No details have been provided relating to highway movements and it appears that the present use may be a relatively low-key one. However, were permission to be granted, it would be difficult to restrict future occupiers, their mode of operation and levels of related vehicular activity. However the impact on the highway itself is not likely to be severe.
- 44 As above, given the tranquil nature of the site, the use of the land is likely to cause disturbance to residential amenity, in particular to the nearest residential properties from vehicular movements associated with the development. In the absence of any information to the contrary the proposals would conflict with policy EN2.

### **Conclusions and Planning Balance**

- 45 In conclusion, for the above reasons, I do not consider the site to be an appropriate one for the introduction of commercial storage uses and consider the proposals would detract from the character of the area and the amenities of neighbouring occupiers.
- 46 I therefore consider the proposals fail to comply with the relevant policies summarised above.

- 47 No specific case of Very Special Circumstances (VSC) has been advanced by the applicant, however, it is apparent from the submission that the income from the containers is intended to contribute to the diversification and viability of the farm.
- 48 Harm arising from the proposals is summarised as follows:
- Harm in principle to the Green Belt
  - Harm to the openness of the Green Belt
  - Harm to the character and appearance of the area and the AONB
  - Harm to residential amenity
- 49 Paragraph 84 of the NPPF states that planning policies and decisions should enable development and diversification of agricultural and other land-based rural business.
- 50 Paragraph 85 states that:
- 51 “Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings and does not have an unacceptable impact on local roads.”
- 52 In summary, Core strategy L08 states that the extent of the Green Belt will be maintained and the countryside conserved and the distinctive character of the Kent Downs and High Weald Areas of Outstanding Natural Beauty will be conserved and enhanced. Development that supports the maintenance and diversification of the rural economy, including development for agriculture, forestry, small scale business development and rural tourism projects, and the vitality of local communities will be supported provided it is compatible with policies protecting the Green Belt and AONB.
- 53 In light of the above, whilst it is clear that there is policy support for some diversification of the existing agricultural business, this is also dependent on proposals having an acceptable impact in other respects, i.e. to be sensitive to their surroundings and protect the Green Belt.
- 54 Paragraph 148 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 resulting from the proposals, is clearly outweighed by other considerations.
- 55 It is accepted that the proposals, which support the viability of the farm may be acceptable in certain circumstances. An example of this is the very recent permission (May 2021) to change the use of one of the adjacent agricultural barns to commercial use. However, the spread of further commercial uses outside the confines of the buildings and into the open countryside has significant ramifications for the openness of the Green Belt

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and the character of the AONB/countryside in general. No details have been provided regarding the financial implications of the proposals on the wider viability of this agricultural unit. Therefore I would give only modest weight to the benefits of diversification.

- 56 In the circumstances, bearing in mind policy states that substantial weight must be given to any harm to the Green Belt I do not consider the benefits, even for the period of five years for which permission is sought, would clearly outweigh the harm to the Green Belt and other harm identified.

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

- 57 There are no implications for CIL.

### **Conclusion**

- 58 The proposals represent inappropriate development, which would be harmful to the openness of the Green Belt and to the rural character and appearance of the AONB. Furthermore, the introduction of a commercial use onto the site would be at odds with the character of the area and detrimental to the amenities presently enjoyed by neighbouring occupiers.
- 59 It is therefore recommended that this application is refused.

### **Background papers**

Site and block plan

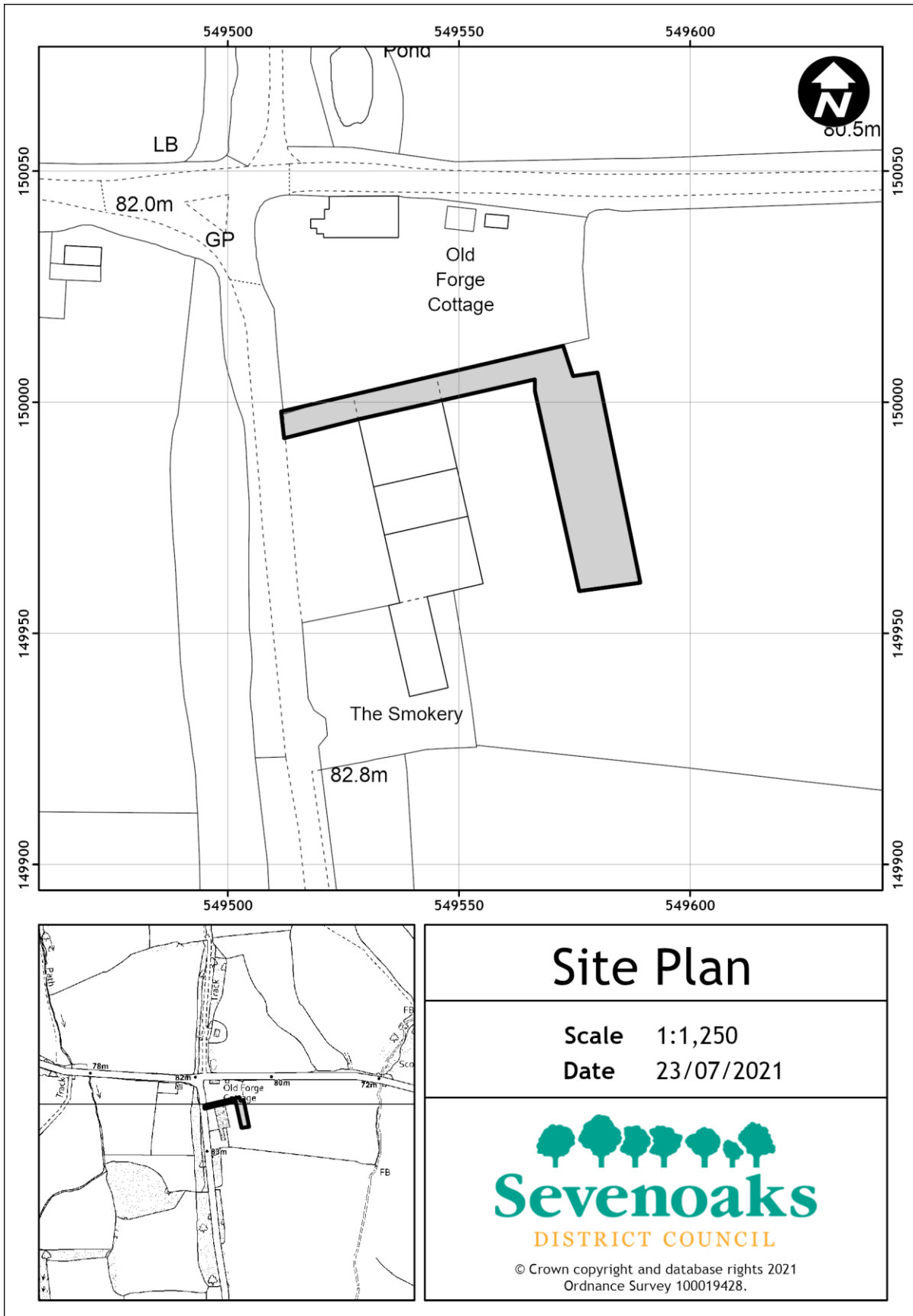
Contact Officer(s):

Jim Sperryn: 01732 227000

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

[Link to application details:](#)

[Link to associated documents:](#)





4.5 21/01756/FUL

Revised expiry date 10 September 2021

Proposal:

Construction of a stable block and an associated path.

Location:

Mobile Home At, Robertsons Nursery, Goldsel Road  
Swanley KENT BR8 8BF

Ward(s):

Crockenhill & Well Hill

#### **Item for decision**

The application was referred to Development Control Committee by Councillor Waterton on the basis that the very special circumstances surrounding the site and situation outweigh the harm to the Green Belt.

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

The proposal would be inappropriate development in the Green Belt and would not preserve the openness of the Green Belt, contrary to the National Planning Policy Framework and policy LT2 of the ADMP. The very special circumstances submitted do not clearly outweigh the harm to the openness of the Green Belt.

#### **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 parcel of land located on the eastern side of Goldsel Road and which contains a mobile home. There are neighbouring properties located to the west of the site, with the parish of Crockenhill.

#### **Description of proposal**

- 2 Construction of a stable block and an associated path. The new stable block would measure 11.57m by 15.2m.

## Agenda Item 4.5

### Relevant planning history

- 3 16/032/46/FUL- Planning permission was granted on 18<sup>th</sup> January 2017 for the permanent siting of a mobile home on the site. The permission was personal to the applicants and a condition of the permission required the site only to be occupied by those who meet the definition of Gypsies and Travellers.

### Policies

- 4 National Planning Policy Framework (NPPF)
- 5 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.
- 6 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; 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 7 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.
- 7 Core Strategy (CS)
  - LO1 Distribution of Development
  - SP1 Design of New Development and Conservation
  - SP11 Biodiversity
- 8 Allocations and Development Management (ADMP)
  - SC1 Presumption in Favour of Sustainable Development
  - EN1 Design Principles
  - EN2 Amenity Protection
  - LT2 Equestrian Development



## Constraints

9 The following constraints apply:

- Metropolitan Green Belt

## Consultations

10 Crockenhill Parish Council- Support

11 Natural England - No comments

## Representations

12 We received one letter of comment relating to the following comments:

- Increase in footprint on the site would be greater than when permission was first granted;
- Precedent for future development on the site.

## Chief Planning Officer's Appraisal

13 The main planning considerations are:

- Impact on the Metropolitan Green Belt
- Impact on the character of the area
- Impact on neighbouring amenity

## Impact on the Green Belt

14 As set out in paragraph 149 of the NPPF, new buildings in the Green Belt are inappropriate development.

15 Paragraph 147 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.

16 Paragraph 148 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.

## Agenda Item 4.5

- 17 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.
- 18 In this case, the existing mobile home on the site is not considered to be a building. Therefore, the provisions of NPPF paragraph 149b) are relevant. This states that an exception to inappropriate development can be:
- b) the provision of appropriate facilities for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 19 The proposals are understood to be for use in connection with the keeping of horses, which is outdoor recreation. It therefore falls to be considered whether the proposals would preserve the openness of the Green Belt.
- 20 At a local level, Policy LT2 of the ADMP states that proposals for equestrian buildings, facilities and activities which would meet the following criteria will be permitted:
- a) Buildings would be appropriate in scale to their setting and would be closely related to existing farm buildings or other groups of buildings that are well screened from public view
  - b) For proposals that involve new facilities for the keeping of horses, sufficient grazing land and off road riding areas would be available and would not harm the amenities of surrounding residents
  - c) The proposal would not have an unacceptable impact on the water environment and sewage disposal and
  - d) The development would not result in harm to the character of the landscape or the ecological value of the area in which it is situated.
- 21 Proposals for equestrian development in the Green Belt will be permitted where the scale of the development is appropriate to a Green Belt setting and where the cumulative impact of other buildings does not harm the openness of the Green Belt.
- 22 Where stables or associated equestrian buildings are proposed they 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.

### **Assessment against policy and impact on openness**

- 23 The application site is surrounded by soft landscaping along the boundary, with a low level of soft landscaping along the south boundary of the site. There are currently no buildings located within the application site, only the mobile home and paraphernalia associated with that residential use.

- 24 Part a) of the criteria in policy LT2 confirms that buildings would be potentially acceptable as long as they are of an acceptable scale to their setting and would be related to existing buildings on the site. There are currently no buildings on the application site, in which the stable will be related to. The existing mobile home is not a building and the conditions of its permission require that the mobile home is removed and the use of the land for that purpose cease when the applicants vacate the site. This condition was imposed to protect the openness of the Green Belt.
- 25 The proposed stable is approximately 176sqm in footprint (measuring 15.2m by 11.6m) and would include a pitched roof rising to a maximum height of just under 4.5m. This is a large building in terms of scale and bulk and would be harmful to the openness of the Green Belt. The proposal would, by virtue of the building's presence in otherwise open land, fail to assist in safeguarding the countryside from encroachment. As a result of the above, the proposal would detrimentally harm the openness of the Green Belt.
- 26 The proposal would therefore not comply with Policy LT2 of the ADMP, the NPPF and the Development in the Green Belt Supplementary Planning Document. The development would constitute as inappropriate development within the Green Belt and cause harm to openness.
- 27 The applicant has made a claim for very special circumstances. This issue is considered in more detail later in this report.

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

- 28 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.
- 29 The proposed stable would minimally impact the street scene as it would not be directly visible from the highway due to the considerable vegetated boundary treatment between the stable and Goldsel Road and the change in ground levels. Therefore, the proposal would not harm the character of the street scene.
- 30 The stable would consist of four foaling boxes, medical supplies, equipment and food store room, a stock room and a hay and bedding room. The stable would be of a large scale and the applicant has confirmed within the planning statement that the stable is to be used to accommodate the applicant's business.
- 31 In addition to the above, the proposed materials would respect the character of the area and would be acceptable in this location.
- 32 The proposal would therefore comply with Policy EN1 of the ADMP and SP1 of the Core Strategy

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### Impact on Neighbouring Amenity

- 33 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.
- 34 There are neighbouring properties located to the west of the site. The proposal would be located at a significant distance from these neighbours and therefore would have a minimal impact on their residential amenity.
- 35 Therefore, the proposal complies with Policy EN2 of the ADMP.

### Assessment of any Very Special Circumstances

- 36 Para 148 of the NPPF states that when considering any planning application, we 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.
- 37 Possible very special circumstances - these can be summarised as:
- The requirement of the proposed for their business and benefits to the economy
  - The lack of space within the district
  - Sustainable Travel

### Assessment of very special circumstances:

- 38 The harm in this case has been identified as:
- The harm in principal 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.
- 39 In reviewing the proposed very special circumstances, all of the circumstances submitted would hold minimal weight as benefits which would outweigh the harms identified.
- 40 While there would be a benefit to the applicant's business, this is not considered to clearly outweigh the Green Belt harms which the government require us to give significant weight. It is also acknowledged that the proposals would reduce the needs of the applicant to travel, however similarly this is not considered to be of a sufficient benefit to clearly outweigh the Green Belt harms.

- 41 The applicant's statement says that there is no other location suitable for this development within the District. This also holds minimal weight as we have to determine whether the proposal would be acceptable in this proposed location and not whether there are other locations available or acceptable. Each application is assessed on its own merits however it is not accepted that other locations in the District would not be acceptable for this purpose. The use of other sites, for example, may not have such a harmful impact on openness as this proposal.

**Community Infrastructure Levy (CIL)**

- 42 This proposal is not CIL liable.

**Conclusions**

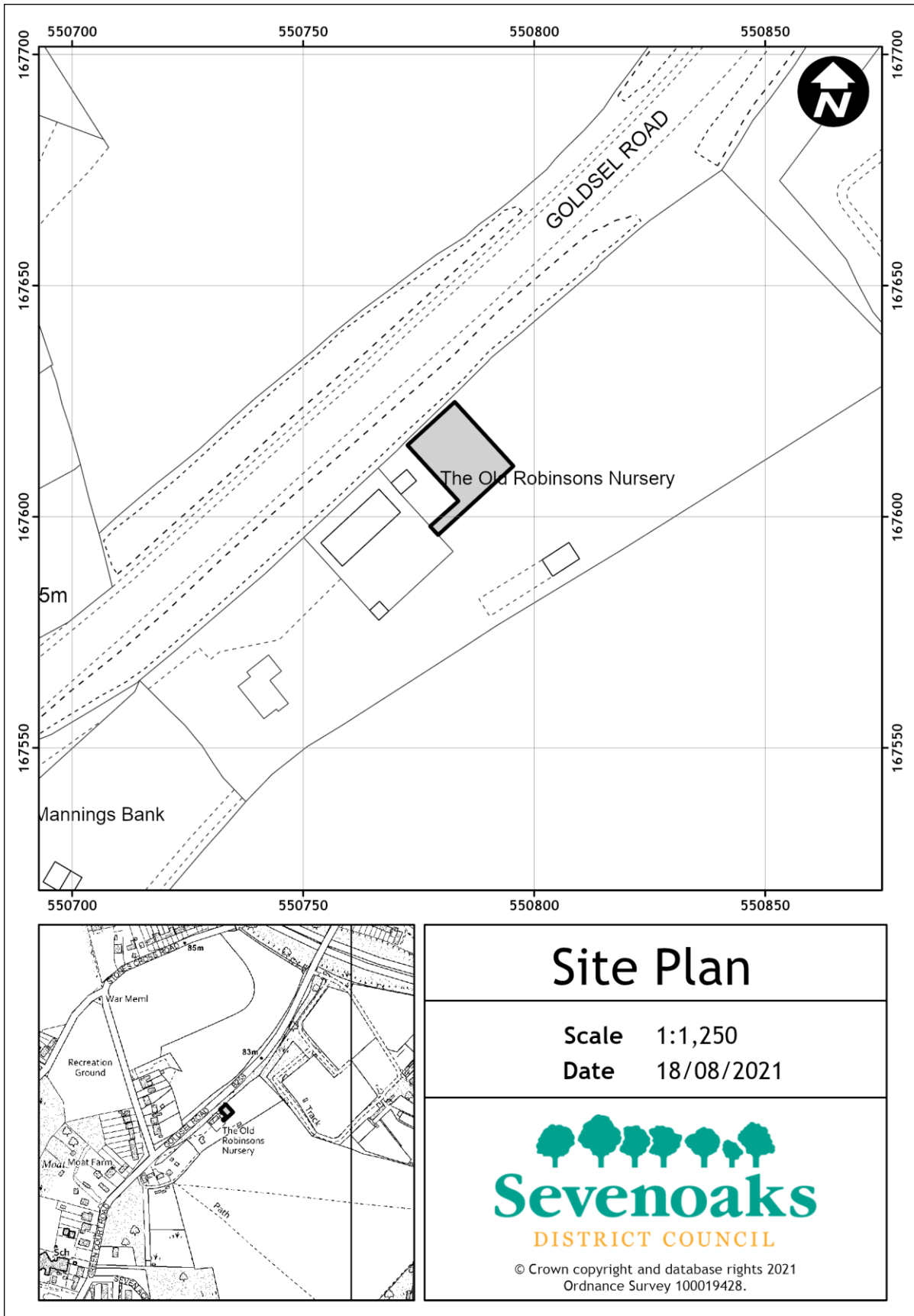
- 43 In reviewing the extent of harm and the potential very special circumstances, it is concluded that the proposed stable would not clearly outweigh the harm to the Green Belt.

Contact Officer(s): Louise Cane: 01732 227000

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

[Link to application details:](#)

[Link to associated documents:](#)



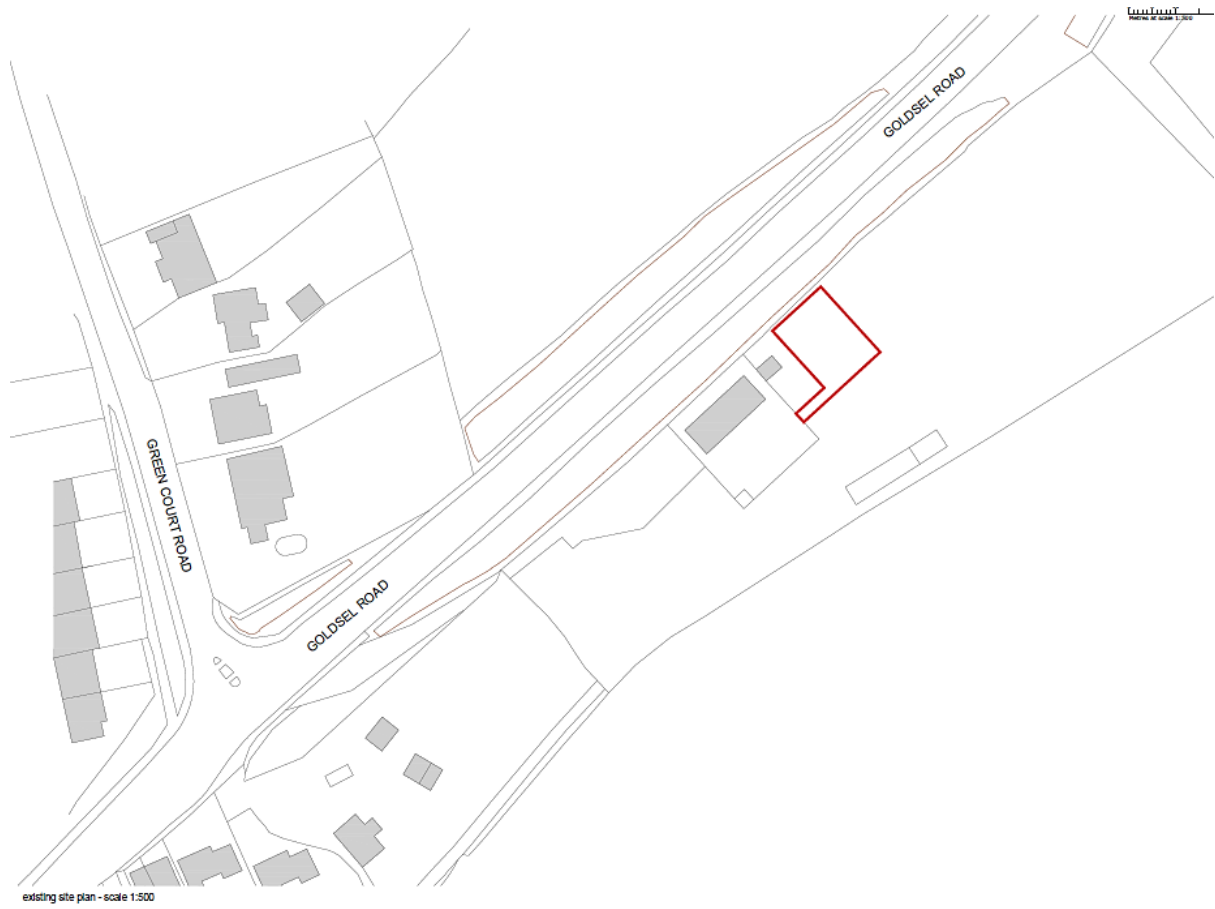
# Site Plan

Scale 1:1,250

Date 18/08/2021



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Ordnance Survey 100019428.



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4.6 21/01444/HOUSE Revised expiry date 10 September 2021

Proposal: Stable block comprising 3 No loose boxes, hay store and tack/feed store.

Location: Cockerhurst House, Redmans Lane, Shoreham KENT TN14 7UB

Ward(s): Crockenhill & Well Hill

**Item for decision**

The application has been referred to Development Control Committee by Councillor Waterton on the basis that the very special circumstances submitted with the application would benefit the openness of the Green Belt and the character of the landscape. In addition to this, the Parish Council did not object to the application.

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

The proposal would be inappropriate development in the Green Belt and would not preserve the openness of the Green Belt, contrary to the National Planning Policy Framework and policies GB3 and LT2 of the ADMP. The very special circumstances submitted do not clearly outweigh the harm to the openness of the Green Belt.

**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 of a detached dwelling located within Redmans Lane. There are neighbouring properties surrounding the application site, with the site being located within the Parish of Shoreham.

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### Description of proposal

- 2 Stable block comprising 3 no loose boxes, hay store and tack/feed store.
- 3 Previously refused applications 20/02415/FUL and 20/03332/FUL were also refused based on the harmful impact to the Green Belt. The 20/02415/FUL application was proposed to be located outside of the residential curtilage, when the 20/03332/FUL and the current location are located within the residential curtilage. The differences between the proposed stables is the size and location. The proposed stable is larger in scale than the previously refused 20/03332/FUL.

### Relevant Planning History

- 4 97/01237/HIST - Erection of new stables as amended by plans received with letter dated 30.09.97 and additional site plan received on 28.11.97 - Granted 13/01/1998
- 5 20/02415/FUL - Erection of a stable - Refused 28/10/2020

The reasons for refusal were as follows:

1. The proposed stable block would constitute as inappropriate development in the Metropolitan Green Belt as it would not preserve the openness of the Green Belt and conflicts with the purposes of including land within it. The proposal does not comply with Policy LT2 of the ADMP, aims and objectives of the NPPF and the guidance within the Sevenoaks Development in the Green Belt SPD.

2. By reason of the scale and bulk of the development, the proposal would not conserve and enhance the character and appearance of the Area of Outstanding Natural Beauty. The proposal conflicts with Policy EN5 of the Sevenoaks Allocations and Development Management Plan and Policy LO8 of the Sevenoaks District Core Strategy and the aims and objectives of the NPPF.

- 6 20/03332/FUL - Stable block comprising 3 stables, hay barn and two small store rooms - Refused 12/01/2021

The reason for refusal was as follows:

1. The proposal does not comply with Policy LT2 of the Sevenoaks Allocations and Development Management Plan as the stable block would result in inappropriate development in the Green Belt and would not preserve the openness. The very special circumstances permitted would not outweigh the harm to the Green Belt.

- 7 21/00887/HOUSE - Stable block comprising three stables with associated landscaping and fencing - Withdrawn before decision.

**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 importance 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 provided a clear reason for refusing the development proposed<sup>7</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 7 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.
- 11 Core Strategy (CS)
  - SP1 Design of New Development and Conservation
  - SP11 Biodiversity
- 12 Allocations and Development Management Plan (ADMP)
  - SC1 Presumption in Favour of Sustainable Development
  - EN1 Design Principles
  - EN2 Amenity Protection
  - EN5 Landscape
  - GB3 Residential Outbuildings
  - LT2 Equestrian Development
- 13 Other
  - Development in the Green Belt Supplementary Planning Document (SPD)
  - Sevenoaks Residential Extensions Supplementary Planning Document (SPD)

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### Constraints

14 The following Constraints apply:

- Metropolitan Green Belt
- Area of Outstanding Natural Beauty
- Biodiversity Opportunity Area

### Consultations

15 Shoreham Parish Council:

Support - "Shoreham Parish Council supports this development as it has been supported previous similar applications but would once again seek that a condition is imposed to ensure that the stable built will remain as such and will not be converted into residential dwelling in the future."

16 SDC Tree Officer:

"I can inform you that there are no protected trees located at this property and it is not situated within a Conservation Area. Several trees would have been removed to make way for the proposed access road. These are of limited amenity value as they are of poor form, and in poor health and cannot be seen from the main road. The siting of the stable block should not impact on those trees located nearby. Providing care is taken to minimise any damage to the adjacent trees, I have no objection to the proposed development. Should you be of mind to grant consent, I recommend that landscaping be a condition of consent being granted."

### Representations

17 No comments received.

### Chief Planning Officer's Appraisal

18 The main planning considerations are:

- Impact on the Metropolitan Green Belt
- Impact on the Area of Outstanding Natural Beauty
- Impact on the character of the area
- Impact on neighbouring amenity
- Very Special Circumstances

**Impact on the Metropolitan Green Belt**

- 19 As set out in paragraph 149 of the NPPF, new buildings in the Green Belt are inappropriate development. There are some exceptions to this, such as “(c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building”
- 20 Under the last application, a different part of the NPPF was applicable. As the proposals are now for a building within the residential curtilage of Cockerhurst House, paragraph 149(c) is applicable.
- 21 Paragraph 147 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.
- 22 Paragraph 148 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.
- 23 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form although it can have a visual element. Even if there is absence of harm to openness, there can be harm in principal to the Green Belt from inappropriate development.
- 24 At a local level, Policy LT2 of the ADMP states that proposals for equestrian buildings, facilities and activities which would meet the following criteria will be permitted:
  - a) Buildings would be appropriate in scale to their setting and would be closely related to existing farm buildings or other groups of buildings that are well screened from public view
  - b) For proposals that involve new facilities for the keeping of horses, sufficient grazing land and off road riding areas would be available and would not harm the amenities of surrounding residents
  - c) The proposal would not have an unacceptable impact on the water environment and sewage disposal and
  - d) The development would not result in harm to the character of the landscape or the ecological value of the area in which it is situated.
- 25 Proposals for equestrian development in the Green Belt will be permitted where the scale of the development is appropriate to the Green Belt setting

## Agenda Item 4.6

and where the cumulative impact of other buildings does not harm the openness of the Green Belt.

- 26 Where stables or associated equestrian buildings are proposed they 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.
- 27 Policy GB3 of the ADMP refers to residential outbuildings located within the residential curtilage and allows the addition of residential outbuildings, which continue to respect the openness of the Green Belt and are ancillary to the main dwelling.
- 28 Assessment against policy and impact on openness
- 29 The application site is surrounded by soft and hard landscaping along the boundaries of the site in particularly the front elevation and therefore is considerably shielded from the wider landscape. There is an existing stable block and field shield present in close proximity to the proposed stable on land in the same ownership as the application site. However, the field shelters are not located within the residential curtilage and are not within the red line boundary of this application.
- 30 The proposal is located within the residential curtilage, the proposal should be assessed under Policy GB3 of the ADMP, which is for residential outbuildings within the Green Belt. The policy refers to the ancillary use of the outbuilding, in which has been confirmed by the applicant as being ancillary and for the incidental use of the applicant and the recreational use of her horses.
- 31 The scale and bulk of the proposed outbuilding is also key to the assessment as the NPPF requires that the building can only be appropriate if it is a proportionate addition to the original house. The Development in the Green Belt SPD refers to a limit of 40sqm of footprint for residential outbuildings. The proposed stables have a footprint of approximately 93sqm (or 65sqm if the proposed overhang is not included).
- 32 The proposal would considerably exceed the guidance which accompanies GB3. The proposals would therefore not be proportionate to the original dwelling, and would be inappropriate by definition.
- 33 In addition to this assessment under GB3, Part a) of policy LT2 confirms that buildings would be potentially acceptable as long as they are to an acceptable scale in the setting and related to existing buildings on the site. The proposal would be located within the residential curtilage in which an existing stable block is located and therefore would be related to existing buildings.
- 34 The proposed stable, in comparison to the previously refused schemes, would continue to be of a significant scale and bulk. Therefore, the proposal would

continue to have a significant impact on the Metropolitan Green Belt and would further erode the openness. The proposal would therefore not comply with Policy LT2 of the ADMP.

- 35 Overall the proposed development cannot be concluded to be appropriate development in the Green Belt. It is inappropriate by definition and harmful to the openness of the Green Belt.
- 36 Whether there are very special circumstances in this case is assessed at the end of this report.

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

- 37 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.
- 38 There are therefore two considerations directly related to a site's AONB status when determining a planning application. Firstly, does the application conserve the AONB and secondly, if it does conserve the AONB does it result in an enhancement. A failure to achieve both of these points will result in a conflict with the requirements of the Act.
- 39 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.
- 40 The application site is located within an Area of Outstanding Natural Beauty. The proposal would result in a large outbuilding to the site, on a piece of open land to the front of the dwelling. However, due to the large scale of the application site, the proposal would sit comfortably and not result in an overdevelopment. The design and materials of the building are characteristic of this rural setting. The proposal would also result in the addition of bird boxes and soft landscaping to the site and would therefore conserve and enhance the AONB. These could be secured by condition if the application were otherwise acceptable.
- 41 The proposal complies with Policy EN5 of the ADMP.

### **Impact on the Character of the Area**

- 42 The relevant policies relating to design and the character of the area are SP1 of the Core Strategy and EN1 of the ADMP.

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- 43 The proposed stable would impact the street scene as it would be located close to the boundary. However, due to the existing and proposed front boundary treatment and the existing equestrian use, which is already present in the locality of the area, the proposal would not be out of keeping with the established visual character of the area.
- 44 The proposal would consist of a stable block, which consists of 3 stable rooms, a hay store and a tack/feed room. The stable would be large in scale and would also result in the addition of hardstanding, which is to extend off the existing. However, due to the large scale of the site, the stable would sit comfortably on the site, respect the spacing to the boundary. The stable would also be located on a site where an existing stable is located and a paddock in close proximity. The scale of the stable can also be questioned in whether it is classed as recreational use, however this has been confirmed by the applicant.
- 45 The proposed materials of the stable would be in keeping with the materials present within the locality of the area. The proposed materials of the hardstanding would also be acceptable as they would match the existing hardstanding on the site.
- 46 The proposal complies with Policy EN1 of the ADMP and SP1 of the Core Strategy.

### Impact on residential amenity

- 47 Policy EN2 of the ADMP and Sevenoaks' Residential Extensions SPD are relevant in the consideration to this application.
- 48 There are neighbouring properties surrounding the proposed development, however due to the considerable distance between the two and the presence of existing equestrian uses nearby the proposal would have very little impact the neighbour's residential amenity.
- 49 The proposal complies with Policy EN2 of the ADMP.

### Case of Very Special Circumstances

- 50 Para 148 of the NPPF states that when considering any planning application, we 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.



- 51 In this case the harms have 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
- 52 The possible very special circumstances have been identified as:
- The removal of existing field shelters
  - Inadequate facilities in the existing stables
  - In reviewing the very special circumstances put forward by the applicant, the inadequate facilities of the existing stables hold little weight as the applicant has not suggested that there are no other alternatives available, such as upgrading existing facilities, which would not cause harm to the Green Belt. The existing stable would still remain on site and would not be removed as part of the scheme and therefore would still continue to harm the Green Belt due to an additional bulk being added.
- 53 In regard to the removal of the two field shelters. This is not located within the residential curtilage of the site and at a distance away from the main dwelling. Therefore, these shelters would not constitute residential buildings. Their location and scale result in different impacts on the Green Belt and it is not considered that their removal provides sufficient benefit to clearly outweigh the Green Belt harms identified, which must be given substantial weight.
- 54 Therefore, the very special circumstances would not clearly outweigh the harm to the Green Belt.

#### **Other Issues**

- 55 The Tree Officer was consulted on the scheme and raised no objection to the proposal subject to the existing trees not being damaged by the proposal. The Tree Officer also recommends the addition of a landscaping condition if the scheme is granted.
- 56 The application site is also located within a Biodiversity Opportunity Area. The proposal would include the addition of three bird boxes to the site, which would enhance the ecology of the site.

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

- 57 The proposal is not CIL liable.

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### Conclusion

- 58 The proposals are inappropriate development in the Green Belt and harmful to openness. This harm is given substantial weight and this harm is not clearly outweighed by very special circumstances in this case.

### Background papers

Site and block plan

Contact Officer(s): Louise Cane 01732 227000

Richard Morris  
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)

