

16 February 2023 at 7.00 pm
Council Chamber, Argyle Road, Sevenoaks
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Development Control Committee

Membership:

Chairman, Cllr. Williamson; Vice-Chairman, Cllr. Pett
Cllrs. Ball, Barnett, Brown, Cheeseman, Perry Cole, P. Darrington, Edwards-Winser,
Hogarth, Hudson, Layland, McGarvey, Purves, Raikes, Reay, Williams and Streatfeild

Agenda

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

	Pages	Contact
Apologies for Absence		
1. Minutes To approve the minutes of the meeting of the Committee held on 26 January 2023, as a correct record.	(Pages 1 - 22)	
2. Declarations of Interest or Predetermination Including any interests not already registered		
3. Declarations of Lobbying		
4. Planning Applications - Chief Planning Officer's Report		
4.1 22/01447/FUL - Field East Of High Elms, London Road, West Kingsdown Kent Change of use of land for stationing of caravans for residential occupation for Gypsy Traveller site with portacabin structure.	(Pages 23 - 40)	Ashley Bidwell Tel: 01732227429
4.2 22/02747/FUL - Land Behind De Winter House, Granville Road, Sevenoaks Kent TN13 1DZ New build detached house with associated car parking and landscaping.	(Pages 41 - 60)	Ashley Bidwell Tel: 01732227429

- 4.3 **22/02353/MMA - Tonys Corner Shop, 18 Cedar Drive, Edenbridge Kent TN8 5JL** (Pages 61 - 72) Anna Horn
Amendment to 21/02825/FUL Tel: 01732227421
- 4.4 **22/02908/FUL - Manor Buildings , Powder Mill Lane, Leigh Kent TN11 9AS** (Pages 73 - 80) Ashley Bidwell
Use of open storage yard for storage of motor vehicles. Tel: 01732227429

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 or speak to a member of the Democratic Services Team on 01732 227000 by 5pm on Monday, 13 February 2023.

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.

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DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 26 January 2023 commencing at 7.00 pm

Present: Cllr. Pett (Vice Chairman in the Chair)

Cllrs. Ball, Cheeseman, Perry Cole, Edwards-Winser, Hogarth, Hudson, Layland, McGarvey, Raikes, Reay, Williams and Streatfeild

Apologies for absence were received from Cllrs. Barnett, Brown, P. Darrington, Purves and Williamson

Cllrs. Grint and Dr. Canet were also present.

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

56. Minutes

Resolved: That the Minutes of the Development Control Committee meeting held on 5 January 2023, be approved and signed by the Chairman as a correct record.

57. Declarations of Interest or Predetermination

Cllr Perry Cole declared for Minute 59 - 19/05000/HYB - Fort Halstead, Crow Drive, Halstead, Sevenoaks TN14 7BU that he was the local Member for Kent Country Council within a division that was mentioned within the report.

Cllr Williams declared for Minute 59 - 19/05000/HYB - Fort Halstead, Crow Drive, Halstead, Sevenoaks TN14 7BU that under a previous position as a Parish Councillor he had considered the application but remained open minded in considering the application afresh.

58. Declarations of Lobbying

There were none.

59. 19/05000/HYB - Fort Halstead, Crow Drive, Halstead Sevenoaks TN14 7BU

The proposal sought planning permission for a hybrid application comprising, in outline: development of business space (use classes B1a/b/c) of up to 27,773 sqm GEA; works within the X enclave relating to energetic testing operations, including fencing, access, car parking; development of up to 635 residential dwellings; development of a mixed use village centre (use classes A1/A3/A4/A5/B1a/D1/D2); land safeguarded for a primary school; change of use of Fort Area and bunkers to Historic Interpretation Centre (use class D1) with workshop space and; associated

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landscaping, works and infrastructure. In detail: demolition of existing buildings; change of use and works including extension and associated alterations to buildings Q13 and Q14 including landscaping and public realm, and primary and secondary accesses to the site.

The application had been referred to the Committee at the discretion of the Chief Planning Officer, as the development was of a significant and sensitive nature.

The Development Manager set out the history to the application and Members' attention was brought to the main agenda papers and late observation sheet which corrected the reported S106 Head of terms, clarified provision for affordable housing and amended the recommended conditions.

The Committee was addressed by the following speakers:

Against the Application: Cllr Grint (on behalf of Knockholt Parish Council)

For the Application: Alison Tero

Parish Representatives: -

Local Members: Cllr Grint (Halstead, Knockholt & Badgers Mount)

Members asked questions of clarification from the speakers and officer which centred around water supply (managed by conditions) Heavy Good Vehicles (HGVs) movements and the build time. It was confirmed that the build would be in phased developments and the transport assessment had taken into account a best and worst case scenario with HGV movements. As it was a phased development, any Community Infrastructure Levy (CIL) payments would also be phased. In response to further questions Members were advised that the legal agreement allowed for additional contributions for affordable housing if the viability changed in the future.

It was moved by the Chairman that the recommendations within the report and late observations sheet be agreed.

Members discussed the application giving consideration to the answers from questions of clarification and that planning permission had previously been granted on the site. Members discussed the conditions surrounding the water supply and sewage and traffic movements.

The motion was put to the vote and it was

Resolved: That if the requirements of resolution A below are not met, resolution B be followed:

A) That planning permission be granted subject to

- i) 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
- ii) A satisfactory legal agreement made under section 106 of the Town and Country Planning Act 1990 (as amended) being completed no later than 31 January 2023, unless in accordance with a new timescale otherwise agreed in writing by the Chief Officer for Planning and Regulatory Services. Except to the extent that the Deputy Chief Executive and Chief Officer for Planning and Regulatory Services is satisfied that the requirements are secured through the conditions.

Section 106 Agreement

The Section 106 Agreement shall include the following requirements:

- 20% affordable housing with a mix of 65% for Social Rent/ Affordable Rent 25% for First Homes and 10% Intermediate housing, plus early and late review mechanisms.
- Safeguarding of land for a school, to revert to employment use if not required;
- Ecological mitigation works and management of habitats;
- Provision, protection and management of all open spaces and the green infrastructure
- Safeguards for heritage assets including provision of a Heritage Management Plan and delivery of a Historic Interpretation Centre and a Heritage Trail;
- Management and maintenance plans for the open spaces within the site;
- Highways and transport improvements including works under a Section 278 agreement as required, to include :
- Access junction improvements including new roundabout to Polhill access to include pedestrian and cycling infrastructure and alterations to Star Hill Road and its access to include enlarged visibility splays, new warning signage, anti-skid surfacing, tapers on the junction corners; enlarged splinter island; safety enhancements to the bend of Star Hill Road to the south east of the site including white lining/ hatching; best endeavours to deliver a 40mph speed limit on Star Hill Road;
- Improved cycling links to Knockholt Station including best endeavours to prevent parking in the cycle lane on Old London Road and creation of an advisory cycle lane in both directions on the A224 between the new roundabout at Otford Lane and land south of Polhil Garden Centre, commitment to a cycle hire scheme;
- Upgrades to public rights of way and bridleways (including Polhill to Twitton bridleway and footpath to Knockholt Village);
- Details and provision of a community bus service;
- Compliance with Travel Plans and associated monitoring fees.
- Best endeavours to provide floorspace for the community or a health facility use

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Planning Conditions

Definitions:

For the avoidance of doubt, these conditions rely on the following definitions:

“Detailed Permission”- relates to the area identified by plan 00556I_S01 Rev.P3 as “Detailed Planning Application boundary”.

“X Enclave”- relates to the area outlined in red on plan 00556I_S04 Rev.P2 and annotated as “QinetiQ’s red line boundary”.

1. The development to which this permission relates must be begun not later than whichever is later of the following dates: a) the expiration of 3 years from the date of this permission; or b) the expiration of two years from the approval of the final Reserved Matters permission.

Reason: In pursuance of section 92(2) of the Town and Country Planning Act 1990.

2. The first application for the approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of 5 years from the date of this permission.

Reason: In pursuance of section 92(2) of the Town and Country Planning Act 1990

3. No development shall take place until details of a Phasing Plan of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: In pursuance of section 92(2) of the Town and Country Planning Act 1990.

4. The final Reserved Matters application shall be made to the Local Planning Authority not later than 10 years following the approval of the first Reserved Matters application.

Reason: In pursuance of section 92(2) of the Town and Country Planning Act 1990 and to provide certainty over the delivery of the development.

5. For each Phase of Development identified by Condition 3, approval of details of the scale, layout, landscaping and appearance of the proposed development (hereinafter called the “Reserved Matters”) shall be obtained from the Local Planning Authority in writing before any development in that Phase is commenced.

Reason: In pursuance of section 92(2) of the Town and Country Planning Act 1990.

6. The plans and particulars of each relevant reserved matters application shall not exceed the maximum parameters of the development set out in the parameter plans: 005561_: PP01 Rev.P3, PP02 Rev.P3, PP03 Rev.P3, PP04 Rev.P4, S02 Rev.P3.

Reason: To ensure the development is within the parameters assessed in the Environmental Statement accompanying the application.

7. For each phase of the submission of Reserved Matters applications pursuant to this permission, a “Compliance Report” shall be submitted that states how the Reserved Matters comply with the approved parameter plans and Mandatory Design Principals at Condition 11. If required an updated Phasing Plan shall also be submitted for approval in writing.

Reason: In pursuance of section 92(2) of the Town and Country Planning Act 1990.

8. Access to the site shall be carried out in full accordance with the details shown on drawings 41290/5501/044 Rev. A and 41290/5501/041 Rev.A in so far as they relate to the access to the site only.

Reason: To ensure safe access to the site and to comply with policy EN1 of the ADMP and the NPPF.

9. Before each phase of development identified pursuant to condition 3 is commenced the details submitted pursuant to reserved matters shall include, but not be limited to, the following details:
 - a) Any proposed access road(s) including details of horizontal and vertical alignment;
 - b) The layout, specification and construction programme for: any internal roads not covered by (a) above, footpaths, parking and turning areas (including visibility splays), cycle parking areas and cycle storage facilities;
 - c) For the landscaping scheme: location of existing trees, hedges, shrubs and other vegetation to be retained and removed;
 - d) Where applicable, retention of not less than a 15m buffer to the ancient woodland and trees labelled T136 and T137 within the report titled ‘Arboricultural Impact Assessment Updated’ ref RT-MME-152162 Rev.E (June 2020)
 - e) The layout, character, structure and types of the proposed planting, together with an indicative schedule of planting species and tree retention.
 - f) The layout and character of the proposed hard surfacing areas together with an indicative schedule of materials.

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- g) Details of any earthworks proposed, contours to be formed and representative cross/long-sections.
- h) Location of lighting for roads, footpaths and other areas.
- i) Appropriate provision and distribution of play spaces.
- j) a strategy and design for street furniture which shall include, street lighting, waste bins, seating and any non-highway signage.
- k) Boundary treatments.
- l) The incorporation of measures to design out crime as part of the matters referred to above.

Reason: In pursuance of section 92(2) of the Town and Country Planning Act 1990.

10. The area of the Detailed Permission (defined by plan 00556I_S01 Rev.P3 as 'Detailed Planning Application boundary') shall be carried out in accordance with the following approved plans: 00556J_MP_: S01 Rev.P1, S02 Rev.P1, S03 Rev.P1, S04 Rev.P1, 6699_101i. 00556J_Q14-13_: S07 Rev.P1, S08 Rev.P1, S09 Rev.P1, S10 Rev.P1, S11 Rev.P1, S12 Rev.P1, S13 Rev.P1, S14 Rev.P1, S15 Rev.P1, S16 Rev.P1, S17 Rev.P1, S19 Rev.P2.

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

11. The development shall be carried out in accordance with the Mandatory Design Principals as detailed in the document titled "Fort Halstead: Design Principles Application Revision 1 May 2020" and which are indicated therein as mandatory.

Reason: To ensure that the details of the development are acceptable to the Local Planning Authority and to ensure the development conserves and enhances the special landscape character of the AONB and the setting of the designated heritage assets, to comply with policies EN1, EN4 and EN5 of the Sevenoaks ADMP.

12. Prior to commencement of works (including demolition and site clearance) on land comprising the Detailed Permission (being the area of the detailed planning application defined by plan 00556I_S01 Rev.P3 as 'Detailed Planning Application boundary'), a detailed ecological mitigation strategy for that part of the development shall be submitted to, and approved in writing by the Local Planning Authority. This will include the relevant proposals within the Framework Ecological Mitigation Strategy Rev A (by Middlemarch Environmental, May 2020).

Reason: To ensure appropriate mitigation for biodiversity, to comply with policy SP11 and the NPPF.

13. With the submission of the first reserved matters application (excluding reserved matters relating to the X Enclave), a site-wide Outline Mitigation Strategy shall be submitted to, and approved in writing by,

the Local Planning Authority. The strategy will incorporate the measures within the Framework Ecological Mitigation Strategy Rev A (by Middlemarch Environmental, May 2020).

Reason: To ensure appropriate mitigation for biodiversity, to comply with policy SP11 and the NPPF.

14. With the submission of reserved matters for each phase identified pursuant to condition 3, an updated detailed mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy will accord with the details within the Outline Mitigation Strategy as agreed as Condition 13. The strategy will be adhered to thereafter.

Reason: To ensure appropriate mitigation for biodiversity, to comply with policy SP11 and the NPPF.

15. With the submission of a Reserved Matters application for each phase identified pursuant to condition 3, a detailed Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The document shall demonstrate compliance with the agreed Outline Landscape and Ecological Management Plan (by Middlemarch Environmental, June 2020) and shall include, where applicable, details for the management of the ancient woodland and management of public access within it. It shall also include details of how public footpaths within it will be maintained. The development shall be carried out in accordance with the approved details.

Reason: To ensure appropriate mitigation and management for biodiversity and the landscape, to comply with policy SP11 and the NPPF.

16. Before each phase of development identified pursuant to condition 3 is first occupied details of a scheme for external lighting and a programme of implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure appropriate mitigation for biodiversity and to ensure the development conserves and enhances the special landscape character of the AONB, to comply with policies EN1 and EN5 of the ADMP, SP11 of the Core Strategy, and the NPPF.

17. Before each phase of development identified pursuant to condition 3 is commenced a detailed Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) for that phase shall be submitted to, and approved in writing by, the Local Planning Authority. The content of the CEMP shall adhere to and support the principles of the approved overarching Landscape and Ecological Management Plan for that phase.

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The development shall be carried out in accordance with the approved details.

Reason: To ensure adequate protection and mitigation for biodiversity during the construction process, to comply with policy SP11 of the Core Strategy and the NPPF.

18. Before each phase of development identified pursuant to condition 3 is commenced, details of all trees to be retained within (and immediately adjacent to) each phase, the 15m ancient woodland buffer and trees T136 and T137 (as identified in the report titled 'Arboricultural Impact Assessment Updated' ref RT-MME-152162 Rev.E June 2020) if they fall within or immediately adjacent to, that phase, shall be protected by a fence erected in accordance with the guidance contained in BS 5837:2012 and maintained during the course of development within that phase. Within the protection areas erected in accordance with the guidance contained in BS 5837:2012, the existing ground level shall neither be raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored within such areas without the prior written approval of the local planning authority. If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand and any tree root encountered with a diameter of 25mm or more shall be left unsevered.

Reason: To ensure the protection of the retained, protected, ancient and veteran trees on the site during the construction process, to comply with policy EN1 of the ADMP and the NPPF.

19. No development shall commence (except for development within the X Enclave) until a site wide strategy to deal with potential risks associated with any contamination of the site has been submitted to, and approved in writing by the Local Planning Authority. This strategy will include the following: a preliminary risk assessment which has identified: all previous uses, potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors, and; potentially unacceptable risks arising from contamination of the site.

Reason: To ensure appropriate investigations are undertaken to inform a scheme of investigation and remediation as required, to ensure the development is safe for future users and to comply with the aims of the NPPF.

20. No development shall commence (except for development within the X Enclave) until a site investigation scheme, based on the findings of condition 19 and to provide information for a detailed assessment of the risk of all receptors that may be affected, including those off site, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure appropriate investigations are undertaken to inform a scheme of investigation and remediation as required, to ensure the development is safe for future users and to comply with the aims of the NPPF.

21. No development on any phase identified pursuant to condition 3 (except for development within the X Enclave) shall be commenced until details of an options appraisal and remediation for that phase, based on the results of conditions 19 and 20, has been submitted to and approved in writing by the Local Planning Authority. Those details shall include: full details of the remediation measures required and how they are to be undertaken; details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete, and; details of any longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The development shall be carried out in accordance with the approved details.

Reason: To ensure appropriate remediation is carried out as required, to ensure the development is safe for future users and to comply with the aims of the NPPF.

22. Prior to the occupation of any residential unit or the first commencement of any use within any phase (except for development within the X Enclave), a verification report, demonstrating the completion of works set out in the approved remediation strategy for that phase, and details of the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure appropriate remediation is carried out as required, to ensure the development is safe for future users and to comply with the aims of the NPPF.

23. If, during development on any part of the site (except for development within the X Enclave), contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out on that part of the site until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by the Local Planning Authority. The approved remediation strategy shall be implemented as approved.

Reason: To ensure appropriate remediation is carried out for any unexpected contamination, to ensure the development is safe for future users and to comply with the aims of the NPPF.

24.No development shall commence (except for development within the X Enclave) 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 be based on the FRA and Drainage Strategy (Hydrock, September 2019) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk off site, and shall include details of measures relating to the drainage of highways and accesses. The drainage scheme shall also demonstrate (with reference to published guidance):

- That silt pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters;
- Appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development does not increase the flood risk elsewhere, to comply with policy SP1 of the Core Strategy and the NPPF.

25.No development on any phase identified pursuant to condition 3 shall be occupied until a Verification Report, pertaining to the surface water drainage system for that phase, and prepared by a suitably competent person, has been submitted to and approved in writing 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.

Reason: To ensure the drainage systems are installed as approved to ensure the development does not increase the flood risk elsewhere, to comply with policy SP1 of the Core Strategy and the NPPF.

26.No infiltration of surface water drainage into the ground is permitted other than with the written approval of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the development does not contribute to, or is not put at unacceptable risk from, water pollution caused by mobilised contaminants, to comply with the NPPF.

27. No development shall be commenced (except for development within the X Enclave) until a site wide foul drainage strategy, detailing how the developer intends to ensure that appropriate foul drainage is implemented with a connection to foul sewer, has been submitted to and approved in writing by the Local Planning Authority in consultation with the water undertaker and the Environment Agency. The development shall be constructed in accordance with the agreed detailed design and recommendations of the strategy.

Reason: To ensure the development does not contribute to, or is not put at unacceptable risk from, water pollution caused by mobilised contaminants, to comply with the NPPF.

28. Piling or other foundation designs using penetrative methods shall not be permitted other than in accordance with details first submitted to and approved in writing by the Local Planning Authority, where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater.

Reason: To ensure the development does not contribute to, or is not put at unacceptable risk from, water pollution caused by mobilised contaminants, to comply with the NPPF.

29. No construction traffic shall be permitted to use the Star Hill Road access at any time.

Reason: In the interests of highway safety, to comply with policy EN1 of the ADMP and the NPPF.

30. No development on any phase identified pursuant to condition 3 (including demolition and site clearance on any phase) shall be commenced until details of a construction traffic management plan for that phase have been submitted to and approved in writing by the Local Planning Authority. Those details shall include but not be limited to:
- Routing of vehicles;
 - Employee parking;
 - Delivery vehicle unloading and turning;
 - Wheel washing facilities, and;
 - Any requirements for traffic management.

The development on that phase shall be carried out only in accordance with the approved details.

Reason: To protect highway and pedestrian safety during the construction phases, to comply with policy EN1 of the ADMP and the NPPF.

31. Prior to the occupation or use of the first phase of the development identified pursuant to condition 3, full details of the Demand Responsive Transport service to serve the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that options for encouraging sustainable means of transport from the site are delivered, to comply with policies EN1 of the ADMP and SP1 of the Core Strategy, and the NPPF.

32. Prior to the occupation or use of each phase identified pursuant to condition 3, updated details of the Demand Responsive Transport service shall be submitted to and approved in writing by the Local Planning Authority. The service shall operate in accordance with the approved details.

Reason: To ensure that options for encouraging sustainable means of transport from the site are delivered, to comply with policies EN1 of the ADMP and SP1 of the Core Strategy, and the NPPF.

33. Prior to the occupation or first use of any part of the development (except for development within the X Enclave), details of a Bus Management Plan for the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall outline the services that will serve the site and how demand will be monitored and how the bus service will respond to demand.

Reason: To ensure that options for encouraging sustainable means of transport from the site are delivered, to comply with policies EN1 of the ADMP and SP1 of the Core Strategy, and the NPPF.

34. Prior to commencement of any phase identified pursuant to condition 3, details of a scheme of electrical vehicle charging points within that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details and those charging points shall be available for use prior to the occupation of the buildings they serve.

Reason: To ensure the delivery of electrical vehicle charging points, to comply with policy T3 of the ADMP.

35. Prior to commencement of development on any phase identified pursuant to condition 3, a building retention and demolition management plan for that phase shall be submitted to and approved in writing by the local planning authority. This shall include: a) details of the methods of protection of the buildings to be retained and b) the details of a demolition management strategy. Demolition shall occur only in accordance with the approved details and all buildings to be retained shall be protected in full accordance with the approved details for the duration of construction on that phase.

Reason: To preserve the historic site and its designated and non-designated heritage assets as supported by Policy EN4 of the ADMP and the NPPF.

36. No development on any phase identified pursuant to condition 3 shall take place until a method statement for the salvage, secure storage and re-use of items of historic interest including: original street lamps, other street furniture, building numbers, street name signs and, the red information board outside the M series/Bunkers, has been submitted to and approved in writing by the Local Planning Authority. No development shall be carried out other than in accordance with the approved method statement.

Reason: To preserve the heritage and historical importance of the site in accordance with policy EN4 and EMP3 of the Sevenoaks ADMP and the NPPF.

37. No development shall take place pursuant to any phase identified by condition 3 until methodology for recording the architecture and/or archaeology buildings prior to and during demolition on that phase has been submitted to and approved in writing by the Local Planning Authority. No demolition shall be carried out other than in accordance with the approved methodology and the records or reports shall be stored in accordance with the approved methodology.

Reason: To preserve the heritage and historical importance of the site in accordance with policy EN4 and EMP3 of the Sevenoaks ADMP and the NPPF.

38. Prior to commencement of development on any phase identified pursuant to condition 3, an archaeological impact assessment and archaeological landscape survey shall be submitted to and approved in writing by the Local Planning Authority, including a written specification and timetable. The development shall be implemented in accordance with the approved archaeological impact assessment.

Reason: To preserve the heritage and historical importance of the site in accordance with policy EN4 and EMP3 of the Sevenoaks ADMP and the NPPF.

39. Prior to commencement of development on any phase identified pursuant to condition 3, details of archaeological field evaluation works, shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording if necessary. The development shall be carried out in accordance with the approved details.

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Reason: To preserve the heritage and historical importance of the site in accordance with policy EN4 and EMP3 of the Sevenoaks ADMP and the NPPF.

40. Prior to the first occupation of any dwelling or use of any community or employment floorspace (except for development within the X Enclave), written confirmation shall be provided to the Local Planning Authority to demonstrate that either: a) all water network upgrades required to accommodate the additional flows to serve the development have been completed; or b) a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason: To ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development, to comply with policy EN2 and the aims of the NPPF.

41. No development (except for development within the X Enclave) other than the enabling works shall take place until an impact study of the existing water supply infrastructure has been submitted to and approved in writing by the Local Planning Authority. The study should determine the magnitude of any new additional capacity required in the system, a suitable connection point and a programme of implementation for any works. No development shall be carried out otherwise than in accordance with the approved scheme.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand. This is supported by policy EN1 of the ADMP and the NPPF.

42. Prior to commencement of development on any phase identified pursuant to condition 3, a demolition and construction environmental management plan (CEMP), specific to amenity issues, for that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The CEMP shall include:

- a. Details of the proposed working hours;
- b. Details of the design and location of the construction access;
- c. A site waste management plan
- d. Details of temporary utilities
- e. How the construction will comply with the sustainable use of soils on construction sites
- f. Details of a communication strategy to include the provision of a dedicated phone line for residents to contact the site manager directly with complaints which should be manned whenever site works are in progress.

- g. Details of a routing agreement for the site construction traffic and HGV traffic associated with the movement of bulk material to and from the site
- h. Details of means of suppressing dust during the construction process to include the regime for dust deposition measurement at the site boundaries;
- i. Details of the measures to mitigate the noise and vibration from construction;
- j. Details of a surface water drainage scheme for the temporary drainage of the Site.

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

43. Prior to the commencement of development on any phase identified by condition 3 and which includes residential development, details shall be submitted to and approved in writing by the Local Planning Authority to demonstrate the provision of outdoor play space, including details of a scheme for its implementation. The development shall be carried out in accordance with the approved details.

Reason: To ensure delivery of adequate play facilities across the site and to comply with policy EN2 of the ADMP.

44. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended and the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, (or any order revoking, re-enacting or modifying that Order), all buildings and units occupied for commercial uses (all uses other than C3) within the development shall be used only for the purposes described in this application comprising uses falling within the Use Classes Order 1987 (as amended) prior to 1 September 2020, being A1, A3, A4, A5, B1a, D1 and D2 for the uses falling within the village centre, and use classes B1a/b/c for the business space. Those buildings shall only be used for those uses for which they are first occupied and will not benefit from use class permitted development subsequently.

Reason: To ensure delivery of a mixed use village centre and the delivery of appropriate employment uses on the site, and to protect highway safety, to comply with policies SP1 of the Core Strategy and EMP3 of the ADMP.

45. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting or amending those Orders with or without modification), planning permission shall be required in respect of development falling within Schedule 2, Part 7, Classes A, H, J, M, N.

Reason: To ensure protection of the ancient woodland, protected trees and habitats on the site, and to ensure that future development

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conserves and enhances the special landscape character of the AONB and the setting of the designated heritage assets, to comply with policies SP1 and SP11 of the Core Strategy and EN4 and EN5 of the ADMP.

46. Prior to commencement of any works to the Scheduled Ancient Monument details shall be submitted to, and be approved in writing by the Local Planning Authority of any proposed landscaping works, including the removal of trees within the curtilage of the Scheduled Ancient Monument. No development will be carried out otherwise than in accordance with the approved details.

Reason: To preserve the historic significance of the Scheduled Ancient Monument as supported by Policy EN4 of the Sevenoaks ADMP.

Conditions Relating to the X Enclave

(relating to the area outlined in red on plan 005561_S04 Rev.P2 and annotated as "QinetiQ's red line boundary")

47. With the submission of the first reserved matters application relating to the X Enclave, an Ecological Mitigation Strategy for that part of the site shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy will incorporate the measures within the Framework Ecological Mitigation Strategy Rev A (by Middlemarch Environmental, May 2020).

Reason: To ensure appropriate mitigation for biodiversity, to comply with policy SP11 and the NPPF.

48. No development shall commence within the X Enclave until a strategy to deal with potential risks associated with any contamination on that part of the site has been submitted to, and approved in writing by the Local Planning Authority. This strategy will include the following: a preliminary risk assessment which has identified: all previous uses, potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors, and; potentially unacceptable risks arising from contamination of the site.

Reason: To ensure appropriate investigations are undertaken to inform a scheme of investigation and remediation as required, to ensure the development is safe for future users and to comply with the aims of the NPPF.

49. No development shall commence within the X Enclave until a site investigation scheme, based on the findings of condition 48 and to provide information for a detailed assessment of the risk of all receptors that may be affected, including those off site, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure appropriate investigations are undertaken to inform a scheme of investigation and remediation as required, to ensure the development is safe for future users and to comply with the aims of the NPPF.

50. No development within the X Enclave shall be commenced until details of an options appraisal and remediation for that area, based on the results of conditions 48 and 49, has been submitted to and approved in writing by the Local Planning Authority. Those details shall include: full details of the remediation measures required and how they are to be undertaken; details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete, and; details of any longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The development shall be carried out in accordance with the approved details.

Reason: To ensure appropriate remediation is carried out as required, to ensure the development is safe for future users and to comply with the aims of the NPPF.

51. Prior to the occupation of any building within the X Enclave, a verification report, demonstrating the completion of works set out in the approved remediation strategy for that phase, and details of the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure appropriate remediation is carried out as required, to ensure the development is safe for future users and to comply with the aims of the NPPF.

52. If, during development within the X Enclave, contamination not previously identified is found to be present on that part of the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out on that part of the site until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by the Local Planning Authority. The approved remediation strategy shall be implemented as approved.

Reason: To ensure appropriate remediation is carried out for any unexpected contamination, to ensure the development is safe for future users and to comply with the aims of the NPPF.

53. No development shall commence within the X Enclave until a detailed sustainable surface water drainage scheme for that part of the site has been submitted to and approved in writing by the Local Planning

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Authority. The detailed drainage scheme shall be based on the FRA and Drainage Strategy (Hydrock, September 2019) and shall demonstrate that the surface water generated by this part of the 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 off site, and shall include details of measures relating to the drainage Of highways and accesses. The drainage scheme shall also demonstrate (with reference to published guidance):

- That silt pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters;
- Appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker. The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development does not increase the flood risk elsewhere, to comply with policy SP1 of the Core Strategy and the NPPF.

54.No development shall be commenced within the X Enclave until its foul drainage strategy, detailing how the developer intends to ensure that appropriate foul drainage is implemented with a connection to foul sewer, has been submitted to and approved in writing by the Local Planning Authority in consultation with the water undertaker and the Environment Agency. The development shall be constructed in accordance with the agreed detailed design and recommendations of the strategy.

Reason: To ensure the development does not contribute to, or is not put at unacceptable risk from, water pollution caused by mobilised contaminants, to comply with the NPPF.

Additional condition relating to the wider site:

55. For each phase of the submission of the reserved matters, the details submitted shall include a noise report indicating how noise levels from any part of the site occupied by Qinetiq can be addressed so that noise levels do not exceed 55dba in the outdoor amenity areas across the site. No development shall be carried out otherwise than in accordance with the approved details.

Reason: To conserve and enhance the natural beauty of the Kent Downs AONB, and to protect the amenity of future users and occupiers of the site, including residents, to comply with policies EN5 and EN2 of the Sevenoaks ADMP.

Informatives

1. Please be aware that this development is also the subject of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.
2. Part of the development subject to this notice falls within a highlighted proximity of a mains gas pipe which is considered a major hazard. The applicant/ agent/ developer is strongly advised to contact the pipeline operator PRIOR to ANY works being undertaken pursuant to the permission granted/ confirmed by this notice. Address is: Southern Gas Networks Plc, SGN Plant Location Team, 95 Kilbirnie Street, Glasgow, G5 8JD. Tel: 01414 184093 OR 0845 0703497 Search online at: www.linesearchbeforeyoudig.co.uk . SGN personnel will contact you accordingly.
3. Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with EA guidance document “Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73”.
Earthworks: The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have End 4 ceased to be waste. Under the Code of Practice:
 - excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
 - treated materials can be transferred between sites as part of a hub and cluster project formally agreed with the EA
 - some naturally occurring clean material can be transferred directly between sites. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, we should be contacted for advice at an early stage to avoid any delays. We recommend that developers should refer to:
 - the Position statement on the Definition of Waste: Development Industry Code of Practice and;
 - The Environmental regulations page on GOV.UK Any re-use of excavated materials not undertaken formally using the CLAIRE DoWCoP would require an environmental permit for deposit, unless materials are solely aggregates from virgin sources, or from a fully compliant Quality Protocol aggregates supplier. Any deposit of materials outside of these scenarios could be subject to enforcement actions and/or landfill tax liabilities.

Fuel, Oil and Chemical Storage

Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental/unauthorised discharge to ground. The areas for storage should not drain to any surface water system. Where it is proposed to store more than 200 litres (45 gallon drum = 205litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

- B) If the S106 legal agreement is not completed in accordance with the above recommendation (A), that planning permission be refused on the following grounds:
- 1 The proposal fails to make provision for affordable housing and is therefore contrary to the NPPF and the Sevenoaks Affordable Housing Supplementary Planning Document.
 - 2 In the absence of an affordable housing contribution which would contribute to meeting an identified affordable housing need in the District, the proposals would be inappropriate development in the Green Belt by definition, contrary to the NPPF.
 - 3 The proposal fails to provide appropriate safeguards to protect the ecology, bio-diversity and protected habitats on the site, to provide and manage open spaces and to conserve and enhance the Area of Outstanding Natural Beauty contrary to policies SP1, SP11 and L08 of the Core Strategy, policy EMP3 and EN5 of the ADMP and the NPPF.
 - 4 The proposal fails to provide safeguards to protect the designated and non-designated heritage assets on the site, contrary to policy SP1 of the Core Strategy, policies EMP3 and EN4 of the ADMP and the NPPF.
 - 5 The proposal fails to make provision for the appropriate and necessary highway and transport improvements required to mitigate the impacts arising from the development, contrary to policy SP9 of the Core Strategy, policies EMP3 and T1 of the ADMP and the NPPF.

THE MEETING WAS CONCLUDED AT 8.24 PM

CHAIRMAN

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4.1 22/01447/FUL

Date expired 5 September 2022

Proposal: Change of use of land for stationing of caravans for residential occupation for Gypsy Traveller site with portacabin structure.

Location: Field East Of High Elms, London Road, West Kingsdown Kent

Ward(s): Fawkham & West Kingsdown

Item for decision

This application has been referred to Development Control Committee by Councillors Harrison, Bulford and Fothergill on the grounds there is insufficient justification for a new Gypsy Traveller the pitch in this Green Belt location and that there are already many pitches in West Kingsdown

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

1) This planning permission is granted for a temporary period of five years only, from the date of this permission. By the date this permission expires, all caravans, utility building, structures, hardstanding, materials and equipment brought on to the land in connection with the use hereby approved, shall be removed and the site shall be restored to its previous condition, or restored in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority.

In order that any other proposal for the use of the land for a longer period is the subject of a separate application, to be determined on its merits, having regard to the harm to the Green Belt, the status of the Local Plan and the allocation of sites for Gypsies and Travellers.

2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: Block plan, site location plan and portacabin elevations.

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

3) The occupation of the site hereby permitted shall be limited to Ms Harrison and their resident dependants to whom are gypsy and travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together. When the land ceases to be used by Ms Harrison and dependants or at the end of the expiry of temporary permission, whichever is the sooner, the use hereby permitted shall cease and all caravans, utility building, structures,

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hardstanding, materials and equipment brought on to the land associated with the use hereby permitted shall be removed

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm.

4) There shall be no more than 1 residential pitch on the site. No more than 2 caravans (one static and one touring), as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, as amended, shall be stationed on the site at any time.

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm, in accordance with Policy SP6 of the Local Plan.

5) The hedgerow shown on the submitted plans shall be retained for the lifetime of the development.

To preserve the character of the area in accordance with policy EN1 of the Sevenoaks Allocations and Development Management Plan.

6) No commercial activities shall take place on the land, including storage of materials, and no vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.

To maintain the integrity and character of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

7) No external lighting shall be installed on the site or affixed to any buildings on the site unless the local planning authority has first approved in writing details of the position, height, design, measures to control light spillage and intensity of illumination. Only the approved details shall be installed.

To maintain the integrity and character of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

National Planning Policy Framework

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

Description of Site

- 1 The application site is a small rectangular shaped parcel of land to the east of the A20 (London Road) West Kingsdown. The site is an area of hard standing

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for a small stable yard, with surrounding paddock land to the west and east used in connection with the keeping of horses. The application site itself equates to roughly 500 square meters.

- 2 The site is located within the Metropolitan Green Belt though it is adjacent to the settlement confines of West Kingsdown, the northern border of which cuts through the properties of The Stables and 1 Three Ways to the south and along the rear garden boundaries of the northern Phelps Close properties.
- 3 The site is accessed via the A20 (London Road) via gated tarmac drive, the site is partially screened from the main road via a 2m hedgerow.

Description of Proposal

- 4 Permission is sought for a change of use of the land for the stationing of caravans (one static and one touring) for residential occupation for a Gypsy Traveller with portacabin structure. The use, stationing of caravans and the erection of the portacabin is retrospective.

Relevant Planning History

- 5 No planning history relevant to this application site on record.

Policies

- 6 National Planning Policy Framework (NPPF)
- 7 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.
- 8 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 proposed⁷; 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.
- 9 (Footnote 7 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.)
- 10 Core Strategy (CS)
 - SP1 Design of New Development
 - SP6 Provision for Gypsies and Travellers and Travelling Showpeople
 - LO8 The Countryside and Rural Economy

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11 Allocations and Development Management Plan (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- GB6 Siting of Caravans and Mobile Homes in the Green Belt
- T2 Vehicle Parking

12 Other

- Sevenoaks Gypsy and Traveller Accommodation Assessment 2022 (GTAA)
- Development within the Green Belt SPD
- Planning Policy for Traveller Sites - August 2015 (PTTS)
- Sevenoaks Landscape Character Assessment SPD 2017 - area 1a West Kingsdown Settled Downs

Constraints

13 The following constraints apply:

- Metropolitan Green Belt
- Adjacent to urban confines of West Kingsdown

Consultations

14 West Kingsdown Parish Council

15 Objects to the application for the following reasons:

16 “1) This would be a totally inappropriate development on this Green Belt site.

17 2) The Applicant has given up the gypsy/traveller way of life. Three Ways was a one time a “tolerated” gypsy site”. According to paragraphs 3.3 and 3.4 on Page 5 of the Planning Statement submitted in respect of Mr Luke’s application 22/01602/LDCEX, in 1998 an application was made to re-develop the land (98/00711) and permission for this was renewed in 2001 (01/2228/RENEW). A variation of condition 3 was granted in 2004 (04/02509/RENEW). Final Reserved Matters were successfully discharged in 2005 (SE/04/03179/REM.

18 The Applicant agreed the sale of the Three Ways gypsy site (next door) to Three Ways (West Kingsdown) Limited in November 2011 and the final transfer was made in July 2012.

19 Paragraph 4.4 on Page 7 of the same document says, “The relevant Building Control Application (12/000349/IN) has a decision date of 23rd April 2012 and completion on Oct 2013.”

20 From the above information it appears that the Applicant sold the gypsy site on which he lived for a development of 5 houses, one of which he has occupied since completion in 2013, nearly 9 years ago. It appears, therefore, that he has given up his gypsy status. He has sold one 3 pitch gypsy site and now wants another on Green Belt land next door. This cannot be a justification for overriding important Green Belt policy.

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- 21 3) It appears that the caravan/mobile home has been on site for only 4 months. As there are so many gypsy sites in West Kingsdown, Members believe the application should be refused and enforcement action taken.
- 22 There are 4 or 5 pitches on a site in Crowhurst Lane, 3 at Hollywood Gardens in School Lane, 2 at Two Barnes in Knatts Lane and 13 on Knatts Valley Caravan Park (although there are still 17 caravans on site). There are 35 on Barnfield Park at Ash (next Village) and several on Farningham Hill a fairly new site (next Village).
- 23 4) As Ms Harrison and her children were all born in Chatham, it is obvious that that has always been her home. She may have come from a long line of Kent gypsy families but they are not local to West Kingsdown. As far as Members are aware she has never lived in the Village and no-one seems to have known of her existence. The family would appear to be the responsibility of Medway Council rather than Sevenoaks.”
- 24 Other Consultees
- 25 SDC Planning Policy:
- 26 The site lies adjacent to the settlement boundary for West Kingsdown, which is identified as a Service Village in the Settlement Hierarchy and offers a number of key services and facilities which contribute to the overall sustainability of the settlement. The site lies fully within the Metropolitan Green Belt.
- 27 Gypsy and Traveller Pitch Need and Provision
- 28 The previous 2017 Gypsy and Traveller Accommodation Assessment (GTAA) identified a need of 51 pitches up until 2035. Since April 2017, 52 pitches have gained permanent permission. The updated Gypsy and Traveller Accommodation Assessment (GTAA) was undertaken in 2022.
- 29 The GTAA 2022 identified a need for 43 additional pitches up to 2040. This need to
- The baseline number of households on all types of site (authorised, unauthorised and temporary authorised sites) as at April 2022;
 - Existing households planning to move in the immediate (0-5 years) and longer (up to 2040) time period (currently on sites and also from bricks and mortar) and where they are planning to move to; and
 - Emerging households currently on sites and planning to emerge in the immediate (0-5) years and longer (up to 2040) time period and stay within the study area on a pitch.
- 30 This need has since been reduced by 6 pitches (to 37 pitches) up to 2040, due to the granting of planning permission since the GTAA was undertaken in April 2022.
- 31 It should be noted that the GTAA 2022 identified, at table ES1, an immediate 5 year need of 5 Gypsy and Traveller pitches.

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- 32 Since the GTAA 2022 was undertaken, 6 pitches have been delivered across the District. Whilst this does not meet our identified need in full up to 2040, this shows the Councils commitment to meeting Gypsy and Traveller need across Sevenoaks District.
- 33 Green Belt
- 34 The site lies fully within the Metropolitan Green Belt and therefore it is considered that a very special circumstances (VSC) case would be required to justify the granting of this application.
- 35 Consideration should be given to paragraph 16 of the Planning Policy for Traveller Sites (PPTS) when considering a very special circumstances case, which sets out that “subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances”.
- 36 New Local Plan for Sevenoaks District
- 37 The new Local Plan will allocate land to meet the need for Gypsy and Traveller accommodation within the District over the plan period (up to 2040). However, there are currently no existing adopted allocations for Gypsy and Traveller Pitches and therefore the Council cannot demonstrate a 5 year supply of specific deliverable sites for Gypsy and Traveller pitches.
- 38 The Council has recently adopted a new Local Development Scheme for the emerging Local Plan, which states that the Local Plan will be submitted for examination in 2023 and adopted in 2024. Our first Regulation 18 consultation is currently open and will run until 11 January 2023.
- 39 As previously stated, the Council has recently published the new GTAA, in April 2022, and this forms part of the new Local Plan evidence base, to cover the plan period up to 2040.
- 40 A main focus of the new Local Plan is sustainability, and sites in the most sustainable locations will be preferred over those which are more remote or with more limited access to services and facilities. National policy also states that new development should be focused outside of protected areas such as Areas of Outstanding Natural Beauty (AONB) and the Green Belt.
- 41 It is our intention, through the new Local Plan, to allocate land for Gypsy and Traveller pitches in suitable and sustainable locations to meet the current unmet need of 37 pitches over the plan period.
- 42 SDC Gypsy and Traveller Liaison Officer - No response

Representations

- 43 44 letters of objection have been received outlining the following matters:
- Loss of Green Belt land. Raised in most comments.

- Security and value of neighbouring homes.
- Already enough caravan parks in West Kingsdown. Raised in most comments.
- Land not brought from Brands Hatch, rather obtained.
- Smoke pollution from bonfires is frequent.
- Permanent and temporary permissions are not acceptable.
- Additional noise and rubbish.
- Lack of letters notifying residents of the application.
- Infrastructure and services cannot cope with additional families.
- Site is untidy with rubbish dumped.
- Traffic and highway safety issues due to access by national speed limit change at the point of access.
- No information on foul drainage.
- Need reassurance there will be no more caravans on site.
- Allowing permission will result in site expanding uncontrollably.
- Forcing people to move out of their homes.

Chief Planning Officer's appraisal

44 The main considerations of this application are:

- Impact upon the Green Belt;
- Housing need/Gypsy Sites
- Impact upon character and appearance of area
- Impact upon residential amenity
- Impact upon highway safety
- Other Issues

Impact upon the Green Belt

- 45 Current Government advice, in the form of the National Planning Policy Framework, supports the protection of the Green Belts and seeks to restrict development.
- 46 The advice states that there is a general presumption against inappropriate development within the Green Belt. Such development should not be approved, except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt.
- 47 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.”
- 48 The site lies outside of any defined settlement boundary and is situated in the Green Belt and within the countryside. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (paragraph 147, NPPF). The Framework also says that when considering any planning application, substantial weight should be given to any harm to the Green Belt.

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- 49 Paragraph 16 of the Planning Policy for Traveller Sites (PPTS) and the NPPF acknowledge that the development should therefore not be approved unless in very special circumstances. The PPTS states ‘subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm to as to establish very special circumstances’
- 50 Policy SP6 of the Core Strategy relates to provision for Gypsies and Travellers. It explains that sites will be provided by means of allocations in the Allocations and Development Management DPD for Gypsies and Travellers. The policy sets a number of criteria relating to such sites which relate, in summary, to the location of the site, provision of safe and convenient access and acceptable living conditions for occupants of the site, the site should not be subject to flooding, there should be no significant adverse landscape impact and consideration of alternative sites. The site is not an allocated site within the current Development Plan.
- 51 Consequently, the siting of caravans and the portacabin structure would be harmful to both the visual and spatial openness of the Green Belt. Although the development/use does not result in a further loss of undeveloped green field as the site is already laid to hardstanding. The caravan is sited away from the main road, within the grounds of an existing stable yard and is largely obscured by an established hedgerow. The proposal would therefore result in only a limited encroachment of development into the Green Belt. Nevertheless, this would be contrary to one of the five purposes of the Green Belt included within paragraph 138 of the Framework.
- 52 Harm to openness and encroachment into the countryside must nevertheless be distinguished from other landscape and visual effects. Based on the site layout, the scale - number and siting of caravans and buildings - and the sites’ relative containment there would be no significant harm to landscape character.
- 53 Taking this all together, whilst there is harm in principle the harm to openness and encroachment into the countryside would be limited. As the NPPF advises substantial weight should be given to any identified harm to the Green Belt.

Housing Need/Gypsy sites

- 54 Policy E of PPTS confirms that Green Belt boundaries should be altered only in exceptional circumstances. If a local planning authority wishes to make an exceptional, limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a traveller site, it should do so only through the plan making process and not in response to a planning application.
- 55 Unfortunately, the Council has not made any gypsy and traveller site allocations and there is no development plan policy to apply to the provision of the proposal for gypsy and traveller sites within the District. Given this, reliance is placed on national policy and the PPTS.

- 56 The PPTS requires local planning authorities to set targets for providing Gypsy and Traveller pitches within each authority area and requires an assessment of need to be undertaken annually. It is acknowledged that there has been a significant and longstanding unmet need for pitches within the District and consequently, there is no 5-year supply of deliverable sites in place, as evidenced by SDC Policy comments.
- 57 The Council's 2022 Gypsy and Traveller Accommodation Assessment (GTAA) Final Report figures indicate a need for 43 pitches between now and 2040, but with recent planning permission that authorise sites, since April 2022, the need now stands at 37 pitches. With this in mind, this current unmet need for sites should be afforded substantial weight in its consideration.
- 58 Currently, there are no pitches available at the Council's public sites or the turnover has been extremely low and therefore there is a long waiting list for pitches.
- 59 It is acknowledged that sites for gypsy and traveller sites will be within the Green Belt, as vacant urban land has a potential value for housing or commercial uses that makes it unviable as a gypsy site. This has been evidenced with the unmet need identified in the GTAA 2022 which forms part of the new local plan evidence. Moderate weight to the plans to meet the need in the new local plan can be given and it is considered to be a material consideration in the determination of the application.
- 60 Whilst Criterion (f) of Policy SP6 states that alternative sites should have been considered first before Green Belt locations, given its sustainable location - it being adjacent to the urban confines of West Kingsdown - the application site is considered to be a good option for a new gypsy site compared to an isolated Green Belt plot. As such, the use of the site is therefore partially supported by policy SP6 of the Core Strategy.
- 61 This site would provide for the accommodation needs of family members who require accommodation, there are no private or council pitches available. Furthermore, it would support continued close family connections, which is an important part of gypsy community, and this would allow existing families with strong local connections to stay close together. In addition, bearing in mind the shortfall of available sites to meet the need, there is some merit in considering that one pitch at this site is immediate and deliverable, to making a valuable contribution in lowering the unmet need during the existing Local Plan period, again significant weight is attached in its consideration. Particularly when considered in conjunction with the sustainable location of the site.
- 62 The site is owned by the occupier of the neighbouring dwelling of Threeways, the owner and family are established as part of the gypsy traveller community and therefore the occupation of the caravan pitch by their daughter (and children) is compliant with policy and guidance. The main occupant requires medical treatment and has been unable to readily obtain prescriptions without a permanent residence - more on this later in the report.

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- 63 The occupants travel regularly for, albeit not necessarily together, for trade at various horse dealing fairs. As such it is considered that the persons who currently reside on site currently meet the definition of a gypsy and traveller set out in the PPTS.
- 64 There is a clearly identified unmet need for Gypsy sites in the District. This is coupled with the fact that the District currently has no allocated land for such provision. The circumstances of the occupants as identified in previous paragraphs, also weigh in favour of the development. It is also reasonable to presume that, given the level of unmet need, together with the extent of the Green Belt within the District, it is highly unlikely that alternative sites will be found through the allocations process that does not involve development in the Green Belt. As such there is an inevitability that some harm to the Green Belt will occur through the requirement to allocate sites for Gypsy / Traveller pitches, whether by definition, harm to openness or both. This has also been accepted by Inspectors considering appeals on other sites within the District. This is, to an extent, evident within the wording of Policy SP6 of the Core Strategy - criteria a) endorses the provision of sites within or close to existing settlements (and if close to but not within an existing settlement then this would infer a Green Belt location), whilst criteria e) seeks to prevent significant adverse harm to the landscape.
- 65 Sustainable Location
- 66 Policy SP6 of the Core Strategy in part seeks to ensure that sites are located close to existing settlements with an accessible range existing local services.
- 67 If not for the settlement confines of West Kingsdown cutting through the land/gardens of the neighbouring properties instead of along the northern boundaries, the site would directly abut the confines. Instead it is adjacent to it. West Kingsdown is a rural settlement/village with some services. However, the site is directly connected to the A20 which leads to other large towns including Swanley, there is also reasonable access to public transport and services.
- 68 The site is not considered to be isolated as it's in very close proximity to West Kingsdown. Other gypsy and traveller sites within the District are similarly situated in the rural areas in the Green Belt, in countryside locations. Such distances are not unusual in this context. The site occupiers will be largely reliant on private vehicles to access services and facilities. However, those services and facilities do not on a day-to-day basis involve long journeys. As set out in paragraph 105 of the NPPF, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
- 69 The nomadic lifestyle of gypsies and travellers obviously involves travelling for both economic and other purposes, towing their caravan. This involves the use of a private vehicle irrespective of location and so, whilst travelling, the same opportunities for using public transport simply do not apply. When away travelling, it will be necessary to access services and facilities wherever they are, rather than leaving and returning to the site on a daily basis for work.

- 70 In terms of other family members (or those that have ceased travelling) needing to access services and facilities including schools and medical establishments, the availability of these within a reasonable travelling distance is critical, bearing in mind that land in settlements or edge of settlements considered a suitable and sustainable location for housing for the settled population is, in most circumstances, simply not available to accommodate private gypsy and traveller sites. Opportunities to access regular bus services are therefore also less likely. In this case, the proximity to local schools, doctors and shops would certainly encourage shorter car journeys.
- 71 In wider sustainability terms a settled base can reduce incidents of unauthorised encampments, reduce the need for continuous travel and facilitate consistent access to schools and medical services etc. Therefore the site does provide a sustainable location for a gypsy and traveller site in relation to accessibility to services and facilities and that no conflict is found with Policy SP6 of the Core Strategy and relevant national policy in this regard.
- 72 Suitability of the site
- 73 Policy SP6 of the Core Strategy outlines a number of factors gypsy sites should meet, criterion a-d state:
- a) The site should be located within or close to existing settlements with a range of services and facilities and access to public transport;
- 74 As outlined earlier in the report the site is adjacent to West Kingsdown and a major A Road, it is not an isolated countryside plot.
- b) The site is of a scale appropriate to accommodate the facilities required and will offer an acceptable living environment for future occupants in terms of noise and air quality
- 75 The scale of the site is minor and will be conditioned accordingly, the provision of one pitch will add excessive pressure to the existing facilities and services of West Kingsdown.
- c) Safe and convenient vehicular and pedestrian access can be provided to the site
- 76 The site, courtesy of its existing use for stables, has a safe and permanent access with good pedestrian and vehicular visibility.
- d) The site is not located within an area liable to flood
- 77 The site is not within Flood Zone 2 or 3 and is therefore not subject to a high risk of flooding.

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Impact upon the character and appearance of the area

- 78 The impact of the development on the character and appearance of the area is a separate matter to the consideration of impact on openness, which relates to the absence of built form.
- 79 Policy SP1 of the Core Strategy requires all new development to be designed to a high standard and that it should respond to the distinctive local character of the area in which is situated, this is also reflected in Policy LO8 of the Core Strategy.
- 80 Policy EN1 of the Allocations and Development Management Plan requires that the layout of proposed development would respect the topography and character of the site and the surrounding area.
- 81 The Sevenoaks Landscape Area Assessment SPD 2017 describes the West Kingsdown Settled Downs area as:
- ‘An elevated, gently undulating chalk plateau overlain with clay and flints. A small chalk valley leads to the northern edge of the area. Land use is predominantly residential and recreational, but was formerly commons and woodland. Large blocks of both mixed woodland and ancient woodland give the landscape a well-wooded feel.
- The West Kingsdown area encompasses the village of West Kingsdown, Brands Hatch racing circuit, a golf course and long stretches of the A20 and M20 highways’.
- 82 Whilst the site is outside the settlement confines of West Kingsdown and within the open countryside it does border existing residential development to the south. The impact of one static and one touring caravan, along with the ancillary structure(s) upon the wider landscape character is limited as the development is well screened to the countryside to the north and east and can be read in conjunction with the existing built development in the area.
- 83 The development is capable of being assimilated into the surrounding landscape without having a significant adverse visual effect. Any long distance views of the site are limited and therefore the landscape character of the area would be conserved. The proposed development is therefore considered to accord with policy EN1 of the Allocations and Development Management Plan.

Impact upon residential amenity

- 84 Policy EN2 of the Allocations and Development Management Plan requires proposals to provide adequate residential amenities for existing and future occupiers of the development. While ensuring it would not result in excessive overlooking, visual intrusion, vibration, odour, air pollution, vehicle movements, or a loss of privacy and light enjoyed by the occupiers of nearby properties.
- 85 The proposed static caravan is some 12m+ from the nearest dwelling to the south (The Stables), and other 40m to the rear of the nearest Phelps Close

dwelling. The separation distance is considered sufficient for the proposed scale of development to preserve amenity in terms of noise and privacy.

- 86 Numerous concerns have been raised regarding untidy site, rubbish dumping and smoke from bonfires. Having viewed the site there was no evidence of rubbish dumping and the only element on untidiness was in relation to miscellaneous equipment for the keeping of horses. As for smoke, this is not a planning matter and would require an investigation by the Council's Environmental Health Officers.
- 87 Concerns relating to the expansion of the site will be managed through conditions.
- 88 The development is considered to accord with policy EN2 of the Allocations and Development Management Plan.

Impact upon highway safety

- 89 The site is of an adequate size to accommodate vehicles associated with the use, therefore the proposals would not increase pressure for local on street parking. This is compliant with policy T2 of the ADMP.
- 90 The existing access drive is well established and finished in tarmac, it has been in place for around 10 years in its current form/permanence and is used in connection with the stables. Consequently, it is suitable for horseboxes and other large vehicles, it stands to reason therefore it is also suitable for the proposed gypsy traveller use. The access junction with the main road is wide with ample visibility onto the A20. Traffic associated with the site is also likely to be limited.
- 91 There is sufficient hard standing on site for the turning of vehicles within the site as well as for the parking of vehicles.

Very special circumstances

- 92 Assessment of any very special circumstances that may apply for this Green Belt proposal
- 93 Paragraph 148 of the NPPF states that when considering any planning application, 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.
- 94 The proposal is inappropriate development within the Green Belt. It would also be harmful to the openness and one purposes of the Green Belt, albeit to a limited extent. The Framework states that substantial weight should be given to any harm to the Green Belt.
- 95 As outlined earlier in the report the impact upon the openness of the Green Belt and encroachment into the countryside is limited by the site's visual containment and limited public visibility. Nevertheless there are a number of other considerations to weigh against that harm.

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- 96 The pitch would enable a family with a strong local connection to reside close by. The proposal would provide a permanent base from which the family could access healthcare services and avoid the insecurity, risks and disadvantages associated with living by the road or doubling up on other pitches, where these may be unauthorised. Again, this is a further benefit of the proposal. The proposed occupants have dependants, the pitch would allow for the children - in this case the youngest of 4 years - to have a settled base which affords them access to education and other services, as well as integration into the community. Moderate weight can be attributed to this circumstance.
- 97 The proposed occupant of the site has been on the road for 10 years, they have a need for weekly medicine to treat a long term illness. The occupant has struggled to obtain prescriptions whilst on the road and had to use their mother's address whilst caring for them. Having a permanent base would provide stability and medical security for the occupant which carries moderate weight.
- 98 Paragraph 25 of the PPTS warns that sites in the open countryside should be very strictly limited, but, given the description of the site and its limited landscape impact. Consequently, had the site not been in the Green Belt it would be considered a very strong, if not ideal, candidate for an allocated gypsy and traveller site.
- 99 To be weighed against the Green Belt harm is the unmet need for gypsy and traveller sites and the failure to provide for them through allocations to which significant weight is attached. Significant weight is also given to the likelihood that allocations will involve designated Green Belt land. Moderate weight is given to the personal circumstances of the family and their wishes to remain together in order to provide stability.
- 100 In addition to the above, in exercising the function on behalf of a public authority and its duties under the Public Sector Equality Duty (PSED) contained in the Equality Act 2010 which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Due regard has been had to the existing/future occupiers' traditional way of life. Further regard has been had to the best interest of the children on-site and the medical conditions of the main occupant. The wellbeing provided by an accessible and secure environment that the proposal would provide to gypsy families carries significant weight.
- 101 When the above considerations are taken together in the round, particularly the location adjacent to the settlement confines, the case does outweigh the harm to the Green Belt by reason of inappropriateness, and the other harm resulting from the development. To grant planning permission is justified, however it is likely that a new local plan will be in place within the next 3 to 5 years and therefore it is necessary to consider whether a temporary or personal planning permission would be appropriate. A new local plan will allocate sites for gypsy and traveller accommodation, given the location of this application site it is reasonable to predict it may be allocated. Nevertheless, a temporary permission would allow the local authority time to

reconsider the development at the end of the temporary period in the light of any change in circumstances, in particular with regard to the supply of potential alternative sites through the local plan.

- 102 By granting planning permission for a temporary period of 5 years it would avoid the family becoming homeless and give them the opportunity to pursue a site through the local plan allocation process. This would be a proportionate approach to the legitimate aim of protecting the environment, and granting a personal permission for a limited period would have no greater impact on the applicants and their extended family than would be necessary to address the wider public interest.
- 103 As the harm to the Green Belt would therefore be temporary, the personal circumstances of the applicants and other considerations are sufficient to clearly outweigh the harm to the Green Belt and the other harms. Taking account of the positive obligation to facilitate the gypsy way of life, there are very special circumstances to justify a temporary permission in this instance.
- 104 Regard has been had to the Human Rights Act 1998. In this case, it is found that very special circumstances exist that makes the development acceptable, therefore, there would be no interference with the rights afforded under the Act.

Other matters

- 105 It is noted that the Parish Council raise concerns regarding the number of pitches in West Kingsdown already. However, this is not a planning reason to have prejudice against this application. Moreover, it is for the new local plan site allocations to determine the distribution of pitches across the district. This application is conditioned to have temporary permission until such a time there is a raft of allocations in the new local plan.

Conclusion

- 106 The site is justified for occupation by those meeting the definition of gypsies and travellers and so a condition restricting occupancy accordingly will be required as well as restricting the number of stationed caravans on the site at any one time.
- 107 Although substantial weight has to be given to the Green Belt by reason of inappropriate development and the impact on openness, it is considered that this would be clearly outweighed by the significant and unique benefits of the proposal as previously mentioned above. As such, it is concluded that the very special circumstances exist, which would justify a temporary permission in the Green Belt in this instance.

It is recommended that the application be granted temporary permission for 5 years

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Background papers

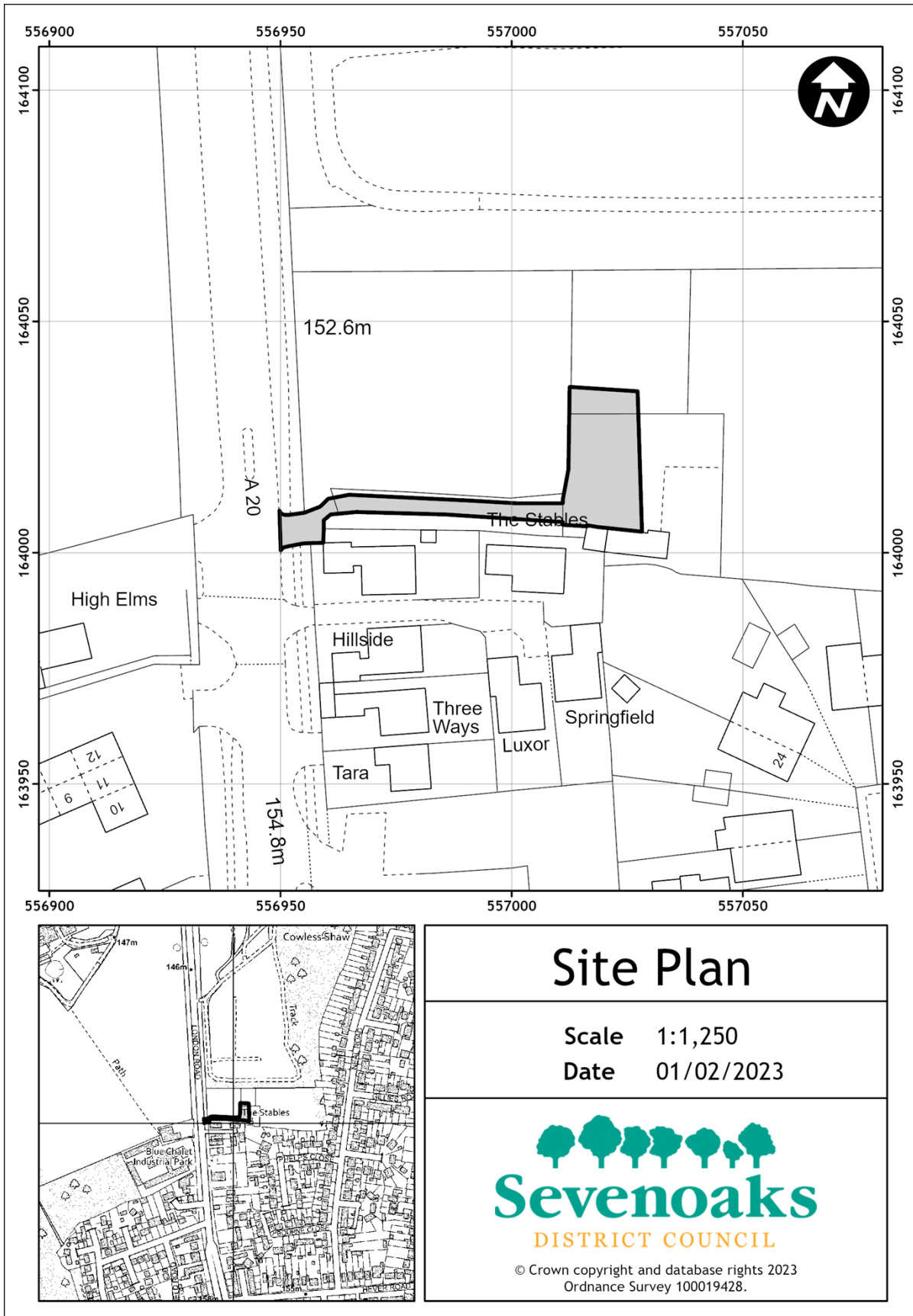
Site and block plan

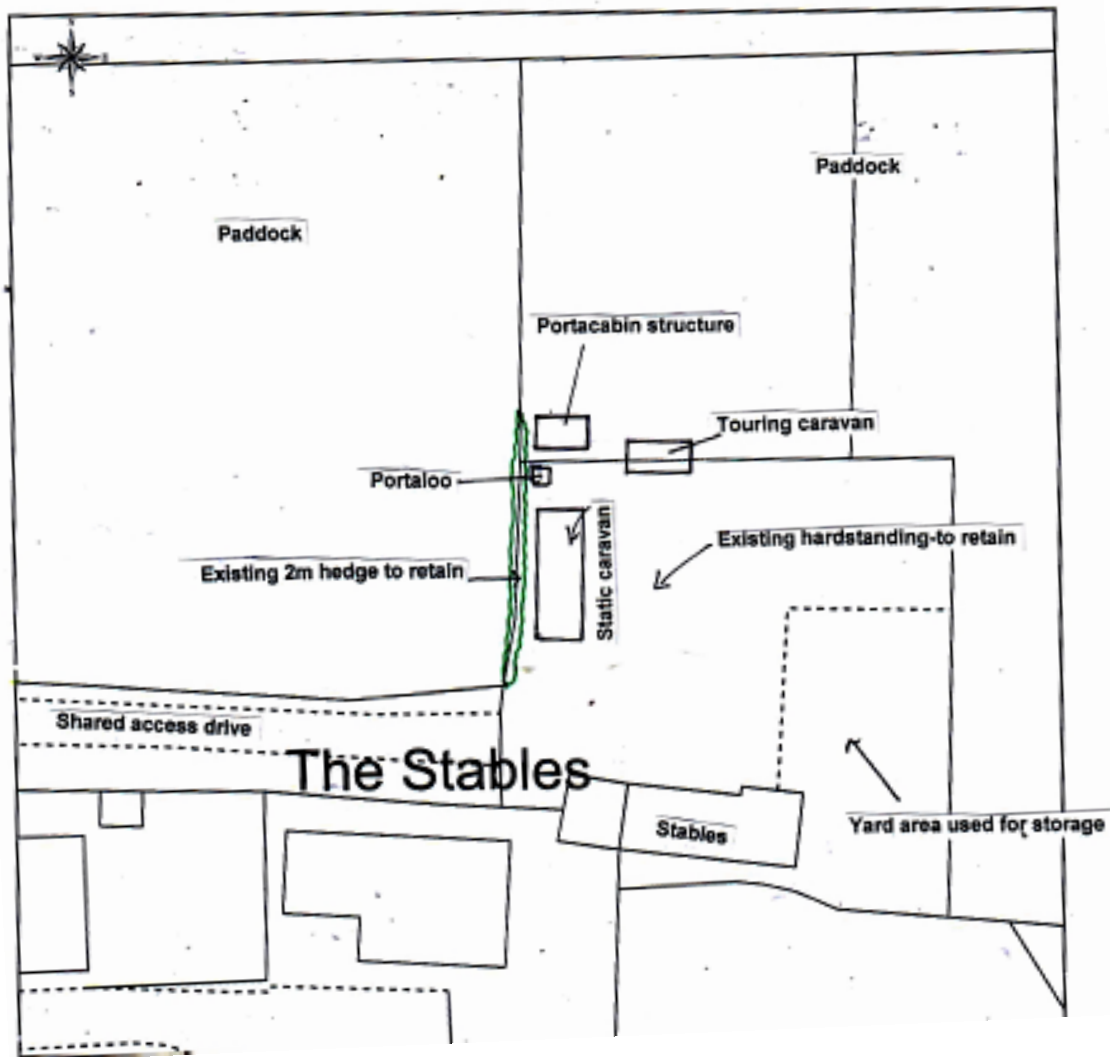
Contact Officer(s): Ashley Bidwell 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)





4.2 22/02747/FUL

Date expired 16 December 2022

Proposal: New build detached house with associated car parking and landscaping.

Location: Land Behind De Winter House , Granville Road, Sevenoaks Kent TN13 1DZ

Ward(s): Sevenoaks Town & St Johns

Item for decision

Councillor Fleming has referred the application to Development Control Committee on grounds of impact to biodiversity.

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

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

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 21239 E150, P100, P150, P151, P152, P200, P201, P400, P450, P451 and P452.

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

3) No development shall take place until details of existing and proposed finished site levels, finished floor and ridge levels of the buildings to be erected, and finished external surface levels have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

In order to safeguard the visual amenities of the area in accordance with policies EN1 and EN4 of the Sevenoaks Allocations and Development Management Plan.

4) No development including any works of demolition or preparation works prior to building operations shall take place on site until a Construction Transport Management Plan has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period and shall include:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials

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- (c) storage of plant and materials used in constructing the development
- (d) programme of works (including measures for traffic management)
- (e) provision of boundary security hoarding behind any visibility zones
- (f) wheel washing facilities
- (g) measures to control the emissions of dust and dirt during construction
- (h) a scheme for the recycling/disposing of waste resulting from demolition and construction works
- (i) hours of operation.

To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause inconvenience to other highway users in accordance with Policy T1 of the Sevenoaks Allocations and Development Management Plan.

5) Prior to the commencement of construction work, details of a proposed foul drainage system shall be submitted to and approved in writing by the local planning authority (including details of its siting, design and subsequent management/maintenance), the dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

To accord with policy EN1 of the Sevenoaks Allocations and Development Management Plan.

6) Prior to commencement of works (including site clearance), a construction environmental management plan (CEMP) will be submitted to and approved in writing by the local planning authority. The CEMP will include a method statement for biodiversity which includes consideration of the following:

- Risk assessment of potentially damaging construction activities;
- Identification of 'biodiversity protection zones' shown on appropriate scale plans;
- Location, timing, and details of the practical measures (both physical measures and sensitive working practises) to avoid or reduce impacts on habitats and species during construction. These will include precautionary working methods for protected and priority species, and sensitive timing of vegetation clearance works for breeding birds;
- Contingency plans should a protected species be encountered during works;
- Details of those responsible for implementing the biodiversity method statement and lines of communication;

- Any times during construction when specialist ecologists need to be present on site to oversee works or undertake monitoring;
- Use of protective fences, exclusion barriers and warning signs, where required.

The approved CEMP will be adhered to and implemented throughout the construction period in accordance with the approved details.

To protect habitats and species from adverse impacts during construction.

7) Within three months of works commencement, a Landscape and Ecological Management Plan (LEMP) will be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP will be based on the recommendations in Section 5.3 of the Preliminary Ecological Appraisal report (Greenlink Ecology, December 2022) and the Condition Assessment criteria for the relevant urban and woodland habitat categories within the Defra Metric, and include the following:

- Description and evaluation of features to be managed;
- Constraints on site that might influence management;
- Aims and objectives of management;
- Appropriate management prescriptions for achieving aims and objectives;
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- Details of the body or organisation responsible for implementation of the plan, and;
- Ongoing monitoring and remedial measures.

The LEMP will include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

To ensure woodland ecological enhancements on site are achieved to accord with policy SP11 of the Sevenoaks Core Strategy.

8) No equipment, machinery or materials shall be brought onto the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees as shown on the submitted plans, beyond the outer edge of the overhang of their branches in accordance with British Standard 5837:2012: Trees in Relation to Construction (or later revision), has been submitted to and approved in writing by the local planning authority, and the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas

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shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

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

9) Within three months of works commencement, details of how the development will enhance biodiversity will be submitted to, and approved by, the local planning authority. This will include the recommendations detailed within Section 5.3, paragraphs 7-9 of the Preliminary Ecological Appraisal report. The approved measures will be implemented and retained thereafter

To ensure the proposed development results in an enhancement to the ecology and biodiversity of the site, to accord with policy SP11 of the Sevenoaks Core Strategy.

10) Prior to occupation, a lighting design plan for biodiversity will be submitted to, and approved in writing by, the local planning authority. The plan will show the type and locations of external lighting, as well as the expected light spill in lux levels, to demonstrate that areas to be lit will not adversely impact biodiversity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter.

To ensure any lighting for the proposed development does not result in harm to protected species, to accord with policy SP11 of the Sevenoaks Core Strategy.

11) Details of the proposed finish for the external staircase shall be submitted to and approved in writing by the local planning authority prior to commencement of those works.

To preserve the character of the area in accordance with policy EN1 of the Sevenoaks Allocations and Development Management Plan.

12) Prior to development reaching the damp proof course, details of the location and type of electrical charging points shall be submitted to and approved in writing by the local planning authority. The details shall indicate the location of charging point and appearance of charging point. The approved charging points shall be installed prior to first occupation of the development and shall be maintained thereafter.

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

13) Prior to the construction of the development hereby permitted details and/or samples of the external walls and roofing materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out using the approved materials.

To preserve the character of the area in accordance with policy EN1 of the Sevenoaks Allocations and Development Management Plan.

14) No works or construction shall take place outside the hours of 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturday and at no times on Sundays and bank holidays.

To preserve the amenities of neighbouring residents in accordance with policy EN2 of the Sevenoaks Allocations and Development Management Plan.

15) Prior to works continuing above damp proof course level, full details and maintenance programme for the green roofs shall be submitted to and approved by the local planning authority in writing. The green roof shall be planted/completed in full prior to first occupation/use of the development hereby approved and shall be maintained to the satisfaction of the local planning authority.

To preserve the character of the proposed development in accordance with policy EN1 of the Sevenoaks Allocations and Development Management Plan.

Informatives

1) It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

2) A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team.

3) The proposed development has been assessed and it is the Council's view that the CIL is payable. Full details will be set out in the CIL Liability Notice which will be issued with this decision or as soon as possible after the decision.

4) New build developments or converted properties may require street naming and property numbering. You are advised, prior to commencement, to contact the Council's Street Naming and Numbering team on 01732 227328 or visit www.sevenoaks.gov.uk for further details.

5) No information has been provided about the foul water drainage proposed to be installed for this development.

There is a presumption that connection to the Public Sewer should be the first considered method of sewage disposal. If non-mains drainage is to be pursued, the applicant will need to demonstrate why this is not practicable in this specific case. Full details will be required, including size, location and maintenance regimes. Due consideration should be given to the National Planning Policy Guidance, Paragraph: 002 Reference ID: 34-002-20140306 in respect of Non-Mains Sewerage

and Building Regulations Approved Document H - Drainage and Waste Disposal. This information should be provided in the form of a report prepared by a suitably qualified and competent person and must be submitted with the application for it to be registered.

Proposals must be able to meet the Environment Agency's General Binding Rules, which can be found at <https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-the-ground>, or, where the proposals are unable to meet the general binding rules the scheme must be capable of meeting the requirements of a specific discharge consent upon application to the Environment Agency.

Please note that the Local Planning Authority will note the submission of this information where provided but will not comment on its technical accuracy or provide technical guidance to the applicant.

Any further guidance should be obtained from the Environment Agency as the UK regulator for the pollution of surface or ground waters and discharge consents.

- 6) The developer is advised to contact Network Rail before undertaking any works to provide notice.

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 wooded parcel of land to the rear of De Winter House, Granville Road - a three storey apartment block. The land is set at a lower level than the apartment building and its car park to the rear, and it gradually lowers from 113 AOD (above ordinance datum) to 103 AOD down to the railway line.
- 2 The application site located within the confines of Sevenoaks town, it is to the west of the town centre and south of the train station. The site is located within the Sevenoaks Granville Road and Eardley Road Conservation Area.

Description of proposal

- 3 Permission is sought to construct a single dwelling in the wooded land to the rear of the apartment building known as De Winter House, Granville Road. The dwelling is a two storey rectangular building with a flat green roof, it is constructed from brick with timber weatherboarding. The dwelling is set in a

lower parcel of land to the rear of the apartment building which extends down to the railway line, it is an unused tree/shrub covered parcel. Two parking spaces are proposed on a platform that extends off the existing car park for De Winter House, from here steps lead down to the proposed property.

Relevant planning history

- 4 No planning history for this parcel of land.

Policies

- 5 National Planning Policy Framework (NPPF)
- 6 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.
- 7 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:
- application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 7); or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 8 Footnote 7 relates to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.
- 9 Core Strategy (CS)
- LO1 Distribution of Development
 - LO2 Development in the Sevenoaks Urban Area
 - SP1 Design of New Development and Conservation
 - SP7 Density of Housing Developments
 - SP11 Biodiversity
- 10 Allocations and Development Management (ADMP)
- EN1 Design Principles
 - EN2 Amenity Protection
 - EN4 Heritage Assets
 - T1 Mitigating Travel Impact
 - T2 Vehicle Parking
 - T3 Electric Vehicle Charging Provision

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11 Other

- Sevenoaks Granville Road And Eardley Road Conservation Area Appraisal

Constraints

12 The following constraints apply:

- Sevenoaks Urban Area.
- Sevenoaks Granville Road And Eardley Road Conservation Area.
- Network rail 10m buffer zone.
- Multiple Tree Preservation Orders.

Consultations

13 Sevenoaks Town Council:

Recommend refusal unless:

- Conservation Officer is satisfied that the plans won't undermine the character of the area.
- The Arboricultural Officer is satisfied that there will be minimal impact on the wooded nature of the site and no damage to the TPO'd trees.
- The ecology officer is satisfied that there will be no significant impact on local wildlife including owls, bats, badgers and nesting birds, and that necessary precautions will be taken for the nesting season
- The Planning Officer is satisfied that there will be no significant loss of amenity to neighbours from the loss of the green corridor which separates De Winter house from the railway.

14 KCC Highways:

Development does not meet the criteria to warrant involvement from the LHA.

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

15 Thames Water:

Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection.

Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer.

Thames Water would advise that with regard to waste water network and sewage treatment works infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

- 16 KCC Archaeology:
No comments.
- 17 SDC Tree Officer:
- 18 The site to the rear has a steep incline downwards towards the rear boundary and the rail line to the west. It is located within the Granville & Eardley Roads Conservation Area. TPO 38 of 1984 also affords protection to 8 individual trees and 1 group of 2 Yew trees.
- 19 The shown location for the proposed new build is roughly central to the site and is shown to be configured north to south. This central location which would be an east to west configuration does not appear to directly affect TPO trees. It would necessitate the removal of a number of other lesser trees which are in the conservation area. Those lesser central trees have the ability to grow into mature amenity trees and eventually replace the current mature specimens. They would however be lost to the development assuming the application is successful. I have to assess if the proposal can be constructed whilst protecting and retaining those trees that it is preferable to retain (the TPO trees). I also have to assess if the proposals post development can co-exist without the detriment to one or the other.
- 20 On the first point, It would appear that if constructed in a careful manner with suitable tree protection measures put in place that the proposed building could be built, albeit with the loss of the lesser central vegetation and potential clearance of other tree growth throughout to maximise the usage of the site as a residential garden area.
- 21 On the second point, I feel that pressure would follow such a construction to manage the immediately surrounding retained trees to lessen the dominance over what would become a residential space. Any such application to prune to reduce their size and spread to lessen the perceived dominance, shading and leaf drop would be difficult to resist and refuse consent. Much of the TPO'd trees amenity is in their size and spread. It would therefore follow that any reduction in their size would lessen their amenity. In some cases, I suspect that any reduction would also lessen the health and condition of the trees. I understand that this would be a woodland residence. There would always be the need for any new resident to formalise and manage their surroundings to what is currently a wild unmanaged location. I therefore have concerns over the post development pressures and potential changes to the mature forest type trees that this proposal would have.
- 22 Should consent be granted, I request that tree protection measures be conditioned along with any proposed pruning requirements. Any dwelling built here would need to be considered a woodland dwelling and designed accordingly. The issues of natural light blockage, leaf litter and moss and algae growth would need to be considered when at the design stage to lessen the effects of the aforementioned.

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- 23 KCC Ecology:
- 24 We have reviewed the ecological information submitted by the applicant and advise that sufficient ecological information has been provided. We have taken this view due to the Biodiversity Net Gain calculation having been satisfactorily amended and detailed information having been provided regarding badger.
- 25 If planning permission is granted, we advise that the conditions relating to a Construction Environment Management Plan, Landscape and Ecological Management Plan, Biodiversity Enhancement and a Lighting Plan are included.
- 26 Network Rail:
- Due to the close proximity of the proposed development to Network Rail's land and the operational railway, Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team prior to works commencing.
- 27 SDC Conservation:
- 28 The site lies within the Sevenoaks Granville Road and Eardley Road conservation area and is positioned between De Winter House which is a 3-4 storey block of flats and a railway line to the rear.
- 29 View from the public realm towards the site are very limited due to existing built form around the site, established tree cover. As a result, the proposed siting and design will have minimal impact on the conservation area, especially as an existing access can be used and so will have minimal impact on the street scene.
- 30 The main impact will be the loss of trees on the site. There will still be good retention of tree around the site boundary and so the visual impact of this in views into and out of the conservation area are likely to be limited. However, there will be a loss of trees that currently form a continuous band between the rear of properties along Granville Road and the railway line. Whilst the impact of the loss of these trees on the character and appearance of the conservation area may be limited, this will need to be weighed in the overall planning balance.
- 31 There are no heritage objections to the proposals in terms of impact to the character and appearance of the conservation area.
- 32 SDC Environmental Health:
- 33 The acoustic report is acceptable and subject to the conclusions being implemented, the EH team has no objections. It is recommended that a condition is applied that requires a scheme to be submitted demonstrating how the report's conclusions will be put into effect.

Representations

34 27 letters of objection have been received relating to the following issues:

- Disruption to parking for the apartment building.
- Loss of privacy.
- Loss of trees and woodland.
- Impact to the environment and loss of habitats.
- Construction noise impact.
- Negatively impact views from the train.
- Safety issues for train track during construction.
- Concerns regarding provision of services to the site.
- Harm to wildlife.
- Loss of parking space 21.
- Set a precedent for loss woodland.
- Fire and emergency access issues.
- Loss of trees which contribute to managing air and noise pollution.
- Construction vehicle access issues.
- Woodland is very bio-diverse, destruction of habitats.
- Damage to protected trees.
- Impact upon the character of the conservation area.
- Overdevelopment in an area already under pressure.
- Street parking already limited.
- Impact to mental health for the residents of De Winter House.

Chief Planning Officer's appraisal

35 The main planning considerations are:

Principle of development;

- Impact upon the character of the area;
- Impact on the significance of the heritage assets;
- Impact upon residential amenity;
- Trees, Ecology and Environmental impact;
- Highways and parking;
- Planning balance.

Principle of development

36 The proposal is for the construction of a dwelling on a parcel of land to the rear of De Winter House. Policy LO1 of the Core Strategy seeks to direct development to urban settlements, with the Sevenoaks Urban Area being the primary focus of development. The site is located within the urban area. Policy LO2 states that, 'emphasis in this area will be on: Housing development at locations throughout the town suitable for housing development and with particular emphasis on locations within the town centre, or within easy walking distance of the town centre or main line railway stations.

- Employment development in existing employment areas; and
- Protection of the setting of the urban area and the distinctive character of the local environment and also respecting the physical and community

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identity of the adjoining settlements, and prevention of further coalescence’.

- 37 The application site is located to the west of Granville Road, a residential area comprising of two to three storey dwellings with some apartment buildings. The site is located to the west of the Town Centre, the train station is located a short walk north along Granville Road with the train line running along the western border of the site. The proposal for residential development in this location would in principle be acceptable.
- 38 An assessment as to whether the proposal would protect the distinctive character of the local environment is carried out later in the report, using the design criteria of policy EN1 of the Allocations and Development Management Plan. However, provided that the scheme complies with all other relevant development plan policies, the proposal complies with policy LO2 of the Core Strategy.
- 39 Some concerns have been raised that the proposal would be an overdevelopment of the site. The proposal is for 1 dwelling on a 0.23 hectare parcel of land. This equates to a density of 4.3 dwellings per hectare which is well below the densities specified in Policy SP7 of the Core Strategy.

Impact upon the character and appearance of the area

- 40 Policy SP1 of the Core Strategy and EN1 of the Allocations and Development Management Plan outline that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. Policy EN1 also states that the form of proposed development should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.
- 41 The prevailing character of the area is the ordered rows of Victorian style gable fronted dwellings along Granville Road, many of these properties feature brick detailing, render and hanging tiles. As for De Winter House this is a more modern (likely 1990s) infill development that is not entirely in keeping with the established and best character of the road nor in terms of the material palette. As for the site itself, it is a secluded parcel of land which is not visible from the public realm along Granville Road, its only visibility is from within the site of De Winter House and to a lesser extent from the neighbouring properties. Consequently, the application site does not form an integral/crucial part of the character of the area.
- 42 It is proposed to construct a two-storey dwelling, it measures approximately 18.8m by 8.5m with a height of 6.85m. The dwelling has a contemporary and boxy design, with the majority of the windows sited to the west side - away from De Winter House - overlooking the lawn garden. It is located on a flatter parcel of land with some minor levelling required. The proposed dwelling is a five-bedroom property set across two floors, with a separate study and an open plan kitchen-diner. It is proposed to construct the dwelling from a

combination of brick and timber weatherboarding - further details and samples of materials will be secured through condition.

43 Scale and siting

44 The scale of the proposed dwelling is considered reasonable, it is limited to a height of under 7m which is smaller than many of the surrounding development. This in conjunction with the secluded siting, behind the large apartment building of De Winter House ensures there will be a limited impact upon the character of the area. Development of this parcel of land will have an impact upon the outlook of the residents of De Winter House and will result in a loss of trees, the impact of this will be assessed later in this report.

45 Design and materials

46 The design for the proposed dwelling is that of a contemporary dwelling with a darker colour palette design to better blend into the surrounding trees and reduce the visual presence of the structure. This is also the case with the proposed green roof which will retain the green and verdant view/aesthetic from the views of the apartment windows to the rear of De Winter House. Whilst the contemporary design is not in keeping with the established character of the area, it has a reduced visual presence than a traditional pitched roof dwelling with brown or red brick and a tiled roof.

47 The proposed development is considered to accord with policy EN1 of the Allocations and Development Management in addition to SP1 and LO2 of the Core Strategy.

Impact on the significance of the heritage assets

48 Policy EN4 of the Allocations and Development Management Plan states “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”.

49 The application site is located within the Sevenoaks Granville Road And Eardley Road Conservation Area - hereby referred to as ‘the conservation area’. The Conservation Area appraisal states:

‘Granville Road is a long road running south-east to north-west through the middle of the Granville Road and Eardley Road Conservation Area.

The character of the Conservation Area is partly defined by ordered rows of mainly semi-detached houses down Granville Road towards the railway station. There is a distinct change from the southern end of the area, where the houses are well maintained and largely unmodified, to the north where there are gaps in the continuity of the 19th Century buildings, and newer and less distinguished infill has replaced the original’.

50 The Conservation Area Appraisal map highlights that De Winter House detracts from the character of the conservation area, the impact on the

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setting/character of the apartment building is therefore considered to carry less weight than the setting of the rest of the conservation area. Due to the aforementioned secluded/screened nature of the application site it is considered that there is a reasonable amount of scope to redevelop the site without having a negative effect on the setting of the conservation area.

- 51 The conservation area appraisal does highlight how mature trees are present along Granville Road and that this contributes to its character. The application site does not front the road and therefore whilst there is an abundance of trees - including mature trees - they do not have a significant contribution to the character of the road. Nevertheless the loss of trees would as outlined by the conservation officer have a limited impact upon the character of the conservation area and this will have to be factored in the planning balance of the application.
- 52 With regard to the design, scale, siting and materials, for the same reasons as above the proposed dwelling will preserve the setting, character and significance of the conservation area and accords with policy EN4 of the Allocations and Development Management Plan.

Residential amenity

- 53 Policy EN2 of the Allocations and Development Management Plan requires proposals to provide adequate residential amenities for existing and future occupiers of the development. While ensuring it would not result in excessive overlooking, visual intrusion, vibration, odour, air pollution, vehicle movements, or a loss of privacy and light enjoyed by the occupiers of nearby properties.
- 54 The proposal is to construct a two-storey flat/green roof dwelling on a parcel of land to the rear of De Winter House, Granville Road. The site is a wooded parcel that is set at a lower level than both Granville Road and the car park to the rear of De Winter House apartment building, the parcel then gradually lowers down to the railway line to the west.
- 55 As the application site is located to the rear of an apartment building the impact upon the amenity of the residents must be considered. The proposed dwelling is set over 25m from the rear of the apartment building and the residential windows. This separation distance alone is sufficient to preserve amenity and it is in excess of the minimum standards of both the outdated Residential Extensions SPD and the current National Design Codes. Moreover, in addition to the separation the roof of the proposed dwelling is some 6m below the ground level of the apartment building, this angle and separation distance will ensure that overlooking and loss of privacy would be virtually impossible.
- 56 Concerns regarding loss of outlook, visual amenity, noise and construction disturbance have been raised. With regard to the outlook and visual amenity the dwelling, for the reasons outlined earlier in the report regarding scale, siting and materials, will not have a dominant visual presence that would erode outlook. The loss of trees would have a minor impact on the aesthetic

of the views from the apartment building, however the protected trees are proposed to be retained and this will be secured through condition.

- 57 With regard to noise and the trees acting as a barrier to the train line, those located to the west - next to the line - are proposed to be retained and therefore much of the barrier for the sound will be preserved. The Council's Environmental Health Officer has reviewed the proposal and not raised concerns regarding noise for the existing residents and the proposed occupiers of the dwelling. It is therefore considered that there will be no detrimental impact in terms of noise for the existing residents of De Winter House.
- 58 Turning to disturbance during construction, a construction management plan has been secured through condition due to the non-straightforward access to the site. As development cannot commence until the plan has been approved it is considered that disturbance from construction can be limited and controlled. In addition to this there is a condition that restricts the working/construction hours for the development to sociable hours to mitigate disturbance. Moreover, expert advice from the Council's Environmental Health Officer will be sought for the consideration and determination of the construction management plan.
- 59 In terms of amenity for proposed occupiers, the proposed dwelling accords with the nationally described spaced standards and it is considered there will be sufficient daylight to all habitable rooms. The main consideration in this instance is the proximity to the railway line which could result in the dwelling being subject to unacceptable levels of noise and vibration. Accordingly, a noise and vibration assessment has been submitted and reviewed by the Council's Environmental Health Officer. The Officer has concluded that the occupiers will not be subject to unacceptable levels of either noise or vibration.
- 60 Concerns have been raised that the site/dwelling is not accessible for all persons. It is noted that the terrain means direct access may be more complex than usual. However, the development is designed to accord with the relevant building regulations as outlined in section 3.2 of the Design and Access Statement. As there is no adopted policy that outweighs this it is considered acceptable.
- 61 To conclude it is considered that the proposed development will preserve the amenities for existing residents in terms of outlook, privacy and noise in accordance with policy EN2 of the Allocations and Development Management Plan. The development will also result in sufficient amenity for the proposed occupiers of the dwelling.

Trees, Ecology and Environmental impact.

- 62 There are over 100 trees across the site, a total of 36 are proposed to be removed most of them are within the lower categories, the removal of trees is focussed to the centre of the site and as such the border with the railway line will be largely unaffected. All of the TPO trees will be retained and as outlined in the mitigation section of the arboricultural report will be sufficiently protected during construction. The Council's Tree Officer has

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reviewed the proposals and the arboricultural report and has confirmed both are suitable and the recommended conditions have been included.

- 63 Numerous concerns have been raised regarding the loss of trees having a detrimental impact upon ecology and biodiversity. Policy SP11 of the Core Strategy states *'The biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity'*. A Biodiversity Net Gain assessment has been undertaken, the proposed ecological enhancements will result in a net gain of 49.66% which is comfortably in excess of the 10% requirement due to come into effect late 2023. Therefore whilst there will be a loss of trees, the overall biodiversity of the site will be enhanced. KCC Ecology have reviewed this information and have confirmed it is acceptable and have recommended a number of conditions.
- 64 Turning to the environmental impact of removing the trees, again many concerns have been raised in this regard. However, the majority of trees will be retained, which in conjunction with the biodiversity gains will mean there will be no discernible impact on the local environment. Moreover, the application site is located within the urban confines and as outlined later in the report there is a presumption in favour of sustainable development, i.e. development within the confines of existing settlements.

Impact on highway safety and parking provision

- 65 Policy EN1 of the Allocations and Development Management Plan states that proposals that would ensure satisfactory means of access for vehicles and pedestrians and provide adequate parking and refuse facilities will be permitted. Policy T2 of the ADMP states that vehicle parking provision in residential developments should be in accordance with the current KCC vehicle parking standards (appendix 2 of the ADMP).
- 66 Additionally, the NPPF states that development should only be refused or prevented on transport grounds if the impacts are severe. The development is in a sustainable location is close to the train station, bus stops and other services and shops. Two vehicle parking spaces are proposed which in this urban location is in accordance with the current parking standards.
- 67 The parking spaces are proposed on a platform which extends off the car park of De Winter House. Title Deeds and other plans have been sent to me directly in relation to the siting of this platform restricting or removing access to parking bay 21. I can confirm this is not the case and the red line boundary is around the perimeter of the car park and does not include any spaces within it. In terms of access, the site owner does have right of way over the access from Granville Road and across the car park of De Winter House. This is shown in the Design and Access Statement and has been confirmed through the submission of the land registry title and plan.
- 68 As for refuse storage, a bin store is proposed to be sited on this platform adjacent to the staircase leading down to the proposed dwelling.

- 69 The proposed development is considered to accord with policies EN1 and T2 of the Allocations and Development Management Plan.

Other

- 70 Some concerns regarding fire and other emergency access have been received. The dwelling will be within 45m of the water pump for the fire truck, this accords with the relevant standards. However, any other requirements are subject to building control regulations outside of planning and are not reasons to withhold planning permission.

Planning balance

- 71 Paragraph 2 of the NPPF states that, as set out in planning law, application for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. For those policies that are out of date, they should be given less weight, to the extent that they are out of date (in accordance with paragraph 210 of the NPPF).
- 72 In the absence of a five year supply of land for housing in Sevenoaks District, the 'tilted balance' required by the NPPF can be engaged to give weight in favour of granting planning permission. In this case, the site is within a Conservation Area which is one of the protected areas of footnote 7. However, paragraph 11d(i) is clear in that the policies in the framework to protect those areas must provide a clear reason to refuse permission.
- 73 The housing shortfall for the district has been afforded significant weight in both the Broke Hill appeal (APP/G2245/W/21/3273188) and the Pinehurst House Care Home appeal (APP/G2245/W/22/3301377). Whilst this application is for only one dwelling, the lack of housing supply is afforded significant weight in the balance here also.
- 74 The benefits of the proposal include:
- Delivery of a new residential unit.
 - Biodiversity Net Gain.
 - Economic benefits, both short and long term.
 - CIL and council tax contributions.
- 75 The provision of a new dwelling would add to the housing supply and is afforded significant weight, particularly as the council is a presumption in favour of sustainable development authority. The biodiversity net gain is afforded moderate weight due to the small scale of the site, however this could be significant as it is not part of policy or legislation to achieve a net gain of 10% until late 2023. And the other benefits include economic from the short term supply of jobs to construct the dwelling and the longer term economic benefits are afforded limited weight.

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- 76 There would be very limited harm due to the loss of trees, which as outlined by the Conservation Officer form part of a continuous band of trees to the west of Granville Road. This limited harm that would arise from granting permission would not significantly or demonstrably outweigh the benefits of the proposal when assessed against the policies of the NPPF as a whole.
- 77 There is a presumption in favour of development and this is given significant weight and the need for housing adds weight to the recommendation for approval.

Community Infrastructure Levy (CIL)

- 78 The proposed development is CIL liable, a liability notice will be issued with any grant of permission.

Conclusion

- 79 The proposed development is located in a sustainable location and is acceptable in principle, the design, scale and materials will preserve the character of the area and the setting of the designated heritage assets. The proposal will also preserve neighbour amenity and highway safety. The proposed development therefore accords with policies LO1 and LO2 of the Core Strategy, EN1, EN2, EN4, T1, T2 and T3 of the Allocations and Development Management Plan, the Council's Supplementary Guidance and the National Planning Policy Framework.

It is recommended that the application be approved.

Background papers

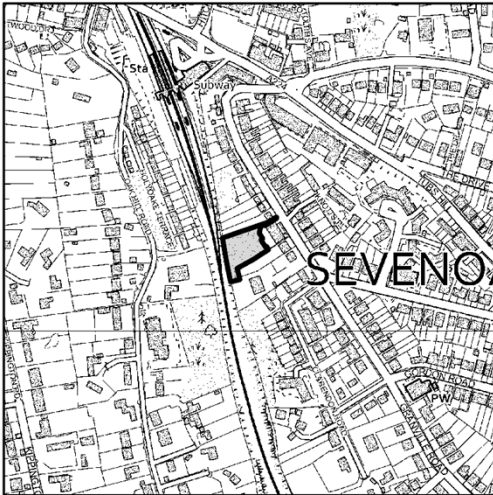
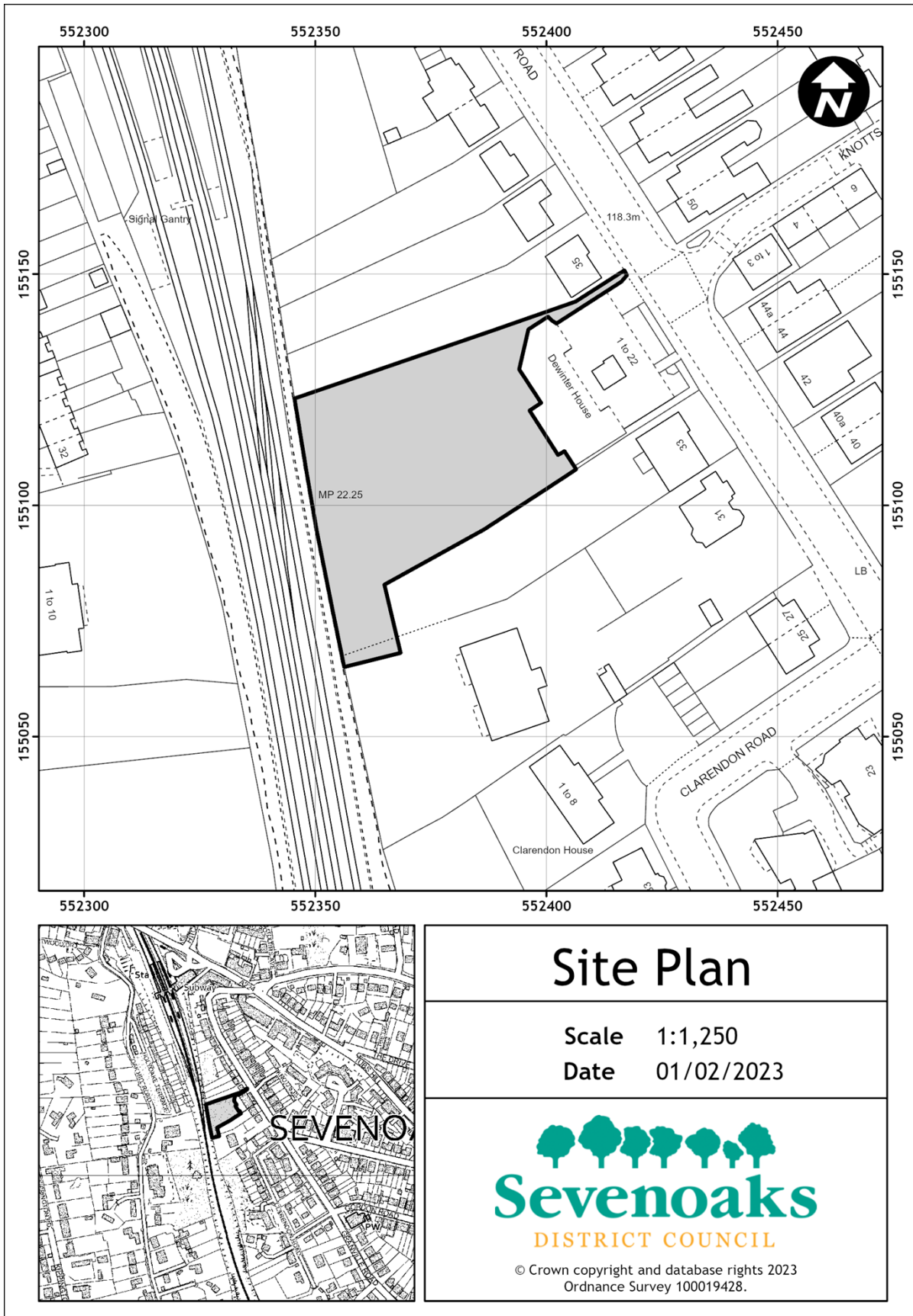
Site and block plan

Contact Officer(s): Ashley Bidwell 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)

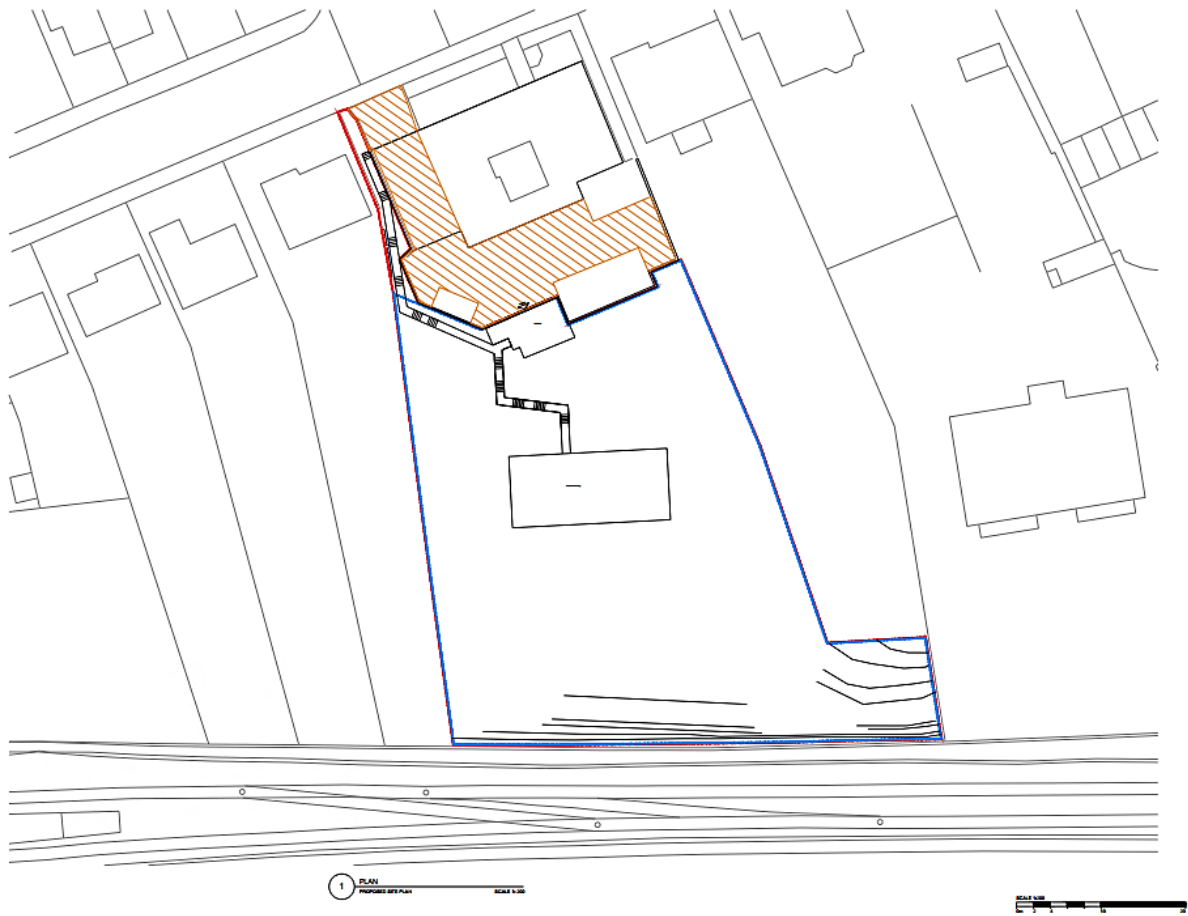


Site Plan

Scale 1:1,250
Date 01/02/2023



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Ordnance Survey 100019428.



4.3 22/02353/MMA Revised expiry date 20 January 2023
Extension of time until 17 February 2023.

Proposal: Amendment to 21/02825/FUL

Location: Tonys Corner Shop, 18 Cedar Drive, Edenbridge Kent
TN8 5JL

Ward(s): Edenbridge South & West

Item for decision

The application is presented at Development Control Committee as the applicant is Sevenoaks District Council.

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

1) The development hereby permitted shall be begun before the expiration of the time limit imposed on application SE/21/02825/FUL.

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

2) The materials to be used in the construction of the residential development shall be those indicated on the approved plans: A983-01B-PL-120 rev E, A983-01B-PL-121 rev D, A983-01C-PL-120 rev D, A983-01C-PL-121-D, A983-01F-PL-120 rev C, A983-01F-PL-121 rev C.

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

3) The hard and soft landscaping, hereby approved, shall be carried out in accordance with the landscaping plans and planting schedules, reference numbers: Site 10 Planting Schedule, 5469 LLB ZZ E6 DR L 001 rev P03, 5469 LLB ZZ E6 DR L 0002 P03, 5469 LLB ZZ E10 DR L 0001 P02, 5469 LLB ZZ E11 DR L 0001 P02, 5469 LLB ZZ E11 DR L 0002 P02, 5469 LLB ZZ E3 DR L 0002 P03, 5469 LLB ZZ E3 DR L0001 P03, 5469 LLB ZZ E7 DR L 0001 P02, 5469 LLB ZZ E7 DR L 0002 P02, 5469 LLB ZZ ZZ DR L 0001 P02, 5469 LLB ZZ ZZ DR L 0002 P02 and Masterplan 5469 LLB ZZ ZZ DR L 0001 P06.

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

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4) All planting, seeding or turfing approved shall be carried out in the first planting and seeding season following the occupation of the development or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting season with others of similar size, species and number, unless otherwise agreed in writing by the local planning authority.

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

5) Prior to the first occupation of the dwellings on sites 6 and 10, eleven electric car charging points with suitable voltage and wiring for the safe charging of electric vehicles within the residential curtilage, shall be installed and thereafter maintained, as per approved plan numbers A983-01B-PL-102 rev D and A983-01F-PL-102 rev D.

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

6) Prior to the use of the sites commencing, the visibility splays shall be provided and maintained with no obstructions over 1.05 metres above carriageway level within the splays, as per approved plans 4966 03, 4966 04, 4966 05, 4966 06, 4966 08, 4966 09.

In the interests of Highways safety.

7) Prior to the use of the sites commencing, pedestrian visibility splays of 2 metres x 2 metres shall be provided and maintained behind the footway on both sides of the access with no obstructions over 0.6m above footway level.

In the interests of Highways safety.

8) The development shall be carried out in accordance with the approved construction management plan (rev 2), prepared by BBS Construction Ltd and dated 14/07/2022, unless otherwise agreed in writing by the Local Planning Authority.

To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause inconvenience to other highway users in accordance with Policies EN1 and T1 of the Sevenoaks Allocations and Development Management Plan.

9) From the commencement of works (including site clearance), all mitigation measures for reptiles will be carried out in accordance with the details contained within section 5 of the Reptile Survey and Mitigation Strategy (KB Ecology May 2021).

In the interests of protected species and ecology on the site, in accordance with policy SP11 of the Core Strategy.

10) The development shall be carried out in accordance with the approved drainage scheme, unless otherwise agreed in writing by the Local Planning Authority. The drainage scheme shall be implemented in accordance with the approved details: Drainage calculations dated August 2022, revision P01; 4779-CON-00-XX-DR-C-1532-P01; 4779-CON-00-XX-DR-C-1531-P01; 4779-CON-00-XX-DR-C-1530-P01; 4779-CON-00-XX-DR-C-1516-P01; 4779-CON-00-XX-DR-C-1514-P01; 4779-CON-00-XX-DR-C-1518-P01; 4779-CON-00-XX-DR-C-1513-P01; 4779-CON-00-XX-DR-C-1517-P01; 4779-CON-00-XX-DR-C-1512-P01; 4779-CON-00-XX-DR-C-1515-P01; 4779-CON-00-XX-DR-C-1511-P01; 4779-CON-00-XX-DR-C-1510-P01; 4779-CON-00-XX-DR-C-1400-P01.

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.

11) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was 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 165 of the National Planning Policy Framework.

12) The development shall take place in accordance with the approved Arboricultural Method Statement, prepared by Temple Group Ltd and dated 26 May 2022, unless otherwise agreed in writing by the local planning authority.

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

13) The development shall take place in accordance with the approved details of the implementation and phasing plan, prepared by BBS Construction Ltd and dated 31st May 2022, unless otherwise agreed in writing by the local planning authority.

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To ensure the visual amenity of the area is maintained, in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan and the NPPF.

14) Works of demolition and construction shall only be carried out between the hours of 08.00 to 18.00 hours Monday to Friday, and 08.00 to 13.00 hours on Saturdays, with no work being permitted on Sundays or Bank Holidays.

In the interests of residential amenity in accordance with Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

15) The applicant shall obtain a Secured by Design accreditation for the development hereby permitted, a copy of which must be submitted to, and approved in writing by, the Local Planning Authority within 3 months of the completion of the development.

In the interest of Security, Crime Prevention and Community Safety and in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

16) The development hereby permitted shall be carried out in accordance with the following approved plans and details: A983-01-101 H, 5469 LLB ZZ ZZ DT L 0001 P01, 4966 01, 5469 LLB ZZ ZZ DR L 0001 P06, A983-01C-PL-110-C, A983-01F-PL-102 D, A983-01A-PL-102 D, A983-01B-PL-102a D, A983-01C-PL-102 E, A983-01F-PL-130-D, A983-01F-PL-121-C, A983-01F-PL-120 C, A983-01F-PL-111-C, A983-01F-PL-110-C, A983-01C-PL-121-D, A983-01C-PL-120-D, A983-01B-PL-131-B, A983-01B-PL-130-C, A983-01B-PL-121-D, A983-01B-PL-120-E, A983-01B-PL-112-B, A983-01B-PL-110-F.

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

National Planning Policy Framework

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

Description of site

- 1 The Stangrove Estate is located on the west side of Edenbridge to the south of the railway line. It is accessed via Crouch House Road. Stanbridge Road and Pine Grove lead into the estate to Cedar Drive, Park View Close and Park Avenue. The existing shop (Tonys Corner Shop) is a small single storey retail unit located at the junction of Cedar Drive and Park Avenue, the

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building is run down and in a state of disrepair. The estate is predominantly made up of two storey terraced houses with areas of green open space. The area is residential in character, located within the build confines of Edenbridge.

Description of proposal

- 2 Permission was granted under 21/02825/FUL for the creation of seven off-street car parks; the erection of 13 dwellings; an extended replacement to the existing shop and associated landscaping improvements.
- 3 This application is for a minor amendment to the previously approved scheme, involving the inclusion of air source heat pumps for each new residential unit, 13 in total.

Relevant planning history

- 4 21/02825/FUL Creation of seven off-street car parks; the erection of 13 dwellings; an extended replacement to the existing shop and associated landscaping improvements and creation of temporary shop. GRANT
- 5 21/03526/FUL Provision of a temporary shop unit to be used in lieu of the existing for a period of 3 years. GRANT

Policies

- 6 National Planning Policy Framework (NPPF)
- 7 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.
- 8 Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:
 - application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 7); or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 9 Core Strategy (CS)
 - LO1 Distribution of Development
 - LO6 Development in Edenbridge
 - SP1 Design of New Development and Conservation
 - SP3 Provision of Affordable Housing
 - SP5 Housing Size and Type

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- SP7 Density of Housing Development
- SP8 Economic Development and Land for Business
- SP10 Green Infrastructure, Open Space, Sport and Recreation Provision

10 Allocations and Development Management (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- T2 Vehicle Parking

11 Other

- National Planning Policy Framework
- National Planning Practice Guidance
- Community Infrastructure Levy Regulations

Constraints

12 The following constraints apply:

None identified

Consultations responses

- 13 Edenbridge Town Council - supports the amendment application.
- 14 KCC Highways - no objections.
- 15 SDC Housing - supports the amendment.
- 16 Environmental Health - no objections providing air source heat pumps are not sited next to bedroom windows.
- 17 KCC Ecology - no comments.
- 18 Urban Design - no comments.
- 19 Lead Local Flood Authority - no comments.
- 20 Environment Agency - no comments.
- 21 Planning Policy - no comments.
- 22 Conservation - no comments.
- 23 Southern Water - no comments.
- 24 Designing Out Crime Officer - no objections, request a Crime Prevention Statement be provided.
- 25 Natural England - no comments.

Representations

- 26 One comment of support received.
- 27 One comment neither objecting nor supporting the scheme, stating support for the shop being rebuilt but objecting to the residential units proposed above the shop.

Chief Planning Officer's appraisal

- 28 Government advice on the use of 'Minor Material Amendment's states that local planning authorities should, in making their decisions, focus their attention on national or local policies or other material considerations which may have changed since the original grant of permission, as well as the changes sought.
- 29 The main planning considerations are:
- Principle of the development;
 - Impact on character and appearance of the area;
 - Impact on neighbouring amenity;
 - Parking and highways Impact.

Principle of Development:

- 30 The principle of the development has been established under 21/02825/FUL. This proposal seeks to include air source heat pumps for the new residential units and as such, not considered to alter the principle of the development.

Design and impact on the character of the area

- 31 The previous scheme was considered to have been designed to be sympathetic to the existing character of the estate, with extensive landscaping improvements proposed. Overall, the proposed development was not considered to detract from the character and appearance of the site or the surrounding area and was found to be compliant with design policies EN1 and SP1.
- 32 This application seeks to include the provision of the new units with air source heat pumps. The pumps would be sited at the rear of the properties at ground floor level. The units would not be prominent or visible from the street scene and have been sited to have minimal visual impact. The amendment promotes the use of renewable energies and would not be considered to alter the impact of the development in terms of design or the character of the street scene.
- 33 Overall, the proposed amendments are considered to remain compliant with design policies SP1 of the Core strategy and policy EN1 of the ADMP.

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Impact on neighbouring amenity

- 34 The previously approved scheme was considered acceptable in terms of protecting existing neighbouring amenity and the amenity of future occupiers.
- 35 The amendment would be introducing air source heat pumps for the 13 new residential units. The applicant has submitted a noise impact assessment which states “with careful design and location of the units, the proposed ASH pumps outlined in this report will result in a ‘low impact’ in accordance with BS 4142 and will be within acceptable limits and should not result in an adverse effect on any existing or proposed residential amenity.”
- 36 The assessment was carried out at sites 6, 7 and 10 and concludes that there would be a low impact and that any noise generated from the units would be within the acceptable limits of ambient background noise, in accordance with BS4142. Moreover, the Environmental Health Officer raises no objections to the proposal, stating that the units should not be located adjacent to bedroom windows. The units would be sited at ground floor level and would not be sited next to any windows that serve bedrooms.
- 37 Overall, considering the scale and nature of amendments proposed, it is considered that the amendments would see the safeguarding of the amenities of existing and future occupants, in accordance with policy EN2 of the ADMP.

Impact on Highways

- 38 The air source heat pumps proposed would not be considered to impact upon the parking or access arrangements that were approved under 21/02825/FUL. The scheme is considered to remain acceptable on highways grounds, with KCC Highways raising no objections to the amendment proposed.

Conditions

- 39 A number of the conditions attached to 21/02825/FUL have been discharged, these are listed below:
- 22/01533/DETAIL - Condition 8 (construction management plan)
 - 22/01704/DETAIL - Condition 10 (drainage)
 - 22/01675/DETAIL - Condition 12 (Arboricultural statement)
 - 22/01676/DETAIL - Condition 13 (phasing plan)
- 40 Condition 15 of the previous permission related to the redirection of the right of way which has been agreed with this Council and KCC Public Rights of Way. Therefore, as this issue has been resolved under another regime, it is not considered appropriate to re-attach this condition.

- 41 For those conditions previously mentioned, they have been amended to reflect the details that have been already been discharged and no further details are required.

Community Infrastructure Levy (CIL)

- 42 The proposal was CIL liable and the CIL charge has been paid. The amendment to include air source heat pumps would not alter the CIL charge relating to the development.

Conclusion

- 43 The amendment to the proposal would not result in harm to the character and appearance of the area, neighbouring amenity or highways safety and consequently the proposal is considered to be in accordance with the development plan for the District.

It is recommended that the application be approved.

Background papers

Site and block plan

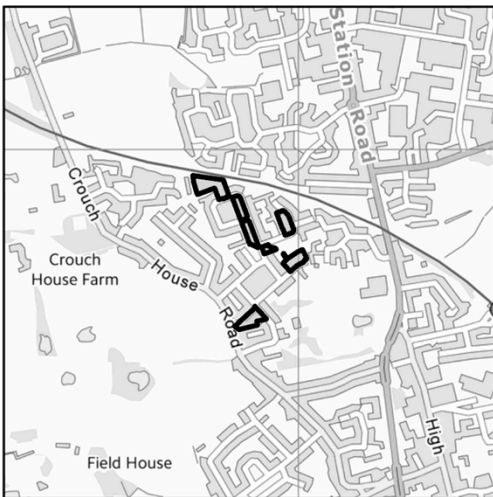
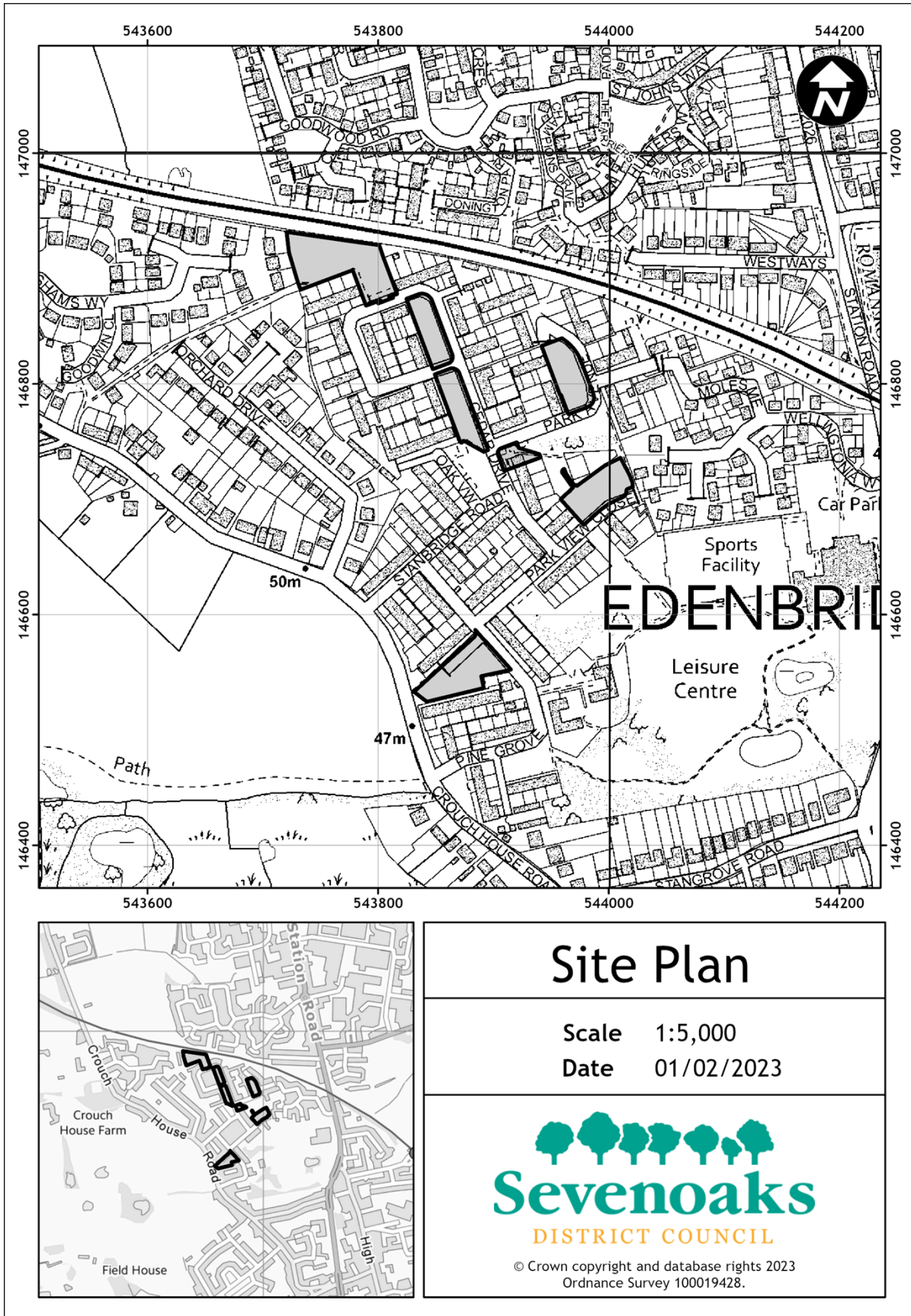
Contact Officer(s):

Anna Horn: 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



Site Plan

Scale 1:5,000
Date 01/02/2023



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Ordnance Survey 100019428.

OVERALL PROPOSED SITE PLAN



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4.4 22/02908/FUL Date expired 4 January 2023

Proposal: Use of open storage yard for storage of motor vehicles.

Location: Manor Buildings , Powder Mill Lane, Leigh Kent TN11 9AS

Ward(s): Leigh & Chiddingstone Causeway

Item for decision

This application is brought to Development Control Committee as the planning agent is related to an officer of the Council.

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

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

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: Location plan and block plan received 08/11/22 and 14/11/22

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

3) There shall be no retail or wholesale sales of motor vehicles carried out from the application site.

In the interests of highway safety.

National Planning Policy Framework

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

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Description of site

- 1 The application site is located to the southern side of Powder Mill Road and near to the A21 - Tonbridge Bypass crossover bridge. To the south of the site is Medway House, an office building occupied by the Environment Agency and to the North West is Manor Cottage.
- 2 The site is an open yard that sits at the western end of Manor Buildings, a former redundant farm building that was granted permission for conversion to B8 storage purposes in 1992. The application site is located within the Metropolitan Green Belt, and in the Leigh Low Weald Landscape Character Area.

Description of proposal

- 3 Permission is sought for the use of the site for the storage of motor vehicles that cannot be accommodated at the applicants' car sales business in Hildenborough. To the immediate south of the red line boundary of this application is an existing area for the storage of motor vehicles relating to application 15/03305/FUL.

Relevant planning history

- 4 SE/01/00429 Part variation of condition 2 (SE/92/0129) to allow use of land approved under (SE/97/1338) by Flo gas Plc. Approved.
- 5 15/03305/FUL - Continued use of open storage yard for storage of motor vehicles. Granted.
- 6 17/03689/LDCEX - Continued use of the building and land for the sale of motor vehicles including pre-sales preparation and valeting. Appeal allowed.
- 7 18/01531/CONVAR - Removal of condition 2 (to limit the traffic generated in the interest of the amenities of the area) of reference 92/0129 for the change of use and conversion for class B8 storage and distribution and installation of septic tank. Refused.
- 8 18/02782/FUL - Portacabin unit. Appeal dismissed.

Policies

- 9 National Planning Policy Framework (NPPF)

- 10 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.
- 11 Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:
- application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 7); or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 12 Footnote 7 relates to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.
- 13 Core Strategy (CS)
- SP1 Design of New Development and Conservation
 - LO1 Distribution of Development
 - LO8 The Countryside and Rural Economy
- 14 Allocations and Development Management (ADMP)
- EN1 Design Principles
 - EN2 Amenity Protection
 - 12 Mitigating travel impact
 - T2 Vehicle Parking
- 15 Other
- Development in the Green Belt SPD
 - Sevenoaks Landscape Character Area Assessment - Leigh Low Weald.

Constraints

- 16 The following constraints apply:
- Metropolitan Green Belt

Consultations responses

- 17 Leigh Parish Council:
- 18 No comment to make on this application but request, should this application be approved, that the previous conditions on the use of the entire Manor Buildings site be applied to this part of the site. This includes, amongst others:

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1. There shall be no retail or wholesale sales carried out. (Application 15-03305);
2. No advertisement and signage of cars for sale. (Lawful Development Certificate APP/G2245/X/18/3196630)

Representations

- 19 1 letter received neither objecting nor supporting, it outlines the following points:
- The original permission for storage granted to Flo gas did not extend to this area of the site and it was always shown in the plans as an accessway or lorry turning area.
 - If the applicants wish to now use the site for storage, it should be considered as a new application for storage to ensure that it meets the relevant requirements.
 - As with the rest of the entire Manor Buildings site (as indicated in para 3.11 of the Design and Access Statement) there should be restrictions and the applicant not be permitted any retail or wholesale sales and no advertisement and signage of cars for sale.

Planning appraisal

- 20 The main planning considerations are:
- Principle of development and impact on the Green Belt
 - Impact on the character of the area
 - Impact to neighbouring amenity and future occupiers
 - Impact to highways and parking

Principle of development and impact on the Green Belt

- 21 Policy LO1 of the Core Strategy states that new development should be focused within existing settlements. The application site is located outside of an existing settlement and policy LO8 of the Core Strategy is therefore relevant.
- 22 The proposal is located within the Green Belt, policy LO8 outlines how the Green Belt should be protected. As such compliance with the relevant national and local Green Belt policies will ascertain whether the proposal is acceptable in principle.
- 23 As set out in paragraph 149 of the NPPF, new buildings in the Green Belt are inappropriate development. The proposal relates to a proposed use of the land within the red-line boundary for the storage of motor vehicles, this parcel of land is adjacent to an area used for this purpose already. The application site, courtesy of the hardstanding and the use, is also considered to constitute previously developed land. In light of this the proposal does not

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constitute inappropriate development in the Green Belt. The development would also preserve the openness of the Green Belt due to the use of the site being reversible, non-permanent, free from built form and transient in its nature. Moreover, the site is surrounded by other buildings and makes a negligible contribution to the openness of the Green Belt and to preventing encroachment into the open countryside.

- 24 This proposal would help support/sustain a rural enterprise in accordance with the NPPF and policy LO8 of the Core Strategy. Therefore, in addition to the reasons outlined above the proposal is considered to be acceptable in principle.

Impact on the character of the area

- 25 Policy EN1 of the ADMP requires proposed design to be compatible with the scale, height, materials and site coverage of the area.
- 26 The proposal is for the storage of vehicles, the surrounding site is already used for similar purposes and therefore the addition of this parcel to said use is not considered to result in a detrimental impact to the character of the area. Moreover, there is no built development and the use is transient and non-permanent by nature therefore the land can easily be return to its former use.

Neighbouring Amenity & Future Occupiers

- 27 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development and for neighbouring occupiers.
- 28 The proposal is not considered to result in a loss of amenity in terms of privacy, light, noise or smell for neighbouring residents and is therefore considered to accord with policy EN2 of the ADMP.

Parking and Highways Impact

- 29 Policies EN1 and T2 state that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking.
- 30 The site has an existing access off Powder Mill Lane and the proposal does not propose to alter this. There is sufficient space for the storage of vehicles and there should be no loss of highway safety in the local area.

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Other matters

- 31 With regard to the restriction on use of the site for retail and wholesale purposes, as requested by the Parish Council, this would require a change of use and a separate application and is therefore not considered necessary. In terms of advertisements, this would be controlled by the Advertisement Regulations regime.

Conclusion

- 32 The proposal is acceptable in principle and in terms of Green Belt development. The proposals also preserve the character of the area and there will be no loss of amenity for neighbouring residents. It is therefore considered that the proposals accord with the council's development plan and subject to conditions is recommended approval.

It is recommended that the application be approved.

Background papers

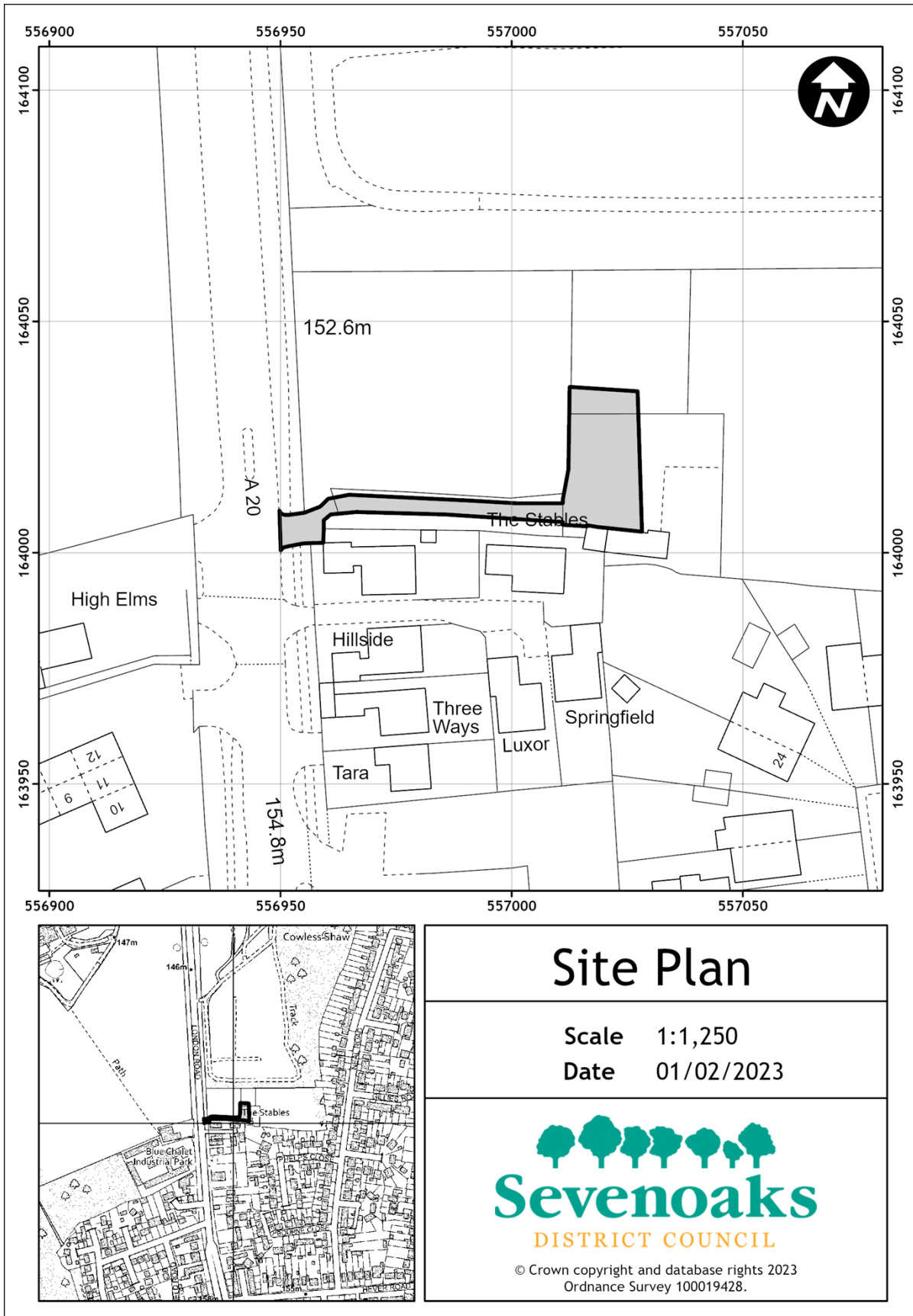
Site and block plan

Contact Officer(s): Ashley Bidwell 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



Site Plan

Scale 1:1,250
Date 01/02/2023



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