

20 July 2023 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

Published: 12.07.23



The meeting will also be livestreamed to YouTube here:

[https://www.youtube.com/channel/UCIT1f\\_F5OfvTzjZk6Zqn6g](https://www.youtube.com/channel/UCIT1f_F5OfvTzjZk6Zqn6g).

# Development Management Committee

## Membership:

Chairman, Cllr. Williamson; Vice-Chairman, Cllr. Horwood  
Cllrs. Baker, Ball, Bayley, Camp, P. Darrington, Edwards-Winsler, Esler, Harrison, Hogarth, Hudson, Malone, Manston, Purves, Silander, Skinner, Varley and Williams

## Agenda

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

	Pages	Contact
Apologies for Absence		
1. <b>Minutes</b> To approve the minutes of the meeting of the Committee held on 22 June 2023, as a correct record.	(Pages 1 - 8)	
2. <b>Declarations of Interest or Predetermination</b> Including any interests not already registered.		
3. <b>Declarations of Lobbying</b>		
4. <b>Planning Applications - Chief Planning Officer's Report</b>		
4.1 <b>22/02930/FUL - Sancta Maria, Manor Drive, Hartley Longfield Kent DA3 8AW</b> Extend and subdivide existing dwelling into two separate dwellings and erection of 1 dwelling to the rear, with associated landscaping.	(Pages 9 - 32)	Hayley Nixon Tel: 01732 227000
4.2 <b>22/03313/FUL - Oast House Nursery, Ash Road, Ash Sevenoaks Kent TN15 7HJ</b> Clearance of existing nursery facilities and erection of 18 homes with associated parking and landscaping incorporating Oast House.	(Pages 33 - 62)	Sean Mitchell Tel: 01732 227000

- 4.3 **23/00915/CONVAR - Land South East Of Broadhoath Wood, Rooks Hill, Underriver Kent** (Pages 63 - 72) Louise Cane  
Tel: 01732 227000  
Removal of condition 6 (no fencing or other means of enclosure) of 21/00106/FUL for sand school, parking area and tree planting.
- 4.4 **23/01182/HOUSE - Humbugs, 31 Hartslands Road, Sevenoaks Kent TN13 3TN** (Pages 73 - 80) Christopher Park  
Tel: 01732 227000  
Erection of single storey rear extension and associated works.

#### EXEMPT INFORMATION

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

Any Member who wishes to request the Chairman to agree a pre-meeting site inspection is asked to email [democratic.services@sevenoaks.gov.uk](mailto:democratic.services@sevenoaks.gov.uk) or speak to a member of the Democratic Services Team on 01732 227000 by 5pm on Monday, 17 July 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](mailto:democratic.services@sevenoaks.gov.uk).

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**DEVELOPMENT MANAGEMENT COMMITTEE**

Minutes of the meeting held on 22 June 2023 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Horwood (Vice-Chairman)

Cllrs. Baker, Ball, P. Darrington, Edwards-Winser, Esler, Hudson, Manston, Purves, Silander, Varley and Williams

Apologies for absence were received from Cllrs. Bayley, Harrison, Hogarth, Malone and Skinner

Cllrs. Grint and Kitchener were also present.

7. Minutes

Resolved: That the Minutes of the Development Management Committee held on 1 June 2023, be approved and signed by the Chairman as a correct record.

8. Declarations of Interest or Predetermination

Cllr. Hudson declared that for Minute 10 - 23/00750/FUL - The Lodge, 1 Top Dartford Road, Hextable Swanley Kent BR8 7SG she had previously considered the matter when discussed by Hextable Parish Council, but that she remained open minded.

9. Declarations of Lobbying

Cllr. Hudson declared that she had been lobbied in respect of Minute 10 - 23/00750/FUL - The Lodge, 1 Top Dartford Road, Hextable Swanley Kent BR8 7SG.

Cllr. Horwood declared that he had been lobbied in respect of Minute 12 - 23/00767/FUL - The Tally Ho, Main Road, Knockholt Sevenoaks Kent TN14 7NT.

**RESERVED PLANNING APPLICATIONS:**

The Committee considered the following planning applications:

## Agenda Item 1

### Development Management Committee - 22 June 2023

10. 23/00750/FUL - The Lodge, 1 Top Dartford Road, Hextable Swanley Kent BR8 7SG

The proposal sought planning permission for the change of use from Use Class C3 (dwellinghouse) to Use Class C2 for use as a family assessment centre. The application had been referred to the Committee by Cllr. Kitchener on the grounds the proposed development would result in a loss of neighbour amenity and highway safety.

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

The Committee was addressed by the following speakers:

Against the Application: Carolyn Chamberlain

For the Application: Emmanuel Intje

Parish Representative: Cllr. Kitchener

Local Members: Cllr. Kitchener

Members asked questions of clarification from the Speakers and Officers which focused on the foot and car traffic at the site as well as the use of the property. Officers confirmed that the application was specifically designated for use as a family assessment centre and for no other purpose. Any other proposal for the use of the premises would be the subject of a separate application.

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

Members discussed the application and gave consideration to the impact on neighbour amenity and parking provision.

The motion was put to the vote and it was

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

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

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

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 1 Unnumbered scaled 1:1250 Site location plan and drawing nos. 2022260\_PL01, 2022260\_PL02.

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

- 3) The premises hereby permitted shall be specifically used for the purpose applied for and for no other purpose (including any other purpose within C2 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without re-modification).

So that any other proposal for the use of the premises is the subject of a separate application to be determined on its merits having regard to relevant development plan policies.

11. 23/00901/HOUSE - Twin Oaks, 3 Kilnwood, Halstead Sevenoaks Kent TN14 7EW

The proposal sought planning permission for a two-storey side and garage extension with steps. The application had been referred to the Committee by Cllr. Grint due to concerns regarding overdevelopment and impact on the neighbouring properties in Meadway.

Members' attention was brought to the main agenda papers and late observation sheet, which did not amend the recommendation.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Mr Yussuf
Parish Representative:	John Ridout
Local Members:	Cllr. Grint

Members asked questions of clarification from the officers on the scale of the development and potential visual intrusion from the east facing first floor window into the neighbouring amenity. The Case Officer explained that the application was a revised scheme which included a reduced roof height. It was considered to be more sympathetic in its form and design than the previously approved scheme. He

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### Development Management Committee - 22 June 2023

informed Members that the east facing rear-window was set back from the boundary and was fronted by a single story flat roof.

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

Members discussed the application. Members considered the bulk and scale of the proposals and whether the east facing first floor window would cause a loss of privacy for the neighbouring amenity.

An amendment was moved and it was duly seconded that an additional condition be added that the east facing rear first floor window be glazed and obscured and permanently fixed shut unless the parts of the window which could be opened were more than 1.7 metres above the floor of the room in which the window was installed.

The amendment was put to the vote and was carried.

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

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

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 3147L, 3147P, 3147A and 3147B

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

- 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.

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

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

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



12. 23/00767/FUL - The Tally Ho, Main Road, Knockholt Sevenoaks Kent TN14 7NT

The proposal sought planning permission for the demolition of the existing dwelling and erection of replacement dwelling. The application had been referred to the Committee by Cllr. Williamson to consider the impact of the replacement dwelling upon the street scene.

Members' attention was brought to the main agenda papers and late observation sheet, which did not amend the recommendation.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Tom Barnshaw
Parish Representative:	-
Local Members:	Cllr. Grint

Members asked questions of clarification from the officers focused on the planning history of the site, interpretation of Green Belt policy, location and floor space of the replacement dwelling and the impact on the street scene. Officers explained that the curtilage had been established under previous lawful development applications. Officers further clarified that the proposed dwelling was within the curtilage and subsequently the development complied with policy GB4. It was also confirmed that the land where the existing dwelling stood would be converted to landscaping following its demolition.

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

Members discussed the application and the visual impact on the street scene of the proposed replacement dwelling.

The motion was put to the vote and it was

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

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

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

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- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 226702 - 01 RevC, 04 RevC, 05 RevC, 05A RevA, B01 RevA, X01 RevC.

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

- 3) No development shall be carried out on the land until the applicant, their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved in writing by the Council.

To secure the examination and recording of building features of historic and/or archaeological interest as supported by Policy EN4 of the Sevenoaks Allocations and Development Management Plan.

- 4) No development shall take place until an Arboricultural Method Statement (detailing all aspects of construction and staging of works) and a Tree Protection Plan (for TPO 09, 2022) in accordance with British Standard 5837:2012 (or later revision) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until protection measures detailed in the Tree Protection Plan have been implemented. The protection measures shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

To secure the retention of the TPO and to safeguard its visual amenity and long-term health as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 5) No development shall be carried out above damp proof course of the dwelling hereby approved until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority.

Those details shall include:

- planting plans (identifying existing planting, plants to be retained and new planting),
- written specifications (including cultivation and other operations associated with plant and grass establishment),
- schedules of new plants (noting species, size of stock at time of planting and proposed number/densities where appropriate), and

- a programme of implementation.

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

- 6) Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include a native species-only landscape plan. The approved details will be implemented and thereafter retained.

To ensure the proposed development enhances the biodiversity of the site/area in accordance with policy SP11 of the Core Strategy.

- 7) 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.

- 8) Prior to the commencement of works above damp proof course level, a schedule of materials detailing colour and finish, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

To ensure that the appearance of the development enhances the character and appearance of the site as supported by Policy EN1 and EN5 of the Sevenoaks Allocations and Development Management Plan.

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

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To preserve the character of the area and the openness of the Green Belt in accordance with policy EN1 and LO8 of the Allocations and Development Management Plan and Core Strategy respectively.

- 10) No external lighting shall be installed on the site or affixed to any buildings on site unless the local planning authority has first approved in writing first details of a layout plan with beam orientation, details of the position, height, design, measures to control light spillage and intensity of illumination. Only the approved scheme shall be carried out in accordance with the approved details and maintained thereafter. No further lighting shall be introduced into the site without the prior approval of the local planning authority.

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

- 11) The proposed dwelling hereby approved shall not be occupied until the existing dwelling known as the Tally Ho has been demolished and all resultant materials removed from the site.

In order to preserve the openness of the Green Belt in accordance with paragraph 149 of the NPPF.

THE MEETING WAS CONCLUDED AT 9.32 PM

CHAIRMAN

4.1 22/02930/FUL

Revised expiry date 24 July 2023

Proposal:

Extend and subdivide existing dwelling into two separate dwellings and erection of 1 dwelling to the rear, with associated landscaping

Location:

Sancta Maria, Manor Drive, Hartley Longfield Kent DA3 8AW

Ward(s):

Hartley & Hodsoll Street

**Item for decision**

This application has been called to Development Management Committee by Councillor Cole due to concerns relating to: over-development of the site; loss of amenity to immediate and wider neighbourhood, contrary to Policy EN2; and failure to adhere to Policy H3 - residential sub-division into smaller units.

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: GA-01B, GA-02, GA-03, GA-04, GA-05B, LP-01, TPP-01A

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

3) Prior to the commencement of development above the damp proof course, details including samples of the external materials and finishes of the new houses 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.

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

4) Prior to the commencement of works associated within the construction of the new dwellings hereby approved, details of a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following details: the routing of construction and delivery vehicles to and from the site; parking and turning areas for construction and delivery vehicles, and; details of how vehicles will be appropriately managed to minimise disruption on the highway and to preserve pedestrian safety. The development shall be carried out only in accordance with the approved details.

To preserve highway and pedestrian safety, to comply with policy EN1 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

5) No development shall commence until a scheme for the control of noise, vibration and dust during the construction period has been submitted to and approved in writing by the

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Local Planning Authority. The construction works shall be carried out in accordance with the approved details.

To protect the amenities of nearby residential properties and to comply with policy EN2 of the Sevenoaks Allocations and Development Management Plan.

6) Prior to the first occupation of the new dwellings, full details of both hard and soft landscaping, including details of any hard surfacing and boundary fencing, shall be submitted to and approved in writing by the local planning authority. The approved hard landscaping scheme shall be implemented prior to the occupation of the development hereby approved and the soft landscaping shall be implemented not later than the first planting season following the first occupation of the dwelling. If within a period of 5 years from the completion of development, any of the trees or plants that form part of the approved details of soft landscaping die are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of a similar size and species.

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

7) Prior to the first occupation of the dwellings hereby approved, the parking spaces shown on Drawing No. GA-01B shall be provided in full and kept available for such use at all times and no permanent development shall be carried out on the land so shown or in such a position as to preclude vehicular access to the parking spaces.

To ensure a permanent retention of vehicle parking for the dwellings as supported by policy T2 of the Sevenoaks Allocations and Development Management Plan.

8) Prior to the first occupation of the dwellings hereby approved, the cycle storage shown on the Drawing No. GA-01B and GA-04 shall be provided in full and kept available for such use at all times.

To ensure an adequate provision of cycle storage for the dwellings as supported by policy T2 of the Sevenoaks Allocations and Development Management Plan.

9) 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 the charging points and the appearance of the charging points. 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.

10) From the commencement of works (including site clearance), all protection measures for trees will be undertaken in accordance with the details contained within the Arboricultural Method Statement (Arbor Cultural Ltd, November 2022) and Drawing No. TPP-01 Rev A.

To prevent damage to trees, in accordance with policy SP11 of the Sevenoaks Core Strategy and policy EN1 of the Sevenoaks Allocations and Development Management Plan.

11) Prior to the first occupation of any part of the development, details of an ecological enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. This will include a native species-only landscape scheme together with a timetable

for implementation. The development shall be carried out in accordance with the approved details and maintained thereafter.

To ensure the development delivers ecological enhancements in accordance with policy SP11 of the Core Strategy.

12) The development shall be carried out in accordance with the submitted Flood Risk Assessment and Surface Water Drainage Strategy (dated May 2023 and produced by Aegaea).

To reduce the risk of surface water flooding on the site and to ensure the development does not increase the risk of flooding elsewhere, in accordance with the National Planning Policy Framework.

### **Informatives**

1) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

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

3) The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:

- The applicant pays for the administration costs
- The duration of the closure is kept to a minimum
- Alternative routes will be provided for the duration of the closure.
- A minimum of six weeks' notice is required to process any applications for temporary closures.

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

### **National Planning Policy Framework**

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and

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where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

### Description of site

- 1 The site comprises of a detached dwelling located on the south side of Manor Drive, within the parish of Hartley. The existing dwelling is set back a considerable distance from the road by a large front garden. The road is classified as a public right of way.
- 2 There are neighbouring properties either side of the site as well as to the front.

### Description of proposal

- 3 The proposed development is for the extension and subdivision of the existing dwelling on site into two separate dwellings and the erection of one dwelling to the rear, with associated landscaping.
- 4 During the course of the application, the application has been amended as follows:
  - A preliminary ecological appraisal was provided;
  - The site plan and landscaping plan were amended to include an additional parking space for the proposed dwelling to the rear of the site; and
  - A flood risk assessment and surface water drainage strategy was provided

### Relevant planning history

- 5 75/00169/HIST – Demolition of existing bungalow and erection of new bungalow with detached double garage at rear – GRANTED – 30/06/1975

### Policies

- 6 National Planning Policy Framework (NPPF)

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

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

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- Footnote 7 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.



7 Core Strategy (CS)

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

8 Allocations and Development Management Plan (ADMP)

- SC1 Presumption in favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- EN4 Heritage Assets
- EN7 Noise Pollution
- H3 Residential Subdivision
- T1 Mitigating Travel Impact
- T2 Parking
- T3 Provision of an Electric Vehicle Charging Point

9 Other:

- Residential Extensions Supplementary Planning Document (SPD)

**Constraints**

10 The following constraints apply:

- Public Right of Way (restricted byway) to front of site
- Adjacent to grounds of listed building (Brickend)
- Tree Preservation Order to front of site

**Consultations**

11 Hartley Parish Council

12 First response: Objection. "The Parish Council objects to this application for the following reasons; the proposed development does not reflect the established pattern and character of existing development in this location. The proposal would be detrimental to the residential amenities of the local area and would detract from the outlook, privacy and enjoyment of the occupants of the adjoining dwellings. The proposal of using the existing driveway to serve the proposed development would be detrimental to the amenities of adjoining residents and those of the existing dwelling by reason of noise, fumes and general disturbance from vehicles entering and leaving the site. The proposal would also detract from the generally open character of the site when viewed from neighbouring land and properties, including the adjoining Green Belt. In addition, there are also concerns that there is insufficient vehicle provision."

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- 13 Second response following amendment: No response received.
- 14 Third response following amendment: No response received.
- 15 SDC Conservation Officer
- 16 First response: “Sancta Maria is located a considerable distance to the north-east of Brickend, a Grade II listed building of the 17th century or earlier. The designated heritage asset sits in a spacious, softly landscaped setting, with mature trees and shrubbery effectively screening it from the proposed development site.
- 17 Due to distance and the intervening mature trees, the proposed development will cause no harm to the significance of the designated heritage asset through change on the edge of its setting and there is no objection in terms of Policy EN4.”
- 18 Second response amendment: As above.
- 19 Third response following amendment: “No further comments in terms of Policy EN4.”
- 20 SDC Tree Officer
- 21 First response: “I refer to the above application. I have visited the site and have studied the plans provided and have made the following observations:
- 22 I have read the arboricultural report and the arboricultural method statement provided by Arbor Cultural Ltd. Providing the recommendations within the report are followed, I have no objection to the proposed development.”
- 23 No further responses received.
- 24 KCC Archaeology
- 25 First response: “I have double checked the schemes but can confirm I have no comments on either application.”
- 26 No further responses received.
- 27 KCC Ecology
- 28 First response: “No ecological information has been submitted with this application. As a result of reviewing the data we have available to us, and the information submitted with the planning application, we advise that further information is sought from the applicant with regards to the potential for ecological impacts to arise.
- 29 The development will result in works to the existing dwelling and the development of the rear garden (which includes mature trees). Review of aerial photos and the biological records available to us indicate that there is potential for protected/notable species to be present within or adjacent to the development site. The potential for protected species presence must be taken account of in the planning decision. As such, an Ecological Impact Assessment (EclA) should be undertaken by a suitably qualified ecologist<sup>1</sup>, in accordance with good practice guidelines
- 30 The EclA will include the following:
- Details of the impacts of development proposals on the ecological baseline established via a Preliminary Ecological Appraisal (PEA) and any additional surveys undertaken; Details of any necessary and achievable ecological mitigation and/or

- compensation measures;
- Details of ecological enhancement measures, and;
  - Provision of sufficient information to determine whether the project accords with relevant nature conservation policies and legislation.
- 31 To ensure that the planning determination is adequately informed in respect of all potential ecological impacts, we advise that the EclA is sought prior to determination of the planning application. This is in alignment with paragraph 99 of ODPM 06/2005 which states “it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”.
- 32 We recommend that the layout of the proposed development(s) is reviewed following the results of the EclA to enable any notable features to be retained within the proposed development site. This is in alignment with the ‘mitigation hierarchy’ described in British Standard BS 42020:2013, involves the following step-wise process:
- Avoidance – avoiding adverse effects through good design;
  - Mitigation – where it is unavoidable, mitigation measures should be employed to minimise adverse effects;
  - Compensation – where residual effects remain after mitigation it may be necessary to provide compensation to offset any harm;
  - Enhancement – planning decisions often present the opportunity to deliver benefits for biodiversity, which can also be explored alongside the above measures to resolve potential adverse effects.
- 33 Under section 40 of the NERC Act (2006) and paragraph 174 of the NPPF (2021) biodiversity should be maintained and enhanced through the planning system. As such, we advise that information is submitted with the EclA to demonstrate that features/habitats to benefit biodiversity can be incorporated in to the site.”
- 34 Second response following amendment: “We have reviewed the ecological report and we advise that sufficient information has been provided to determine the planning application.
- 35 The ecological report has detailed that due to the condition of the building and trees there are limited opportunities for roosting bats and it is unlikely that bats will be roosting within the building or trees. The footprint of the additional dwelling is located on short amenity grassland limiting the potential for suitable habitat for protected/notable species to establish.
- 36 The report has detailed there is potential for breeding birds to be present within the site and we recommend that the following breeding bird informative is included if planning permission is granted:
- 37 Habitats are present on and around the site that provide opportunities for breeding birds. Any work to vegetation/structures that may provide suitable nesting habitats should be carried out outside of the bird breeding season<sup>1</sup> (1st March to 31st August inclusive) to avoid destroying or damaging bird nests in use or being built. If vegetation/structures need to be removed during the breeding season, mitigation measures need to be implemented.

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- 38 This includes examination by a suitably qualified and experienced ecologist immediately prior to starting work. If any nesting birds are found, works must cease until after the birds have finished nesting.
- 39 Measures to benefit biodiversity.
- 40 Under section 40 of the NERC Act (2006) and paragraph 174 of the NPPF (2021) biodiversity should be maintained and enhanced through the planning system. The landscaping plan has confirmed that native trees will be incorporated in to the site and in addition the preliminary ecological appraisal has made a number of recommendations to enhance the site for biodiversity and we recommend that they are implemented if planning permission is granted.
- 41 We recommend the following wording:
- 42 Prior to occupation the ecological enhancement measures detailed within section 5.2 of the Preliminary Ecological Appraisal (Greenlink Ecology; February 2023) must be incorporated in to the buildings and site. A letter must be submitted to the LPA for written approval to the LPA to demonstrate the measures have been implemented.”
- 43 Third response following amendment: No response received.
- 44 KCC Highways:
- 45 First response: “Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration.
- 46 Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.”
- 47 Second response following amendment: As above.
- 48 Third response following amendment: As above.
- 49 KCC Public Rights of Way
- 50 First response: “Restricted Byway SD320 provides the access route for this application and may be impacted should this application be approved. The route is already used by multiple households as an access route and the additional homes proposed would add to the risk of the pedestrian, cyclist and horse-riding users of the byway with the increased traffic it would bring. On top of this there is the possibility of the surface being impacted by the likes of diggers/lorries etc. used for the purpose of the development.
- 51 The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:

- The applicant pays for the administration costs
- The duration of the closure is kept to a minimum
- Alternative routes will be provided for the duration of the closure.
- A minimum of six weeks' notice is required to process any applications for temporary closures.

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

53 No further responses received.

54 Thames Water

55 First response: “Thank you for consulting Thames Water on this planning application. Having reviewed the details, we have no comments to make at this time. Should the details of the application change, we would welcome the opportunity to be re-consulted.”

56 Second response following amendment: As above.

57 Third response following amendment: As above.

58 South East Water

59 No responses received.

### **Representations**

60 We have received 61 letters of objection relating to the following issues:

- Traffic generation as a result of three houses and impact on Manor Road which is a private road
- Traffic during construction
- Highways safety
- Overdevelopment
- Out of character with other properties and the surrounding area
- Noise and disturbance
- Removal of trees
- Other applications for development of houses within gardens from 1963 to 2020 were refused on ground relating to overdevelopment
- No precedent
- Contrary to para 71 of the NPPF
- Parking
- Overlooking and loss of privacy
- Loss of light
- Outlook and visual amenity
- Impact on listed building
- Impact on adjacent greenbelt land
- Inaccuracies with information provided with the application
- Flooding
- Manor Drive is mainly detached houses with few large semi-detached dwellings along Church Road

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- No visitor parking
- Ecology
- Removal of trees
- Pollution and Air Quality
- Pressure on local infrastructure

### Chief Planning Officer's appraisal

61 The main planning considerations are:

- Principle of development
- Impact on the Green Belt
- Design and impact on the character of the area
- Impact on residential amenities
- Parking and highways
- Trees and Landscaping
- Ecology

### Principle of development

62 The site falls within the built confines of Hartley. As such, policies LO1 and LO7 of the Core Strategy are relevant.

63 Policy LO7 states that within the settlement confines of Hartley, infilling and redevelopment on a small scale only will be permitted taking account of the limited scope for development to take place in an acceptable manner and the limited range of services and facilities available. New development should be of a scale and nature appropriate to the village concerned and should respond to the distinctive local characteristics of the area in which it is situated.

64 SDC's revised 'Settlement Hierarchy' document (July 2022), produced as evidence to the emerging Local Plan, classifies Hartley as a Local Service Village, recognising the role these settlements play in servicing the needs of the local community and surrounding settlements.

65 Para 124 of the NPPF (in part) states that planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens) or of promoting regeneration and change.

66 It is considered that the site is suitable for more intensive residential development given the fact that it is an existing residential plot which is of a substantial size and within a residential area, surrounded by existing development. The site is also located in a sustainable location, near services and shops within Hartley village, and would make better and more efficient use of the land for housing.

67 The application proposes the extension and subdivision of the existing dwelling into two dwellings and the erection of a new dwelling to the rear of the site.

68 Policy H3 of the ADMP refers specifically to residential subdivision and gives criteria under which subdivisions of properties into smaller units may be acceptable. These are:

- a) Where the building would be structurally suitable for subdivision;

- b) The proposal, including any extensions, hard standing, enclosure or other ancillary elements would reflect the form, integrity and character and character of the building and its surroundings, and;
  - c) Suitable parking and access arrangements could be achieved.
- 69 Having carried out a site visit during the course of the application, I am satisfied that the existing building on site is of substantial construction and therefore would be suitable for conversion into two dwellings.
- 70 Whether the proposed subdivision of the existing dwelling would reflect the character of the building and its surroundings, and whether suitable parking and access arrangements could be achieved, will be discussed further below. However, in principle, the proposed subdivision of the existing building into two dwellings would comply with policy H3.
- 71 The proposal would result in a net increase of two residential units on the site, which would contribute towards the District's housing stock. The implications of the lack of a 5 year supply of land for housing in the Sevenoaks District is discussed further below, after it has been assessed whether the proposals conflict with local and national policies. Subject to other detailed considerations, I consider that the principle of development meets the requirements of national and local policy.

#### **Impact on Listed Buildings and their setting**

- 72 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.
- 73 The NPPF also states that great weight should be given to the conservation of heritage assets (para.199).
- 74 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.
- 75 The application site is located approximately 32 metres to the north-east of Brickend which is a Grade II listed building. The Conservation Officer, in their comments, has stated that Brickend sits in a spacious, softly landscaped setting, with mature trees and shrubbery which screen it from the application site.
- 76 Due to the distance between the listed building and the proposed development and the intervening mature trees, the Conservation Officer considers that the proposals would not harm the setting or significance of the heritage asset.
- 77 The proposal would therefore comply with policy EN4 of the ADMP and the NPPF.

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

- 78 Policy SP1 of the Core Strategy and Policy EN1 of the ADMP state that all new development should be designed to a high quality and should respond to and respect the character of the area in which it is situated.
- 79 Extension and subdivision of the existing dwelling into two separate dwellings:

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- 80 The surrounding area comprises of detached bungalows and two storey dwellings, which vary in terms of their architectural design, form, appearance and palette of materials. The properties are set back from the road on an irregular building line by front gardens, which are either open plan or enclosed by hedgerow and trees. The existing property has a modest appearance and sits quietly amongst its surroundings.
- 81 The proposed subdivision of the existing dwelling would involve the construction of an additional storey, as well as front and rear extensions. This would alter the character and appearance of the existing dwelling and its scale and bulk, transforming it from a one storey building to a two storey building.
- 82 Despite this, it is my view that the proposed extensions would not have a harmful impact on the character of the surrounding area, taking into account the varied nature of the street scene and the fact that the existing building sits adjacent to an existing two-storey dwelling (Cheslyne) and is set back a considerable distance from the road. Due to the differences in ground levels, the development also would not substantially exceed the height of the immediate neighbouring dwelling situated to the west of the site, Primrose Cottage.
- 83 The resultant building following the proposed extensions and subdivision would have a cohesive design and would also maintain a sufficient gap between the side boundaries of the site (approximately 3 metres to both the western boundary and southern boundaries). It is therefore considered that the scale and form of the development would fit unobtrusively within its surroundings and would not have an overbearing appearance in the street scene. Furthermore, the development would not have an adverse impact on the nature of space between properties within Manor Drive nor would it create a sense of overdevelopment or result in a cramped appearance. The resultant building would sit comfortably and would not harm or compete with the existing residential development along Manor Drive. There are dwellings of a similar scale within the surrounding area.
- 84 In addition to the above, it is acknowledged that the materials of the proposed extensions would match those of the existing building. The soft landscaping along the side boundaries of the site would be retained and enhanced and additional landscaping is proposed to the front of the site. This would help to integrate the development into its surroundings and soften its visual impact.
- 85 Within the wider area, semi-detached properties are a common housing type. As such, it is my view that the proposed typology of two semi-detached dwellings would not appear incongruous when viewed in the context of residential development within the wider area. As previously mentioned, the site is also suitable for more intensive residential development due to its size.
- 86 There would be a minor increase in the amount of hard surfacing to the front of the site to provide the associated parking and turning areas for the two new dwellings. This would be in keeping with the residential character of Manor Close and would not cause significant visual harm. Details of hard surfacing materials could also be secured by a condition to ensure a high quality finish.
- 87 Erection of 1 dwelling to the rear:
- 88 The application also proposes the erection of a single storey dwelling to the rear of the site. Within the immediate street scene, the adjacent dwelling Cheslyne contains a large single storey building within its rear garden, in the south eastern corner of the site. This building has the appearance of a residential annexe and contains a double



garage. In addition, it is noted that there are other back land developments within the area, including three developments immediately north east of the site along Manor Drive (Orchard House, Forest House and Downlands). As such, it is considered that the location of the proposed dwelling within the substantial rear garden of the application site, in a similar position to the building in the rear garden of Cheslyne and the backland developments to the north east, would not appear out of keeping with the existing pattern of development within the area.

- 89 The proposed dwelling would be of a modest size, scale and bulk. It would have a simple form and design and would be single storey, with a flat roof and low eaves height. It would incorporate a natural palette of materials and a green roof, full details of which could be secured by a condition and would help to blend the dwelling into the site and its surroundings.
- 90 Due to the design of the proposed dwelling and the choice of materials, its appearance would be more akin to a residential outbuilding. For these reasons, it is my view that the building would not appear unduly dominant and would not result in the site having a cramped or overdeveloped appearance. The proposed dwelling, due to its design and size, would also appear subordinate to the rest of the built form on site and would appear proportionate when compared to the size of the site as a whole.
- 91 Additionally, it is acknowledged that the proposed dwelling would be well screened from Manor Drive and the surrounding area by the existing built form on site and the surrounding boundary trees and vegetation. As such, the visual impact of the proposed dwelling on the character and appearance of the area would be limited. The fact that a building of a similar size and scale could be erected without planning permission as permitted development also adds further weight in favour of the application.
- 92 In light of all of the above, it is considered that the proposals would preserve the character and appearance of the surrounding area and would comply with policy SP1 of the Core Strategy and policy EN1 and H3 of the ADMP, subject to conditions.

### **Residential Amenity**

- 93 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development. The Residential Extensions SPD recommends that a 45 degree test is undertaken for a loss of light to neighbouring dwellings, based on BRE guidance.
- 94 Neighbouring properties:
- 95 The neighbouring properties most likely to be affected by the proposals are the immediate neighbouring properties situated either side of the site, Primrose Cottage and Cheslyne. It is considered that other neighbouring properties would be situated a sufficient distance away and therefore should not be adversely affected by the proposed development in regards to light, outlook and privacy.
- 96 Primrose Cottage:
- 97 Light
- 98 This is the neighbouring property situated immediately to the west of the site. The eastern flank windows of this dwelling, which appear to be the primary source of light

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to habitable rooms (two bedrooms and a lounge), would be located adjacent to the proposed extensions of the existing building on site. In this case, it is appropriate to carry out the 25 degree light test.

- 99 The proposed first floor extension would pass the 25 degree test as no part of the extension would fall above the 25 degree line when measured from the centre of the ground floor side windows of Primrose Cottage. Therefore, the overall living conditions of the neighbouring property would be preserved as the windows would continue to provide adequate levels of sunlight and daylight to the habitable rooms.
- 100 The proposed front and rear extensions to the existing building, as part of the proposed subdivision, would not go beyond the front or rear building lines of Primrose Cottage and there would be a sufficient gap between the development and the neighbouring property. As such, the front and rear extensions would pass the 45 degree test on both floor plan and elevation and would not result in a harmful loss of light, in accordance with BRE guidance.
- 101 The proposed dwelling within the rear garden of the site would not result in a harmful loss of light due to the distance of separation.
- 102 Privacy
- 103 The proposed extensions to the existing building on site as part of the proposed subdivision would not contain any windows at ground or first floor levels along the western side elevation which would face towards the flank elevation of Primrose Cottage or its main windows.
- 104 The first floor windows along the rear elevation of the subdivided building would not directly overlook the private amenity area of the neighbouring property (when measured at a depth of 5 metres from the rear elevation of the property, as defined in the Residential Extensions SPD). Views from the ground floor would be obscured by the boundary landscaping. As such, it is my view that the proposed extension and subdivision of the existing building would not result in a harmful degree of overlooking or a loss of privacy for Primrose Cottage.
- 105 Views towards Primrose Cottage from the ground floor windows of the proposed dwelling to the rear of the site would also be obscured by the boundary vegetation and fencing.
- 106 Outlook
- 107 Views of the proposed development from the eastern side windows of Primrose Cottage would be softened/obscured by the existing boundary fencing and vegetation along the northern boundary of the site.
- 108 The proposals could be partially visible from the rear garden of this neighbouring property and its rear windows. In this regard, it is acknowledged that the proposed extension and subdivision of the existing building on site, and the erection of a new dwelling, would result in a change in outlook for Primrose Cottage. However, this change in outlook is not considered to be harmful to the living conditions of current and future occupiers of Primrose Cottage.
- 109 Due to the modest scale and design of the proposed dwelling to the rear of the site, any views would largely be softened/obscured by the existing and proposed soft

landscaping along the shared boundary of the site. An open outlook would also be maintained across the neighbouring property's own rear garden.

110 Cheslyne:

111 Light

112 This is the neighbouring property located immediately to the east of the site. This property contains ground floor and first floor windows along its western flank elevation which would be located adjacent to the proposed extensions to the existing building on site.

113 Due to the distance of separation between the buildings, the proposed extensions would pass the 25 degree test when measured from the ground floor and first floor side windows of Cheslyne. As such, these windows would continue to provide adequate levels of sunlight and daylight to the neighbouring property.

114 The proposed rear extension of the building to be subdivided would go beyond the rear elevation of Cheslyne, which contains ground floor and first floor windows. It is therefore necessary to carry out the 45 degree test.

115 The extension would pass the test on its floor plan and on its elevation and therefore, in line with BRE guidance, would not result in a harmful loss of sunlight or daylight to the rear windows of this neighbouring property.

116 The proposed dwelling to the rear of the site would not result in a harmful loss of light due to the distance of separation.

117 Privacy

118 As previously mentioned, Cheslyne contains windows along its western side elevation at both ground and first floor level. In this regard, the proposed extensions to the existing dwelling on site, and its proposed subdivision, would not result in a harmful loss of privacy. There would be no windows along the eastern flank elevation of the resultant building and therefore there would be no direct overlooking towards the side windows of Cheslyne.

119 On the basis that the rear of the building would be situated further back than the rear elevation of the neighbouring property, it is also considered that the rear windows of this property and its rear private amenity areas would not be directly overlooked.

120 With regards to the proposed dwelling to the rear of the site, views from the ground floor windows towards the rear windows of Cheslyne and its rear garden would be obscured by the boundary treatments along the eastern boundary of the site. Any overlooking would also be from a considerable distance. It is therefore considered that the development would not result in a harmful loss of privacy for this neighbouring property.

121 Outlook

122 Views from the ground floor windows along the western elevation of this neighbouring property would be obscured by the boundary landscaping along the western boundary. Having carried out a site visit during the course of the application, it appears that the first floor windows along the western elevation are obscure glazed.

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- 123 The proposed extensions to the existing dwelling on site, as part of the proposed subdivision, would be visible from the first floor rear windows of Cheslyne. However, this would be at an oblique angle. An open and direct outlook towards the neighbour's own rear garden would be maintained from these windows. As such, it is considered that the proposed extension and subdivision of the existing dwelling on site would not result in a harmful change in outlook or visual intrusion for Cheslyne.
- 124 There may be views of the proposed dwelling to the rear of the site from the rear windows of Cheslyne and its rear private amenity area; however, this would be at a distance and any views would be softened/obscured by the boundary trees and landscaping. Furthermore, the proposed dwelling is not considered to be an unduly dominant or visually intrusive addition.
- 125 Noise and disturbance:
- 126 Concern has been raised during public consultation regarding potential noise and disturbance from the proposed dwellings and from the use of the proposed driveway which would run along the eastern boundary of the site to access the proposed dwelling to the rear. As the site is located within the confines of Hartley, within an existing residential area, the noise levels generated is unlikely to significantly exceed the prevailing background noise levels. Traffic generation from the property to the rear would be limited.
- 127 Given the proximity to residential properties in this case, details of a construction management plan, which incorporates measures to reduce noise, disturbance, and dust to neighbouring buildings during the construction phase, could reasonably be secured by condition. Construction traffic is discussed further below.
- 128 It is also the case that separate legislation exists outside the planning system to help enforce against issues relating to unacceptable noise and disturbance, should this arise.
- 129 Proposed development:
- 130 Policy EN2 also requires that the occupants of future development benefit from good standards of amenity.
- 131 The proposed internal layout and room sizes would be acceptable and would comply with national space standards. Each dwelling would provide satisfactory natural light from sunlight and daylight.
- 132 The garden areas would serve the recreational needs of the occupiers of each dwelling and the proposed boundary treatments would ensure good levels of privacy, subject to a condition for full details.
- 133 The separation distance between the semi-detached dwellings and the new dwelling to the rear would be approximately 22 metres. This would be sufficient to ensure that there is not a loss of privacy between habitable rooms or to private amenity areas.
- 134 In light of all of the above, the proposal would safeguard the amenities of existing and future occupants of nearby properties and would provide adequate residential amenities for future occupiers of the proposed development, in accordance with policy EN2 of the ADMP.

**Parking and Highways Impact**

- 135 The NPPF at paragraph 111 states: "Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."
- 136 Policy EN1 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking. Policy T2 of the ADMP states that dwellings in this location with 3 bedrooms require 2 parking spaces and dwellings with 5 bedrooms require 2 parking spaces.
- 137 Policy T3 of the ADMP states that electrical vehicle charging points should be provided within new residential developments to promote sustainability and mitigate climate change.
- 138 Parking:
- 139 The semi-detached dwellings to the front of the site, which would both comprise of 5 bedrooms, would each have two independently accessible car parking spaces, in accordance with the requirements of policy T2 of the ADMP.
- 140 Following the amendment to the application, the 3 bedroom dwelling to the rear of the site would also benefit from two independently accessible parking spaces in accordance with policy T2. Cycle storage is also proposed for each dwelling.
- 141 The provision and permanent retention of the vehicle parking and cycle storage can be secured by conditions. Electric charging points for each dwelling could also be secured by a condition, in accordance with policy T3 of the ADMP.
- 142 Highways:
- 143 The submitted plans show that the development would utilise an existing access from Manor Drive, which would be widened. It is not considered that a net increase of two houses on the site would result in a significant increase in vehicle movements nor would it have a severe impact on traffic or the local road network. As such, a refusal would not be warranted, in accordance with the NPPF.
- 144 The access would continue to be a minor access where the frequency of use would be relatively low. As previously mentioned, the proposed driveways would provide sufficient off street parking so that occupiers do not have to park on the road.
- 145 Public Right of Way:
- 146 Manor Drive, from which direct access to the site is gained, is a Public Right of Way Restricted Byway. The Public Rights of Way Officer at KCC has been consulted on the application and has raised that the proposal would add to the risk of the pedestrian, cyclist and horse-riding users of the byway with the increased traffic it would bring.
- 147 While this concern is acknowledged, it must be noted that the use of byway by vehicles is an existing situation. The proposal would result in a net increase of two dwellings on the site which, as mentioned above, is unlikely to result in a significant increase in vehicle movements. The development would provide sufficient parking and turning within the site so that occupiers do not have to park or wait on the

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byway. On this basis, it is considered that the proposal would not result in the obstruction of the byway and would not harm users of the public rights of way.

- 148 The Public Rights of Way Officer has also raised that there is the possibility of the surface of the byway being impacted by the likes of diggers/lorries etc used for the purpose of the development.
- 149 An informative can be included upon any grant of planning permission advising the applicant that the right of way must not be stopped up, diverted, obstructed or the surface disturbed. Furthermore, a condition for a construction management plan is recommended to mitigate the impact during the construction phase to ensure the safety and free flow of the byway.
- 150 Construction traffic:
- 151 Concern has been raised through public consultation in regards to traffic and disturbance during the construction process by construction vehicles.
- 152 The proposal would not constitute major development and the site benefits from an existing driveway and a large garden area, which could be used for the parking and turning of vehicles as well as the delivery and storage of materials. However, the recommended condition for a construction management plan would help ensure, for example, that the number of vehicles accessing the site at any time is appropriately managed to prevent harm to highway safety.
- 153 In light of all of the above, the proposal would comply with policy EN1, T2, T3 and H3 of the ADMP and the NPPF subject to conditions.

### **Trees and Landscaping**

- 154 The site itself is not covered by a Tree Preservation Order. However, the site contains a number of trees along its side boundaries which contribute positively to the character of the area. The proposed development would result in the removal of five trees which would be within the footprint of the proposed dwelling. Other trees would be retained.
- 155 The submitted Arboricultural Report and associated plans sets out measures to protect the retained trees during the construction period, which the Tree Officer raises no objection to. These measures can be secured by a condition.
- 156 The proposal would also include the provision of significant additional tree planting within the site and along its boundaries, along with additional hard surfacing and boundary fencing.
- 157 Full details of both hard and soft landscaping could be secured by a condition to ensure that they preserve the character and appearance of the surrounding area.

### **Biodiversity**

- 158 Policy SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancements to ensure no net loss of biodiversity.
- 159 The application is accompanied by a preliminary ecological appraisal, which KCC Ecology have reviewed. They are satisfied that sufficient information has been provided and have advised that the condition of the existing building and trees on site

have limited opportunities for protected species such as bats. The area to the rear of the site, where the proposed dwelling would be located, also has limited potential for suitable habitat for protected/notable species to establish.

- 160 The application proposes ecological enhancements. As per KCC Ecology's comments, these can be secured by a condition to ensure that the development delivers benefits to biodiversity. An informative can also be included in regards to breeding birds on the basis that there are habitats on and around the site which provided opportunities for breeding birds.
- 161 The proposal would therefore comply with policy SP11 of the Core Strategy, subject to condition.

### Flooding

- 162 Paragraph 159 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 163 Paragraph 167 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.
- 164 Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
  - b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
  - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
  - d) any residual risk can be safely managed; and
  - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 165 Paragraph 168 states that applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 55.
- 166 Footnote 55 advises that a site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use
- 167 While the site is not located in Flood Zone 2 or 3, so is in an area with a low probability of flood risk from fluvial sources, the Council's surface water flooding maps indicate that a small section of the rear of the site (largely along the eastern

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boundary) is at high risk of flooding from surface water. Paragraphs 167 and 168 of the NPPF, and footnote 55 of the NPPF, therefore apply.

- 168 The applicant has provided a site specific flood risk assessment and a surface water drainage strategy. In summary, the assessment finds that the site in its entirety is at low risk from surface water flooding; however, the east side and south corner of the site are partially affected during 1 in 100 and 1 in 1000 events and the surrounding area to the east of the site are at high risk. Of note, the built development largely sits outside the areas at risk of surface water flooding.
- 169 The assessment advises that with the proposed implementation of the surface water drainage strategy, there would be an acceptable level of flood risk to the site and the development would not increase the risk of flooding off the site or within the wider area as the development would not increase surface water run off to its surroundings. The proposed surface water drainage strategy includes: all runoff on the access road and plot 3 parking catchment area to drain into the proposed permeable paving; runoff from roof areas to be routed via pipework to the permeable paving sub base.
- 170 To limit the risk of flooding and to prevent flooding elsewhere, a condition is recommended to ensure that the development is carried out in accordance with the flood risk assessment and the proposed surface water drainage strategy.
- 171 In light of all of the above, it is considered that the proposal would be appropriately flood resistant and resilient and any residual risk could be safely managed. Furthermore, the proposal would not increase the risk of flood elsewhere.
- 172 The proposal would therefore comply with the NPPF, subject to condition.

### Other issues

- 173 Other issues raised within public comments which have not already been addressed within this report are discussed below:
- 174 Overdevelopment and other applications for development of houses within gardens from 1963 to 2020 were refused on grounds relating to overdevelopment:
- 175 Planning Policy does not specifically seek to protect “plot sizes” nor does it define or specifically refer to the potential for overdevelopment. Instead, it focuses on the character of the area and how a proposed development would impact on that character. The Council is also required to assess an application on its own merits.
- 176 Impact on adjacent Green Belt land:
- The site is not located in the Green Belt and therefore it would not be appropriate to apply Green Belt policies in this instance.
- 177 Inaccuracies with information provided with the application:
- The submitted plans and drawings are considered to be correct for the purposes of determining the application.
- 178 No visitor parking:
- As per Appendix 2 of the ADMP, the provision of visitor parking within the site is not required for the proposed development.



### 179 Pollution, Air Quality and Pressure on local infrastructure:

The proposal would not constitute major development and it is not considered that the provision of two additional dwellings on site would put significant pressure on local infrastructure or result in a significant increase in pollution levels. Furthermore, it is not considered that two additional dwellings would have a severe impact on air quality. The site and surrounding area are not located in an Air Quality Management Area where air quality is considered to be poor.

### Community Infrastructure Levy (CIL)

180 This proposal is CIL liable and there is no application for an exemption.

### Planning balance and Conclusion

181 As the Council cannot demonstrate a 5 year housing supply at this time, the 'tilted balance' of NPPF paragraph 11d) is engaged. This means, in this instance, that planning permission should be granted unless there adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF. The recommendation is for approval and the need to deliver housing adds further weight in favour of granting planning permission.

182 The proposal would provide housing within the confines of an existing settlement in the District, which is supported by the Council's policies. The proposal would also make a welcome contribution to the District's Housing Stock.

183 Other issues within consultation responses can be dealt with by planning conditions. This is compliant with the aims of the Government's Planning Practice Guidance. It states "...conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects."

184 The proposal would be an acceptable form of development and would comply with local and national policies, subject to the recommended conditions.

185 It is therefore recommended that this application is granted.

### Background papers

186 Site and block plan

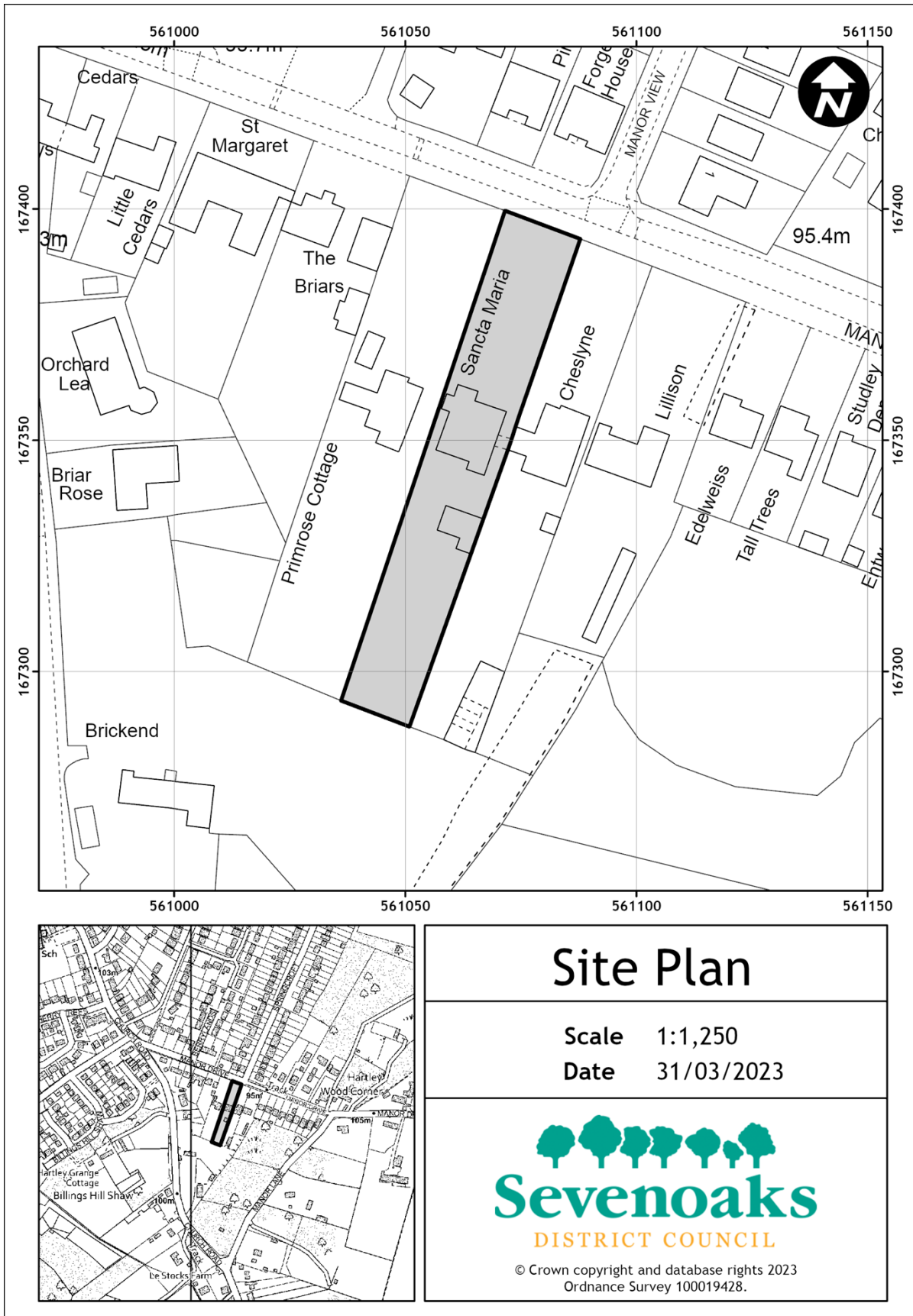
Contact Officer(s): Hayley Nixon

01732 227000

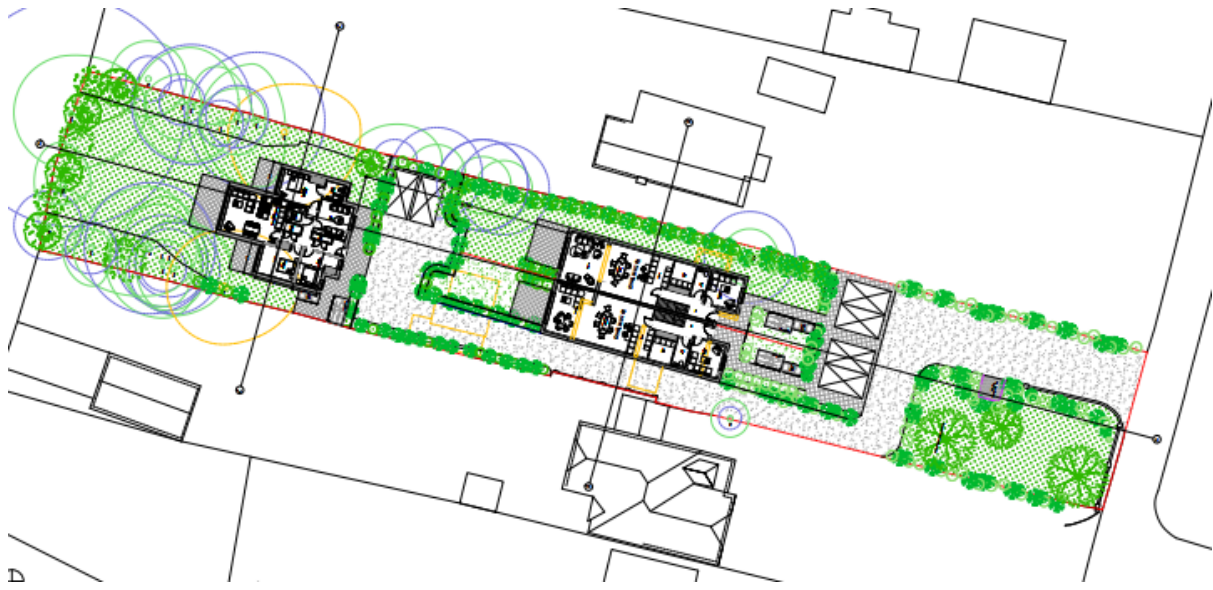
**Richard Morris**  
**Chief Planning Officer**

[Link to application details:](#)

[Link to associated documents:](#)



BLOCK PLAN



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4.2 22/03313/FUL

Revised expiry date 16 June 2023

Proposal:

Clearance of existing nursery facilities and erection of 18 homes with associated parking and landscaping incorporating Oast House.

Location:

Oast House Nursery, Ash Road, Ash Sevenoaks Kent TN15 7HJ

Ward(s):

Ash And New Ash Green

**Item for decision**

Cllr Manston referred this application to Development Management Committee to consider its impact upon the Metropolitan Green Belt and local community.

RECOMMENDATION: That the Committee resolve that planning permission be GRANTED subject to:

a) After the expiry date of the site notice and newspaper advertisement (03 August 2023) – any representations received raising no new issues;

b) Referral of the application to the Secretary of State as major development in the Green Belt, to decide whether to call-in the application or not;

c) 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

d) A satisfactory legal agreement made under section 106 of the Town and

Country Planning Act 1990 (as amended) being completed within three months of the date of the decision, unless in accordance with a new timescale otherwise agreed in writing by the Chief Officer for Planning and Regulatory Services.

**Section 106 Agreement**

The Section 106 Agreement shall include the following requirements:

- KCC Primary and Secondary Education Contributions – Total - £255,796
- Off-site affordable housing contribution – Total - £16,532
- Land set-aside for biodiversity net gain/enhancements and development free for a minimum of 30 years.

**Planning 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.

## Agenda Item 4.2

2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 1000 Rev.I, 1200 Rev.C, 1201 Rev.A, 1202 Rev.B, 1203 Rev. B, 1204 Rev.B, 1205 Rev.B, 1300 Rev.F, 1301 Rev.E, 1302 Rev.D, 1303 Rev.E, 1304 Rev.E, PLAN1305 Rev.E, 1306 Rev.F, H01 Rev.P2, H02 Rev.P1, PJC.1173.001 Rev. D (Sheets 1 and 2), PJC.1173.002 Rev. D (Sheets 1 and 2) - Design and Access Statement by PWP Architects Ref: 5886, Planning Statement by DHA dated Nov 2022 ref: DHA/DB/17092, Transport Statement by DHA dated Nov 2022 ref: PL/TV/17689, Pre-Tree survey report by Invicta Arboriculture dated Nov 2022, Land Contamination Assessment Dated July 2022 ref: 4002/22, Financial Viability Assessment by DHA dated Nov 2022 ref: AGH/DC/RD/17264, Preliminary Ecological Assessment by PJC Consultancy dated June 2022 ref:4872E/22, Bat Emergence Survey by PJC Consultancy Dated Nov 2022 ref: 4944E/22/02, Drainage Strategy Report by RCD dated Sept 2022.

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

3) Prior to above ground works (excluding clearance and demolition operations), further details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the approved materials.

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

4) Prior to commencement of works, a Landscape and Ecological Management Plan (LEMP) will be submitted to, and approved in writing by the local planning authority. The content of the LEMP will be based on the Biodiversity Net Gain Design Stage Report (PJC March 2023) and will include the following: Description and evaluation of features to be managed; Ecological trends and 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); Details of the body or organisation responsible for implementation of the plan, and; Ongoing monitoring and remedial measures. The LEMP shall also 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 accord with policy SP11 of the Sevenoaks District Council Core Strategy and paragraph 180 of the National Planning Policy Framework.

5) No development (excluding clearance and demolition operations) shall take place within the site 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 upon the Drainage Strategy Report dated 26th November 2022 prepared by RCD Consultants Ltd 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 within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):- that silt and 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.

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. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

6) The dwellings hereby permitted shall not 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 in writing 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.

7) 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 and to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policies EN1, EN2 of the Sevenoaks Allocations and Development Management Plan.

8) No development (excluding clearance and demolition operations) shall take place until details to minimise the risk of crime, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the local planning authority. The approved measures shall be implemented in full prior to the first occupation of the dwellings hereby approved and thereafter retained.

In the interests of good design and the creation of development where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience in accordance with the aims and objectives of the National Planning Policy Framework.

9) No development shall take place until details of a Construction Management Plan have been submitted to and approved by in writing by the local planning authority. The construction management shall include details of:

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries

## Agenda Item 4.2

(d) Provision of wheel washing facilities

(e) Temporary traffic management / signage

(f) Dust mitigation measures

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

In the interests of highway safety in accordance with Policies EN1 and T1 of the Sevenoaks Allocations and Development Management Plan.

10) No development (excluding clearance and demolition operations) shall take place until details of off-site highway improvements to the access from Ash Road and proposed uncontrolled pedestrian crossings as shown on drawing ref. H01 Rev. P2 have been submitted to and approved by in writing by the local planning authority. The development shall be carried out in accordance with the details unless otherwise agreed (subject to such revisions as may be agreed with the local highway authority as part of the detailed design process pursuant to the requisite highways agreement). The off-site highway works shall be completed in full prior to the first occupation of the new dwellings hereby approved.

In the interest of highway safety as supported by Policies EN1, T1 of the Sevenoaks Allocations and Development Management Plan.

11) No development shall take place until details of a scheme to demonstrate that the internal noise levels within the residential unit would conform to Table 4: Indoor Ambient Noise Levels for Dwellings identified in BS 8233:2014, Guidance on Sound Insulation and Noise Reduction for Buildings, shall be submitted to and approved in writing by the Local Planning Authority. L<sub>Amax,F</sub> during the period 2300hrs to 0700hrs should not exceed 45dBA. Work specified in the approved scheme shall then be carried out in accordance with the approved details prior to the first occupation of the dwellings hereby approved and maintained thereafter. If mechanical acoustic ventilation needs to be provided, self-noise must not cause the internal noise levels to exceed the BS8233:2014 criteria.

To safeguard the amenities of the future occupiers of properties hereby approved as supported by Policies EN2, EN7 of the Sevenoaks Allocations and Development Management Plan.

12) No new dwelling shall be occupied until the vehicular visibility splays as shown on drawing ref. H02 Rev.P1 has been provided. No fence, wall or other obstruction to visibility above 1.05m in height above ground level shall be erected within the area of such splays.

In the interest of highway safety as supported by Policies EN1, T1 of the Sevenoaks Allocations and Development Management Plan.

13) If during the works unexpected contamination is encountered which has not previously been identified after the development has begun, then the development must be halted on that part of the site affected by the unexpected contamination and shall be fully assessed and an appropriate remediation scheme shall be submitted to and agreed in writing by the Local Planning Authority.

To ensure that the site is remediated appropriately for its intended use and to accord with the aims and objectives of the National Planning Policy Framework.

14) The hard and soft landscaping and boundary treatments as shown on the approved plans, shall be implemented in full and 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 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.

15) Details of any external lighting of the site shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of works above damp proof course level for the dwellings hereby approved. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type; mounting height; aiming angles and luminaire/lux profiles). The approved scheme shall be carried out in accordance with the approved details and maintained thereafter and no further lighting shall be introduced into the site without the prior approval of the local planning authority.

To enable the Local Planning Authority to regulate and control light spillage in order to protect the character and visual amenity of the locality in accordance with policies EN1 and EN6 of the Sevenoaks Allocations and Development Management Plan.

16) Prior to the first occupation of the development hereby approved the vehicle parking spaces as shown on the approved plans shall be constructed, surfaced and retained for vehicle parking, turning and deliveries, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of highway safety and visual amenity as supported by Policies EN1, T1 and T2 of the Sevenoaks Allocations and Development Management Plan.

17) 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.

18) Prior to completion of the damp proof course of the development hereby permitted, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include a native species-only landscape plan and provision of bird nest space. The approved details will be implemented and thereafter retained.

To enhance the ecological value of the site in accordance with policy SP11 of the Sevenoaks District Council Core Strategy and paragraph 180 of the National Planning Policy Framework.

19) The refuse and cycle storage facilities as shown on approved plan number 1000 Rev.1 shall be fully implemented and made available for user prior to the first occupation of the development hereby permitted and shall thereafter be retained for such use at all times.

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To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles in accordance with Policies T1, EN1 of the Sevenoaks Allocations and Development Management Plan.

20) No demolition, site clearance or building operations shall commence on site until the protective fencing and other protection measures as shown in the Pre-Tree survey report by Invicta Arboriculture dated Nov 2022 have been installed. At all times until the completion of the development, such fencing and protection measures shall be retained as approved. Within all fenced areas, soil levels shall remain unaltered and the land kept free of vehicles, plant, materials and debris.

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.

21) During the demolition and construction phases, no works of demolition or construction shall take place other than within the hours Monday to Friday 0800 to 18.00 hours, Saturday 08.00 to 13.00 hours and not at all Sundays or Bank Holidays.

To prevent disturbance to nearby residential properties in accordance with Policy EN2 of the Sevenoaks Allocation and Development Management Plan.

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

To ensure that development within the permitted Classes in question is not carried out in such a way as to prejudice the appearance of the proposed development, the amenities of future occupants of the development and not to impede surface water drainage within the site in accordance with Policies EN1, EN2 of the Sevenoaks Allocations and Development Management Plan

### **Informatives**

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

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

3) 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.

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

### **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 0.54 hectares of land on the western side of Ash Road. It is located outside the southern edge of the village of New Ash Green.
- 2 The site comprises of a former horticultural nursery and associated buildings, a dwelling, a number of glasshouses and polytunnels and an open area of land. The site is bounded by trees and vegetation along the majority of its boundaries, and is well screened on its eastern boundary to the road.
- 3 To the rear of the nursery is an open field that is largely enclosed by development on all sides. Further to this, the site is surrounded by a number of properties, comprising residential and commercial uses.
- 4 The site is located within walking distance of New Ash Green with a range of services accessible, which is approximately a 15minute walk away from the site. The site is also closely located to existing bus stops which provide services to Longfield and onward rail connections.
- 5 The site is within the designated Metropolitan Green Belt.

### Description of proposal

- 6 The application seeks planning permission for the demolition of the existing commercial buildings and the erection 18 residential units with off-street parking provision, and hard and soft landscaping, the retention of an existing residential unit on site and land that is being set-aside from biodiversity net gain purposes.
- 7 The residential development will consist of a housing mix proposed of:  
  
4no. x 2 bed  
  
13no.x 3 bed  
  
1no. x 4 bed
- 8 These properties will consist of two storeys and will have pitched roof and gable ends. All buildings will use traditional materials which reflect Kentish vernacular.
- 9 The scheme will utilise the existing vehicular access and will provide access to 43no. parking spaces including visitor provision. These will consist of surface level parking.

### Relevant planning history

- 10 Not applicable

### Policies

- 11 National Planning Policy Framework (NPPF)

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- 12 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. The same paragraph states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:
- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; or
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 13 Footnote 7 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.
- 14 Core Strategy (CS)
- SP1 Design of New Development and Conservation
  - SP2 Sustainable Development
  - SP5 Housing Type and Size
  - SP7 Density of Housing Development
  - SP8 Economic Development and Land for Business
  - SP11 Biodiversity
  - LO1 Distribution of Development
  - LO8 The Countryside and the Rural Economy
- 15 Allocations and Development Management (ADMP)
- EN1 Design Principles
  - EN2 Amenity Protection
  - EN5 Landscape
  - EN6 Outdoor Lighting
  - EN7 Noise Pollution
  - EMP5 Non-allocated Employment Sites
  - T1 Mitigating Travel Impact
  - T2 Vehicle Parking
  - T3 Provision of Electric Vehicle Charging Points
- 16 Other
- Kent Parking Standards
  - Development in the Green Belt SPD
  - Affordable Housing SPD
  - National Planning Practice Guidance
  - CIL Regulations

### Constraints

17 The following constraints apply:

- Metropolitan Green Belt

### Consultations

18 Ash Parish Council – Objects for the following reasons:

- Inappropriate development
- Lack of affordable housing
- Additional demand on infrastructure provision  
Not a brownfield site

19 Natural England – No response received

20 National Highways – No objection

21 Environment Agency – No comment received

22 South East Coast Ambulance Service – No comment received

23 KCC Local Lead Flood Authority – No objection subject to conditions

24 KCC Ecology – No objection subject to securing land for off-setting impact and imposition of conditions.

25 KCC Highways – No objection subject to condition relating to visibility splays, construction management plan, construction of a pedestrian crossing, retention of parking spaces within the development

26 KCC Archaeological Officer – No comment

27 KCC Economic Development – “The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services. These impacts will require mitigation, either through the direct provision of infrastructure or the payment of an appropriate financial contribution.”

28 Request has been made for the following contributions:

Via Section 106 Agreement:

Secondary Education - £93,168

Secondary Land - £79,072

Primary Education - £83,556

Through a CIL allocation:

Community Learning – £295

Youth Service – £1,179

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Library Service – £998

Social Care - £2,644

Waste - £980

- 29 Kent Police – No objection recommend condition relating to secure by design.
- 30 Kent Wildlife Trust – No comment received.
- 31 SDC Planning Policy – **“Development in the Green Belt**
- 32 The entire site is set within the Metropolitan Green Belt. Policy LO8 (The Countryside and the Rural Economy) states that the extent of the Green Belt will be maintained.
- 33 Paragraph 149 of the NPPF states that the construction of new buildings should be regarded as inappropriate development in the Green Belt, but with a number of exceptions including:
- “g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
- Not have a greater impact on the openness of the Green Belt than the existing development; or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 34 The NPPF glossary defines previously developed land (PDL) as:
- “land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure...”
- 35 As was included in our pre-application comments, it is our opinion that the south eastern portion of the wider site contains defined previously developed land and therefore, could be considered appropriate development in the Green Belt.

### **Mix/type of units’ proposed and affordable housing requirement**

- 36 The Strategic Housing Market Assessment (SHMA) (2015) sets out that the greatest need within the District is for 3 bed units, followed by 2 bed, and then 1 and 4 bed units. We consider that the scheme is aligned with the identified need, and sets out a mix of 2 and 3 bedroom units, with an additional 4 bedroom unit.
- 37 It is noted that the District has an acute identified need for affordable housing, as set out in the Council’s Targeted Review of Local Housing Needs (TRLHN 2022). It identifies an affordable housing need of 423 units per year, representing almost 60% of the overall housing requirement of 714 units per year determined using the government’s standard methodology.

- 38 Core Strategy Policy SP3 seeks the provision of affordable housing on new residential developments. Details are set out in the Affordable Housing SPD December 2021 update. This scheme of 18 units triggers a requirement to provide 40% affordable housing, equating to 7 units. It is understood that the applicant has submitted evidence that an on-site affordable housing contribution may not be viable. This will need to be independently verified. Further guidance should be sought from the Housing Strategy team.

### Emerging Local Plan

- 39 This site was included as a proposed site allocation in the 2019 submitted Local Plan for 20 residential units. The site appraisal sets out that the site area was reduced to only what was considered previously developed land in the Green Belt, which is the south eastern half of the site.
- 40 However, the Council recognises the acute housing need in the District. It has recently concluded a Regulation 18 public consultation on a new Local Plan, which proposes a strategy that focuses on making the best and most effective use of land within existing settlements. It is clear that Green Belt land will only be released where there are exceptional circumstances for doing so, when all reasonable alternatives have been explored including opportunities in neighbouring authorities. However, given that the new Local Plan is only at first stage
- 41 Regulation 18 consultation, it only carries limited weight and therefore the scheme must be considered in light of existing adopted policy, both local and national.
- 42 SDC Urban Design Officer – No objection raised. The scheme responds in design to National Design Guidance.
- 43 SDC Tree Officer – No objection subject to landscaping condition and conforming to arboricultural report
- 44 SDC Housing Policy – “As per Core Strategy Policy SP3, we would expect an application comprising 18 homes to provide 40% on-site affordable housing (7 homes). However it is noted the applicant is claiming insufficient scheme viability to conform with Policy SP3.
- 45 As set out in the Affordable Housing SPD 2011 (and accompanying policy update 12/2021), the viability of the scheme therefore requires independent testing.”
- 46 SDC Environmental Health – No objection subject to conditions relating to noise, contaminated land, external lighting and vehicle charging provision.
- 47 Thames Water – No objection

### Representations

- 48 2 representations of support.
- 49 18 objections received. Objecting for the following reasons:
- Highway safety and inadequate parking provision;
  - Inadequate visibility splays;
  - Impact upon infrastructure provision;
  - Loss of Green Belt;

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- Inappropriate development;
- Loss of privacy/overlooking;
- Unsustainable location;
- Traffic generation;
- Noise;
- Maintenance of boundaries;
- Lack of affordable housing provision

### Chief Planning Officer's appraisal

50 The main planning considerations are:

- Principle of development
  - Green Belt
  - Loss of a Non-Allocated Employment Site
  - Efficient use of Land
- Housing Type and Size
- Density
- Affordable Housing
- Impact on the character of the area
- Impact on residential amenity
- Highways, access and parking
- Ecology and Biodiversity
- Other Issues

### Principle of the development

51 Green Belt

52 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications must be determined in accordance with the local authority's development plan unless material considerations indicate otherwise. The Council's Development Plan includes the Core Strategy (2011) and the Allocations and Development Management Plan (ADMP) 2015.

53 Core Strategy Policy LO8 (The Countryside and the Rural Economy) states that the extent of the Green Belt will be maintained.

54 Paragraph 147 of the NPPF states that where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in "very special circumstances".

55 Paragraph 149 of the NPPF states that a "local planning authority should regard the construction of new buildings as inappropriate in the Green Belt". However, a list of exceptions are provided, including the:

(g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting



an identified affordable housing need within the area of the local planning authority.” [my emphasis]

- 56 It is therefore first necessary to establish whether the proposed development would be considered inappropriate under the criteria of paragraph 149(g) in order to determine whether it should be considered inappropriate. This is the only exception relevant to this development.
- 57 Whether the development is inappropriate development in the Green Belt
- 58 In applying the test, the first requirement is to establish whether the site would constitute as limited infill development or not. The NPPF does not define what limited infilling is. It could be defined as small-scale development which fills a gap in an otherwise built-up area. However, further guidance can be found within Section 3 of the Development within the Green Belt Supplementary Planning Document. This documents defines limited infill development as the completion of an otherwise substantially built up frontage by the filling of a narrow gap. It also cites in paragraph 3.6:
- “Where a change of character is not apparent between the defined settlement and development within the adjoining Green Belt, there may be circumstances where infill development is appropriate in the Green Belt, provided the purposes of the Green Belt would not be compromised.”
- 59 The proposal would result in the erection of 18 dwellings on a relatively small site surrounded by existing dwellings to the north and south of the site and Heaver Trading Estate abutting the site to the west. The proposal would result in frontage development being provided onto Ash Road between two existing properties, utilising the existing access onto the site. Therefore it can be considered as being infill development.
- 60 Notwithstanding the above, the applicant has put forward the case that the site is a single planning unit and is a composite use, as the site is comprised of a variety of residential, nursery, agricultural resulting in the site in its entirety being Previously Developed Land (PDL).
- 61 The main case law relevant to the consideration of whether a site is a single planning unit is *Burdle v Secretary of State for the Environment* 1972. This established a number of principles in considering a planning unit, including the following relevant to this application:
- that where there are a variety of activities on a site, none of which are incidental or ancillary to another and which are not confined within separate and physical distinct areas of land, the whole unit of occupation can be the planning unit and usually considered a composite use.
  - Where there are two or more physically separate and distinct areas occupied for substantially different and unrelated purposes, each area should be a separate planning unit.
- 62 In this case, having regard to case law, that there are a variety of activities on the site, none of which are they confined within separate or physically distinct areas within the site. It is therefore my view that the site is a single planning unit and a composite use. As such, it is considered that the site is previously developed land.

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- 63 Turning to whether the development would have a “greater impact on openness”, the national Planning Practice Guidance states that “Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case.” It notes that openness is capable of having both spatial and visual aspects - so both scale and distribution of built development, and the visual impact of the proposal may be relevant. The degree of activity likely to be generated on a site is also a relevant factor in the consideration of openness.
- 64 At present the single storey buildings on the site are dispersed within the site and retain areas of open land between them, including the parking areas and open spaces. By contrast, as a result of the proposals, development and built form would be arranged in a cul-de-sac layout. While this does retain some sense of openness within, there would be a greater sense of enclosure within the site, while each new property would include a garden that would be enclosed with closed boarded timber fencing. In addition to the new buildings the proposals would also see the introduction of residential paraphernalia across the site including the parking areas, garden stores and other items which generally emerge as a result of a residential use. This would also represents a visual change in the perception of the openness of the site, as appreciated from surrounding public and private viewpoints. However, the development would be enclosed within a specific area, visible from nearby dwellings as glimpses from Ash Road. Despite the existing buildings and hard surfacing on the site, the site is of a separate character to the wider Green Belt due to the self-contained and previously developed nature of the site as well as the visual context established by surrounding built development, being other residential properties and Heaver Trading Estate.
- 65 It is considered that site would continue to make a contribution to the transition between the linear development along Ash Road and the wider Green Belt, albeit that this contribution would be diminished when comparing the existing and proposed built form. As such due to the proposed layout of the development and the increase in building heights and massing, there would be harm to the openness of the Green Belt. However, it is considered that this identified harm is moderate and less than substantial. Nevertheless the proposal, would represent as inappropriate development within the Green Belt contrary to Paragraph 145(g) of the NPPF.
- 66 Paragraph 148 of the NPPF advises that Local Planning Authorities should ensure 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 other considerations.
- 67 Loss of a non-allocated employment site
- 68 It has been established that the site has a lawful existing employment use –horticulture.
- 69 Core Strategy Policy LO1 states that development will be focussed within built confines of existing settlements, while Policy LO8 confirms that the extent of Green Belt will be maintained.
- 70 SDC Planning Policy have raised concern for the loss of the existing use and the conflict with policy EMP5 of the ADMP which seeks to protect employment uses. The applicant has not undertaken active marketing of the site as required by policy
- 71 EMP5. The proposals therefore conflict with the aims of the policy.

- 72 As above, the site is one which was put forward as part of the previous emerging Local Plan for redevelopment as housing. This similarly would have resulted in the loss of all existing uses on the site. However that proposed allocation was not tested through the examination process, and the allocation is not afforded substantial weight in decision making at this time.
- 73 The proposals, however, would contribute 18 new market homes including a small contribution to off-site affordable housing provision, which is welcome. The development is located on the edge of New Ash Green and within 15 minutes' walk from provision of goods and services. The site also would benefit from pedestrian access to the services and public transport links are nearby.
- 74 The Council has an unmet need for housing and cannot demonstrate a 5 year supply of housing at this time. The contribution of the proposals to the housing supply should therefore be afforded weight. The loss of the existing employment is weighed up within the Planning Balance section at the end of this report.
- 75 Efficient use of land
- 76 Paragraph 120 of the NPPF states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs and also to promote and support the development of under-utilised land and buildings especially if this would help to meet identified needs for housing where land supply is constrained.
- 77 Further to this Paragraph 124 (in part) states that planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens) or of promoting regeneration and change.
- 78 As previously mentioned above, the site is considered to represent previously developed land. Due to the location, development is required by the NPPF to make efficient use of said land.
- 79 In conclusion, and subject to further consideration of other material considerations, the proposed development would help deliver on a current, identified need for housing within the District, and that loss of the employment site would not have a detrimental impact upon the rural economy. Therefore the principle of the re-development of the site is accepted.

### **Housing size and Type**

- 80 Policy SP5 of the Core Strategy states that the Council will expect new development to contribute to a mix of different housing types in residential areas, taking into account of specific local circumstances. The policy guidance indicates that the Strategic Housing Market Assessment (SHMA) recommends the following targets:

20% - 1 bedroom

30% - 2 bedroom

35% - 3 bedroom

15% - 4 bedroom

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- 81 The guidance states that an average of 50% 2 bedroom or less units across all developments. The proposal seeks the creation of 18 residential units. These would be broken down into:
- 4 x 2 bed (22%)
  - 13 x 3 bed (72%)
  - 1x 4 bed (6%)
- 82 The proposal would not meet 50% of all units comprising 2 bedrooms, however the guidance confirms that this should not be used as a quota; rather, it is set as a general average across the district and this development would provide at a level of 22%. SDC Planning Policy Team has also commented that the proposed housing mix is aligned with the identified need with the Strategic Housing Market Assessment 2015 that cites the greatest need within the District if for 3 bed units.
- 83 Notwithstanding this, the development would be located near to an existing settlement with links to public transport and the provision of units as sought after would be appropriate to the location.
- 84 The proposal would generally reflect the housing size and type required by policy SP5 of the Core Strategy.
- 85 Overall, the proposal would seek the redevelopment of previously developed land in this Green Belt location. The housing type reflects the requirements of the District.

### Density

- 86 Policy SP7 of the ADMP states that new housing will be developed at a density that is consistent with achieving good design. The policy states that outside urban areas new residential development would be expected to achieve a density of 30 dwellings per hectares (dph). The policy recognises that development that fails to make efficient use of land for housing may be refused permission.
- 87 The density figure of 30dph is a base line figure i.e. development should at least meet 30dph as a minimum. Further, this policy and the density targets can no longer be regarded as up to date and in accordance with the NPPF. Density of development calculations do not always illustrate the formation of a development. Density is not a proxy for well-designed buildings and functional open spaces.
- 88 The key test of policy SP7 is how the proposal would perform against design criteria and impact on the character of the area, rather than how the development performs against the density figure.

Paragraph 125 of the National Planning Policy is clear that:

‘.....Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site’.

- 89 The proposed development would result in an approximate density figure of 33dph for the site as a whole. Against the design criteria, the proposal is considered of good quality design and as such the density is considered appropriate for this location and makes efficient use of the land in accordance with SP7 and paragraphs 120, 125 of the NPPF.

### **Affordable Housing**

- 90 Policy SP3 of the Core Strategy states that the Council expects the provision of affordable housing in all types of residential development. The policy considers that in all residential developments of 15 dwellings or more gross 40% of the total number of units should be affordable. In exceptional circumstances, Policy SP3 allows for a reduced level of provision or, failing that, an off-site financial contribution to affordable housing, but only where it is demonstrated that the required on-site provision is not viable.
- 91 The proposal does not seek the provision of affordable housing units. The proposal would not comply with policy SP3 of the Core Strategy.
- 92 Notwithstanding the above, a viability assessment has been undertaken to establish whether on-site or off-site affordable housing provision can be sought. The applicant has submitted a viability appraisal concluding that on-site affordable housing cannot be provided on-site, however there is surplus monies available to allow for a commuted sum for off-site affordable housing provision.
- 93 The applicant's viability statement has been externally examined by an independent assessor in accordance with National Planning Practice Guidance and concludes that on site affordable housing is not possible. However, it does conclude that there would be surplus monies available to make a contribution towards off-site provision whilst making the development financially feasible. In this instance, it would be reasonable and necessary to secure the commuted sum for off-site affordable housing provision by use of a section 106 agreement. This would comply with CIL Regulation 122 and paragraph 57 of the NPPF.

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

- 94 The relevant policies relating to design and the character of the area are Policies EN1 of the ADMP and SP1 of the Core Strategy. Policy EN5 also seeks to protect the character of the landscape in the District. The NPPF highlights good design as a key aspect of sustainable development, creating better places in which to live and work and making development acceptable to communities (paragraph.126). Planning decisions should ensure developments function well and add to the quality of an area over the lifetime of the development, are visually attractive and are sympathetic to local character. They should also optimise the potential of the site to accommodate an appropriate amount and mix of development (paragraph 130).
- 95 The character of the site is defined by its former uses, dominated by a cluster of utilitarian buildings and a residential property, set around yard space and a shared access road.
- 96 Overall, the site itself is considered of little townscape or landscape value. The only area of distinctiveness is in the front boundary landscaping to frontage of Ash Road.

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- 97 Beyond the site boundary to the south and north of the site are residential properties, with the commercial trading estate to the west. Beyond this, the landscape is characterised by settled farmland, with gently undulating slopes overlain by agricultural fields and scattered farmsteads and built development. The character and screening around the site results in it being spatially separated from the countryside beyond.
- 98 The site sits upon level ground and, with the partial screening afforded to the site by boundary planting and surrounding development, has limited visibility from surrounding views. These are limited principally to immediate, glimpsed views from the adjoining roads, with some seasonable glimpsed views from the surrounding countryside.
- 99 The proposed development will undoubtedly change the character of the site, which would be residential development. The new buildings would reflect the Kentish vernacular with a chosen palette of materials representative of local building typology and sympathetic to architectural styles found within the locality. The scale of the buildings are considered to be appropriate and sympathetic to those within the locality.
- 100 The proposed houses are all of a similar height, comprising two storeys with pitched roofs above. There is some variation in the individual design and architectural features of the houses, for example through the inclusion of small gable features and hipped roofs. The palette of materials is also proposed to vary across the development to including facing materials including varying brick tones, tile hanging and composite weather boarded cladding. Roof materials are shown to be either concrete roof tiles or grey slate-appearance tiles. In any event, further details of the proposed materials can be secured by condition.
- 101 A comprehensive hard and soft landscaping scheme has been submitted and includes varying use of hard surfacing materials from paving to tarmac and a soft planting landscaping plan that includes the planting of native hedgerow, shrub mix, standard tree planting in and around the site and further planting to the set aside field to enhance its biodiversity value. The scheme as a whole would increasingly over time, assist in softening the impact of buildings and integrate the development into the street scene and improving the quality of the environment and the surrounding area. The SDC Tree Officer has raised no objection.
- 102 During the course of the application, the Council's Urban Design officer has been consulted and amendments have been made to the scheme. As such, the Urban Design Officer raises no objection to the scheme.
- 103 Overall, it is considered that the proposed scheme has adopted a sensitive approach to delivering a small residential development on the site. With appropriate landscaping, the development would sit comfortably on the site and integrate successfully into the surrounding area.
- 104 It would therefore accord with the national and local policy requirements as highlighted above.

### **Impact on Residential Amenity**

- 105 Policy 130 of the NPPF states that planning decisions should ensure developments meet a number of requirements, including creating places that have a high standard of amenity for existing and future users.

- 106 Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by complying with a number of criteria. These include preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air or noise pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality.
- 107 At paragraph 185 of the NPPF, it states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 108 Policy EN2 of the ADMP requires proposals to safeguard the residential amenities of existing and future occupants of nearby properties.
- 109 Contamination
- 110 SDC's Environmental Health Officer has reviewed the submitted land contamination assessment submitted with the application and confirms its findings as reliable. The assessment finds that the site is suitable for the proposed residential use. The Officer has recommended a condition to ensure that, in the event that unknown contamination is found during the course of the development, remediation can be effectively remediated.
- 111 With the recommended condition, it is considered that contamination can be appropriately addressed, if found and as such that the site and development would not pose unacceptable risks to human health or to ground water sources, property and ecological systems.
- 112 Outlook, visual amenity and privacy
- 113 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.
- 114 It is also important to reflect on paragraph 125 (c) of the NPPF:  
  
'local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)'.
- 115 The nearest residential properties are those to the north of the application site being Fiacre and to the south High Leigh and Church End. The existing property on the site is owned by the applicant, is also being retained.
- 116 The proposed plans show new boundary 1.8m high close boarded fencing would be erected along the boundaries with these properties, together with the retention of existing landscaping, which is notable to the neighbouring boundary to High Leigh which the existing treatment is approx.4-5m in height. That said, there is a change in ground levels between the site and High Leigh, and it would be necessary to secure details on the final ground levels by condition.

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- 117 Loss of privacy
- 118 High Leigh is the closest property to the proposed development having its side elevation being approximately 14m at its closest point. As previously mentioned there is foliage and trees which exist along neighbouring the boundary.
- 119 Proposed Plot 5 is sited approx. 15m away from the rear amenity area of this property and plot 6, approximately 17m. Plot 5 would have no direct views into the windows of this property even though the rear bedroom window would face directly into the rear amenity area of this property. However, due to retention of the existing boundary treatments, this would screen views into the rear amenity area and would be some direct inter-visibility that is caused by it.
- 120 In terms of plot 6, again with the retention of the boundary treatment, this too would have the same effect and the view from the rear bedroom would also be an oblique one.
- 121 It is noted that the rear garden area of High Leigh is large. Plots 7 to 9 would have first floor windows that face onto the rear garden area of High Leigh. That said, these properties would only have oblique views of the neighbouring property and the separation between properties become further distant. With this in mind, whilst there would be some perceived overlooking into the rear of High Leigh, it is considered to be a justified one, as rear private amenity area is protected or the separation distances are considered to be appropriate in this instance.
- 122 Church End is located to the south, the next property along from High Leigh. Due to the approximate separation distance between the site and rear garden area of this property of 43m, it is not considered that this property would be unduly impacted by the development.
- 123 Fiacre is located to the north of the site. Due to the siting of the proposed units namely plot 18 and separation distance between them of approximately 37m and the oblique view from the first floor of plot 18, it is not considered that this property would be unduly impacted by this proposal in terms of overlooking.
- 124 With regard to the existing dwelling on site, there is approximately a 29m separation distance between the rear of the dwelling and proposed plots 16-18 and distance of approximately 17m between the proposed plots 4-5. The boundaries of existing dwelling on site would be enclosed by a 1.8m brick wall and the planting of native hedgerow together with installation of 1.8 m high timber close-boarded fencing. Taking this into account, it is considered that the existing amenity of this property would be well shielded from the rest of the development and would not unduly harmed by this proposal.
- 125 Loss of sunlight and Daylight
- 126 Due to the separation distances between the development and neighbouring properties and the proposed layout of the dwellings, it is not considered that any neighbouring property would be unduly impacted by the development in terms of loss of sunlight and daylight.
- 127 Outlook



- 128 There would undoubtedly be a change in the outlook from the rear of neighbouring properties; however, given the distance between the properties it is not considered that the development would cause visual intrusion or be overbearing in the outlook from those properties.
- 129 Future Occupants
- 130 All properties benefit from access to outdoor amenity space. All units benefit from good standards of outlook and visual amenity and the units proposed would meet or exceed the minimum space standards.
- 131 Due to the site layout there are few occasions where new habitable rooms would directly face each other. However, where they do these are predominately where the buildings face the street and views are only oblique ones. Overall, taking into account the development as a whole, the privacy of future occupants is acceptable. There would also be an element of 'buyer beware' for future occupants.
- 132 The SDC Environmental Health Officer has recommended a condition relating to the submission of an acoustic assessment in relation to noise from commercial premises on Heaver Trading Estate and from Ash Road. Having visited that site, due to the separation distance from the road and that from the nearest commercial premises to the nearest residential plots of the development, the background noise at that time would not be expected to cause harm upon the amenities of future occupants and therefore the principle of the development is accepted. However, it would be beneficial to request further information on this matter, as some form of mitigation may be required should the use of the buildings on the Trading Estate change. This can be secured by condition.
- 133 Other matters
- 134 Due to the proximity of the site to adjoining residential properties, a condition is recommended to secure details of a construction management plan to minimise noise, dust and disturbance experienced by neighbouring properties. Separate legislation also exists outside the planning system to help enforce against significant disturbance should it occur.
- 135 In terms of external lighting within the development, further details can be secured by condition
- 136 Overall, it is considered that the development would comply with Policies EN2, EN6, EN7 of the ADMP.

### **Highways, Access and Parking**

- 137 Paragraph 111 of the NPPF states that; ... 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.
- 138 Policy T1 of the ADMP states that new development will be required to mitigate any adverse impacts that could result from the proposal. Policy EN1 of the ADMP states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking. Policy T2 of the ADMP states that vehicle parking provision for non-residential developments should be made in accordance with advice by Kent County Council has the Highway Authority. Policy T3 of the ADMP also seeks the delivery of electric vehicle charging points.

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- 139 Access and movement
- 140 The existing site access is from Ash Road and the development will make various improvements including the provision of uncontrolled pedestrian crossings across Ash Road and the creation of appropriate visibility splays.
- 141 The assessment of the access has taken into account surveyed traffic speeds along this stretch of road and accident data, which showed there have been no significant crash records in the vicinity of the site.
- 142 Trip generation is predicted within the Transport Assessment utilising data from the TRICS (Trip Rate Information Computer System) database, which provides a source of data on trips rates for types of development in the UK and is used as an industry standard. The results show that that the development would generate 75 additional two-way trips for 18 residential units when taking into account the existing use of the site. The Highway Authority has commented that the additional number of vehicle movements in and out of the residential development site would not be significant and would not have any detrimental impact on the local highway network, despite the concerns raised by the Parish Council and third parties. As such, the impact on the local roads is therefore not of concern.
- 143 The proposed internal road layout complies with Kent Design Guide and provides sufficient circulation space for larger vehicles e.g. refuse freighters, to turn on site.
- 144 As previously mentioned, the existing access is to be improved upon and to ensure the safety of this access, appropriate visibility splays will be provided and planning permission would be conditional on these being in place prior to occupation and for the life of the development.
- 145 A preliminary Road Safety Audit has been undertaken and presented and KCC Highways have acknowledged that the off-site highway works could be undertaken.
- 146 The works that include new uncontrolled pedestrian crossing lies outside the red line of the application site and relate to works on the highway; as such, the works will need to be subject to a Section 278 Agreement. This is an agreement for the works to be undertaken by the Highways Authority but at the expense of the applicant to facilitate the development. Noting examples of other major development where
- 147 S278 agreements have been secured by condition, it is considered appropriate that a condition is used to secure these works in this instance.
- 148 The concerns raised by the Parish Council and third parties have been considered; however, as demonstrated above, there is no justification to refuse this proposal on highway safety matters.
- 149 Parking
- Policy T2 of the ADMP requires that parking for residential developments should be made in accordance Appendix 2 of the ADMP. In this respect, the parking provision for the proposed development is 2 spaces which are allocated to each dwelling and a further 7 unallocated visitor parking spaces. This exceeds minimum parking standards.
- 150 Cycle storage

The development would provide 2 cycle storage spaces per unit. This can be secured by condition to ensure sufficient on-site cycle provision and assist in providing alternative modes of movement.

### 151 Electric Vehicle charging provision

Policy T3 of the ADMP seeks electric vehicle charging provision to be present in new development. The charging provision can be secured by planning condition and would comply with Policy T3 of the ADMP.

### 152 Construction phase

The Highways Officer has recommended that the proposal is conditioned to provide a Construction Management Plan to limit the impact on the highway during the construction process. A condition would be applied to any grant of planning permission.

### 153 Summary

Paragraph 111 of the NPPF is clear that development should not be prevented on highway grounds unless the impact is severe. The proposal would not result in a severe impact and would have an acceptable overall impact on the junctions and highway network. Neither KCC Highways nor National Highways have raised an objection to the proposal. The proposal is considered to comply with highways and parking policies EN1, T1, T2 and T3 of the ADMP, subject to condition.

## Ecology and Biodiversity

154 Paragraph 174 of the NPPF sets out a number of principles relating to the conservation and enhancement of the natural environment. This includes the requirement that development should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity. Development resulting in significant harm to biodiversity should be avoided, adequately mitigated or compensated for, or, as a last result, refused (para.180). Development resulting in the loss or deterioration of irreplaceable habitats should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists.

155 Policy SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity. Policy EN1 of the ADMP states that proposals should incorporate natural features such as trees and hedges.

156 The application site is currently almost entirely developed, covered by buildings and hard surfacing. Specific surveys were undertaken and confirmed the presence of a bat day roosts one of the buildings within the site.

157 The presence of protected and notable species has been carefully considered as part of the proposal. Further ecological mitigation and enhancement measures are included within the ecological survey, including proposals to create new wildlife habitat upon land under the ownership of the applicant which will offset the impact of the development; this will be secured via an obligation as part of an s106 agreement. It would ensure that this parcel of land is free-from development for a minimum of 30 years and will include periodic monitoring of the site to ensure its establishment.

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- 158 The KCC Ecology Officer has reviewed and verified the information and has proposed that planning permission be subject to conditions and securing land for further enhancements.
- 159 Overall, the scheme is would allow for the conservation of biodiversity assets and, through additional planting and screening, would deliver a net benefit in terms of landscape and biodiversity in accordance with SP11 of the Core Strategy.

### Other Issues

- 160 KCC Economic Development have raised requests for funding for services that the County Council provide via s106 funding arrangements. The applicant has agreed pay for education contribution via a Section 106 agreement. With regard to other monies as requested by KCC, it is considered that those contributions can be delivered via CIL receipts, as Sevenoaks District Council is a CIL charging authority.
- 161 The site is not within a designated flood risk area and is identified on the Environment Agency's website as being within an area with very low risk of flooding from rivers, sea or reservoirs or from surface water flooding. No further mitigation is therefore required in respect of this type of flooding. The Local Lead Flood Authority has raised no objection with regards to flood issues but have requested further details on drainage, which can be secured by condition.
- 162 Many of the representations make reference to the impact of the proposed development upon the existing infrastructure and provision of services. In terms of education, a contribution is being made to KCC for the provision additional primary and secondary school places. For other infrastructure provision, the Council is a Community Infrastructure Levy charging authority, to which money is available communities for seek for additional service provision. That said, the development is small scale, and is not considered that it would detrimentally harm existing infrastructure provision.

### Community Infrastructure Levy (CIL)

- 163 The development would be CIL liable.

### Planning Balance/very special circumstances case

- 164 In accordance with section 38(6) of the 2004 Act, this application has to be determined in accordance with the development plan, unless material considerations (which include the NPPF), indicate otherwise.
- 165 There is no dispute that the application proposal would be inappropriate development in the Green Belt, nor is there any dispute that the proposal would have a moderate impact upon the openness of the Green Belt. The Framework makes it clear that substantial weight should be attached to this harm, and that planning permission should not be granted except in very special circumstances.
- 166 There are, however, a number of factors which weigh in the proposal's favour, as detailed below, and it is therefore necessary to assess whether or not these would clearly outweigh the harm to the Green Belt, and any other identified harm.

- 167 Accepting that it is likely that the release of Green Belt land for housing will be necessary during the emerging plan period, it is important that such releases respect the purposes of the Green Belt as far as possible. In this case, the proposal would not conflict with the Green Belt purposes of checking unrestricted sprawl of large built up areas; preventing the merger of neighbouring towns; or preserving the setting of historic towns. Nor would it encroach into open countryside, as it would be set within the surroundings of existing built form and the harm to the openness of the Green Belt is moderate. In this case, the actual harm to the Green Belt does not provide a clear reason for refusing the development.
- 168 Paragraph 11 of the National Planning Policy Framework States that:
- Plans and decisions should apply a presumption in favour of sustainable development. ... For decision-taking this means:
- c) approving development proposal that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date <sup>7</sup>, granting permission unless:
- The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 169 Footnote 7 of paragraph 11 d) states:
- This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.
- 170 Sevenoaks District Council can only demonstrate a 2.9 year supply (inclusive of the buffer), which falls below the required 5-year supply. Further, Sevenoaks District Council Housing Delivery Test is below the 75% threshold.
- 171 In the absence of a 5 year housing supply, paragraph 11d) of the NPPF contains a presumption in favour of granting permission, unless the application of policies in the Framework that protect areas or assets of particular importance (such as Green Belt) provides a clear reason for refusing the proposed development. In this case, the actual harm to the Green Belt is not considered to provide a clear reason for refusal and it is therefore found that the tilted balance applies. The absence of a 5 year housing supply in the District holds significant weight.
- 172 The NPPF emphasises the need to make effective use of land in meeting the need for homes and other uses (paragraph.119). Paragraph 124 states that planning decisions should support development that makes efficient use of land, taking into account identified needs for development, and the availability of land suitable for accommodating it to which that this site is available and can deliver. The proposal

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would have the benefit of delivering much needed housing in the Sevenoaks area. A large part of the District is designated Green Belt and much of this is also in Areas of Outstanding Natural Beauty, for which restrictive development policies apply. It therefore makes sense to make full use of this 'windfall' site without compromising its character and appearance of the area. The proposal would deliver a modest but valuable contribution of homes, which attracts substantial weight, given the acute housing land supply position.

- 173 The proposals would result in the loss of some employment function on the site as a result of the loss of this non-allocated employment site and this is a harm or disadvantage arising from the development. Notwithstanding this, it is noted, as commented by SDC Planning Policy, that the site was included as a proposed residential allocation for 20 homes within the earlier draft Local Plan (prior to it failing examination (policy ST2 (40)). Whilst the plan was unable to proceed, the Council has previously made a formal decision, based on evidence, to support housing development on the site. This represents a judgement that exceptional circumstances existed to justify the redevelopment for housing, to which limited weight is attached. This, together with the benefits of the proposals in this instance, being the delivery of housing, improved opportunities for landscaping and biodiversity net gain arising from the development, would clearly outweigh harm by loss the of this employment site.
- 174 Furthermore, there are also some social and economic benefits from such a scheme, by providing jobs in the short term during construction and assist with the support of local services within village. Other economic benefits which would arise in "first occupation expenditure" and additional local expenditure, Council Tax payments, and CIL payments. These matters add further weight in support of the application proposal. The proposal would also minimise the need to build in areas of greater sensitivity, to which I attach moderate weight.
- 175 Despite the objections raised by the Parish Council and third party representations, the delivery of the proposed 'windfall' scheme that has a moderate impact upon the character of the area would outweigh and any other harms that have been previously identified.
- 176 Upon considering the above, although substantial weight has to be given to the Green Belt by reason of inappropriate development and the impact on its openness, and the other harms identified, it is considered that that these would be clearly outweighed by the very special circumstances case.

### Conclusion

- 177 It is concluded that very special circumstances exist, which would justify this development in the Green Belt and that in accordance with paragraph 11 of the Framework, this application should be approved without delay.
- 178 It is recommended that the application be approved and planning permission be granted subject to conditions.

**Background papers**

179 Site and block plan

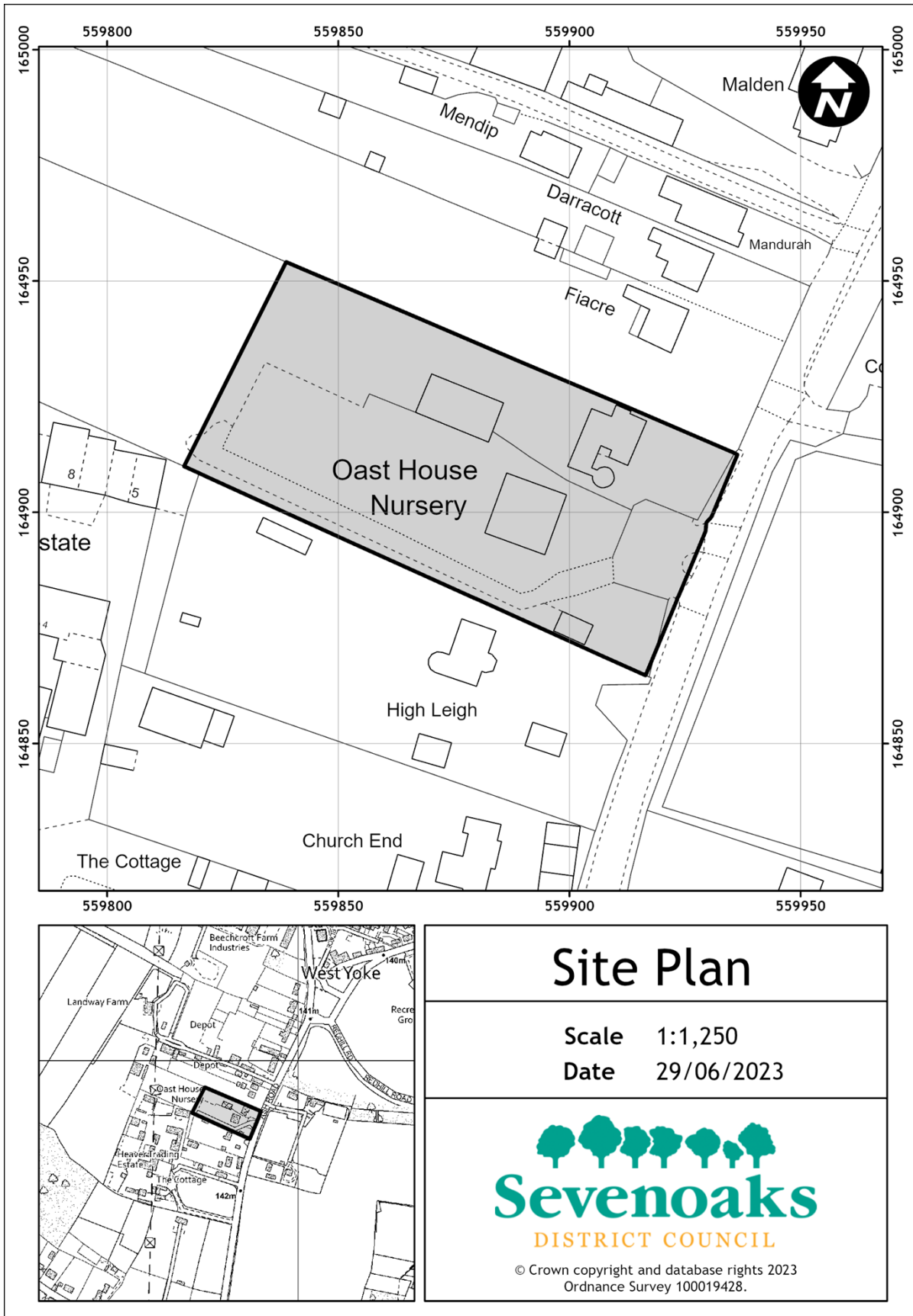
Contact Officer(s): Sean Mitchell

01732 227000

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

[Link to application details:](#)

[Link to associated documents:](#)





BLOCK PLAN



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4.3 23/00915/CONVAR Revised expiry date 24 July 2023

Proposal: Removal of condition 6 (no fencing or other means of enclosure) of 21/00106/FUL for sand school, parking area and tree planting.

Location: Land South East Of Broadhoath Wood, Rooks Hill, Underriver Kent

Ward(s): Seal & Weald

**Item for decision**

This application has been called to Development Management Committee by Councillor Hogarth due to concerns regarding the harm to the Metropolitan Green Belt.

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/21/00106/FUL

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

2) The proposed parking spaces and turning area shall be implemented on the site in accordance with the details approved under application number 21/02158/DETAIL and retained as such thereafter, unless otherwise agreed in writing with the local planning authority in accordance with the requirements of this condition. Any scheme shall include the details of the proposed two parking spaces at a scale of no less than 1:100, details of the proposed hard standing to be used in connection with the parking. The approved parking shall be installed on site prior to bringing the sand school into first use and retained as such thereafter.

In the interest of openness of the Green Belt in accord with the aims and objectives of paragraph 134 of the National Planning Policy Guidance and in the interests of highway safety.

3) The proposed hardstanding shall be implemented on site in accordance with the details approved under application number 21/02282/DETAIL and retained as such thereafter, unless otherwise agreed in writing with the local planning authority in accordance with the requirements of this condition. Any scheme shall include the details of the proposed hardstanding for both the approved sand school and any further hard standing to be located within the red line plan 1819 03A. The details shall include a comprehensive list of hard standing and a site plan at a scale of no less than 1:200 indicating the location of the proposed hard standing.

## Agenda Item 4.3

In the interest of conserving the character of the Area of Outstanding Natural Beauty landscape in accord with policy EN5 of the Sevenoaks District Council Allocation and Development Management Plan.

4) No external storage of vehicles shall occur on the site within the red line plan, 1819 03A, without the prior written consent of the local planning authority. For the purposes of the condition storage of vehicles would equate to a vehicle sited on the land within the red line for two or more consecutive nights.

In the interests of the openness of the Green Belt in accord with paragraph 145 (b) of the National Planning Policy Framework.

5) No external lighting shall be installed onto the site as outlined in red on plan 1819 03A unless the local planning authority has first approved in writing details of the position (beam angle), height, design, measures to control light spillage and intensity of illumination. Only the approved details shall be installed and maintained thereafter.

In the interests of the dark skies of the Area of Outstanding Natural Beauty in accord with policies EN5 and EN6 of the Sevenoaks District Council Allocation and Development Management Plan.

6) No mobile or temporary structures, buildings or chattels shall be placed on the land outlined in red on drawing number 1819 03A without the prior approval in writing of the Council.

To protect the openness of the Green Belt and the character of the landscape as supported by policy LO8 of the Sevenoaks District Council Core Strategy.

7) No part of the land shall be used for open storage including the storage of items associated with the use of the land for the keeping of horses and jumps.

To protect the openness of the Green Belt and the character of the landscape as supported by policy LO8 of the Sevenoaks District Council Core Strategy.

8) The sand school hereby permitted shall not be used for any form of equestrian competitions or other related forms of competitions and shall be used for lessons and training purposes only.

To protect the openness of the Green Belt and the character of the landscape as supported by policy LO8 of the Sevenoaks District Council Core Strategy.

9) Within one month of development hereby approved details of ecological enhancements shall be submitted to and approved in writing by the local planning authority. The approved ecological enhancements shall be implemented prior to first use of the sand school hereby approved.

To ensure ecological net gain in accord with policy SP11 of the Sevenoaks District Council Core Strategy.

10) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 1819 03A.

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

11) The proposed soft landscaping shall be implemented in accordance with the details approved under application number 21/02283/DETAIL and retained as such thereafter, unless otherwise agreed in writing with the local planning authority in accordance with the requirements of this condition. Any landscaping scheme shall include:- planting plans (identifying existing planting, plants to be retained and new native species planting);- a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities), which shall include the provision of replacement trees;- proposed buffer zone planting; and a programme of implementation. The soft landscaping shall be designed to screen the development and the earthworks should blend with the land contours to limit the visual impact of the sand school. If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

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

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

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

#### **Description of site**

- 1 The application site comprises of a parcel of land located within Rooks Hill. The site is surrounded by open field and is located within the parish of Seal.

#### **Description of proposal**

- 2 Removal of condition 6 (no fencing or other means of enclosure) of 21/00106/FUL for sand school, parking area and tree planting.

#### **Relevant planning history**

- 3 21/00106/FUL – Sand school, parking area and tree planting – GRANT 09.06.2021

## Agenda Item 4.3

### Policies

#### 4 National Planning Policy Framework (NPPF)

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

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

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- Footnote 7 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

#### 5 Core Strategy (CS)

- SP1 Design of New Development and Conservation
- L01 Distribution of Development
- SP8 Economic Development and Land for Business
- L08 The Countryside and Rural Economy
- SP11 Biodiversity

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

- EN1 Design Principles
- EN2 Amenity Protection
- EN4 Heritage Assets
- EN5 Landscape
- EN6 Outdoor Lighting
- LT2 Equestrian Development
- T2 Vehicle Parking

#### 7 Other

- Development in the Green Belt Supplementary Planning Document (SPD)
- Kent Downs Area of Outstanding Natural Beauty Management Plan
- Sevenoaks District Council Countryside Character Assessment 2011

### Constraints

- 8 The following constraints apply:
- Kent Downs Area of Outstanding Natural Beauty (AONB)
  - Metropolitan Green Belt
  - Area of Archaeological Potential
  - Ancient Woodland (adjacent to site)
  - Biodiversity Opportunity Area
  - Site of Special Scientific Interest (SSSI) (within vicinity)

### Consultation responses

9 Seal Parish Council

Condition should not be removed in order to protect the openness of the Green Belt, character of the AONB and highway safety. Condition 2 and 12 should be complied with if they have not been.

10 KCC Ecology

No comment. The addition of fencing would enable the use of the site to be restricted to the sand school.

11 KCC Highways

Justification has been provided into why the fencing has been provided, however no plans showing the extent of the fencing has been included. Visibility from the access should be maintained and should be below 1.5m within the existing visibility splays. Raises no objection.

12 Tree Officer

No objection.

### Representations

- 13 One letter of objection has been received. This representation agrees with the comments raised by Seal Parish Council.

### Chief Planning Officer's Appraisal

#### Description of proposal

- 14 The application seeks the removal of Condition 6, which currently reads:

"Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and

## Agenda Item 4.3

re-enacting that Order) no fencing or other means of enclosure permitted by Class A of Part 2 of Schedule 2 of the 2015 Order (as amended) shall be carried out or installed on the site without the grant of a further planning permission by the local planning authority.”

- 15 The reason for this condition is stated as ... “In the interests of the openness of the Green Belt in accord with paragraph 134 and 145(b) of the National Planning Policy Framework.
- 16 In summary, this Condition removes the power to erect fencing on the site without planning permission, with all fencing proposed on the site in the future requiring planning permission.
- 17 The application submission includes justification for the removal of the condition, confirming that fencing is needed on the site, around the sand school, as an essential operational requirement and due to licensing issues.

### Principal Issues

- 18 Section 73 of the Town and Country Planning Act (as amended) makes provision for applications to be made to develop land without complying with conditions attached to a previous planning permission. In this regard, it states that the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted. Permission granted under Section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions.
- 19 The main planning consideration in respect of the current application is the acceptability of the removal of the condition. The Officer’s Report for planning permission 21/00106/FUL discusses the full reasons for the grant of planning permission of the original development, and its consideration against local and national policies.
- 20 I note that there have been no significant changes in planning policy since the grant of the original permission and the principle of development therefore remains acceptable and is not in question for the purpose of this application.
- 21 Taking the above into account, I consider that the main issues for consideration are:
  - **Impact on the Metropolitan Green Belt**
  - Impact on the character of the area and Area of Outstanding Natural Beauty
  - Impact on residential amenity

### Impact on the Metropolitan Green Belt

- 22 The application site itself is located within the Metropolitan Green Belt.
- 23 Condition 6 was imposed on the decision to ensure ongoing controls over the openness of the Green Belt. By removing this condition, the development would allow for the erection of fencing on the site within the red line without planning permission, which is allowed through The Town and Country (General Permitted



Development) Order, subject to certain conditions. I note that, as a general point, a site's location within Green Belt does not have any implications for permitted development rights (i.e. it does not provide any generalised restrictions).

- 24 Although removing this condition would allow the erection of fencing without planning permission, it is noted that the 'red line' application boundary for the approved scheme is tightly drawn around the sand school and the access to the development and therefore, by removing the restrictions, it would allow the applicant to erect the necessary fencing within this land included within the red line. If this condition was not removed, while there would be the opportunity for the applicant to seek planning permission for the required fencing, the applicant's submission indicates that they would be forced to erect fencing (without the need for planning permission) at a distance of 1.5 metres or more from the edge of the sand school. This would result in fencing being erected further away from the approved scheme, and would result in a greater spread of development, which would be harmful to the openness of the Green Belt.
- 25 By removing this condition, any fencing erected would be in close proximity to the approved scheme and would reduce the spread of development within this location. This would hold weight when assessed against Green Belt policy and would be deemed a material consideration and a fall-back.
- 26 Therefore, the removal of this condition would facilitate a more contained area of development and, as such, would result in a development less harmful to the openness of the Green Belt. Given the specific circumstances of this case in relation to the fall-back position, removal of the condition is deemed acceptable in accordance with the relevant local and national policies.

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

- 27 The approved sand school is located within an area comprising an open field. Currently and as noted, due to this condition being imposed, fencing can still be erected without planning permission, but at a greater distance from the approved scheme. Therefore, the removal of this condition would allow for fencing to be erected closer to the sand school area and not result in a spread of development any further than the approved sand school. This would maintain the views through the site to the wider landscape.
- 28 In addition to this, fencing surrounding a sand school is a common feature, which is usually included with the erection of a sand school, in particular post and rail. By removing this condition would still enable some restrictions to the height through The Town and Country (General Permitted Development) Order (as amended).
- 29 Given the characteristic nature of the proposed development, and taking into account the fall-back position, the removal of this condition would not harm the rural character of the area and would continue to conserve and enhance the Area of Outstanding Natural Beauty. It therefore complies with Policies EN1 and EN5 of the ADMP.

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### Impact on residential amenity

- 30 The removal of the condition would allow the erection of fencing on the site without planning permission. There is a significant distance between the development and neighbouring properties. Therefore, the development would not impact the residential amenity of neighbouring properties. The removal of the condition would comply with Policy EN2 of the ADMP.

### Other Issues

- 31 KCC Highways were consulted on the scheme and raised no objection, subject to any proposed fencing not exceeding 1.05 metres in height and respecting the existing visibility splays. The General Permitted Development Order would, in this regard, impose restrictions on the height of fencing adjacent to a highway.
- 32 The site is located within an Area of Archaeological Potential, Biodiversity Opportunity Area and is in the vicinity of an Ancient Woodland and an SSSI. The development would not extend any closer to the Ancient Woodland and SSSI. Due to the extent of the fencing, there are minimal concerns in relation to the impact on the biodiversity and archaeology on the site. KCC Ecology also raised no objection.

### Community Infrastructure Levy (CIL)

- 33 This proposal is not CIL liable.

### Conclusion

- 34 I recommend the removal of Condition 6. All other conditions are re-attached, with revisions made where details have already been approved to the earlier planning permission. The commencement date remains the same as that of the original planning permission, as required under legislation.

### Recommendation

- 35 It is therefore recommended that this application is granted.

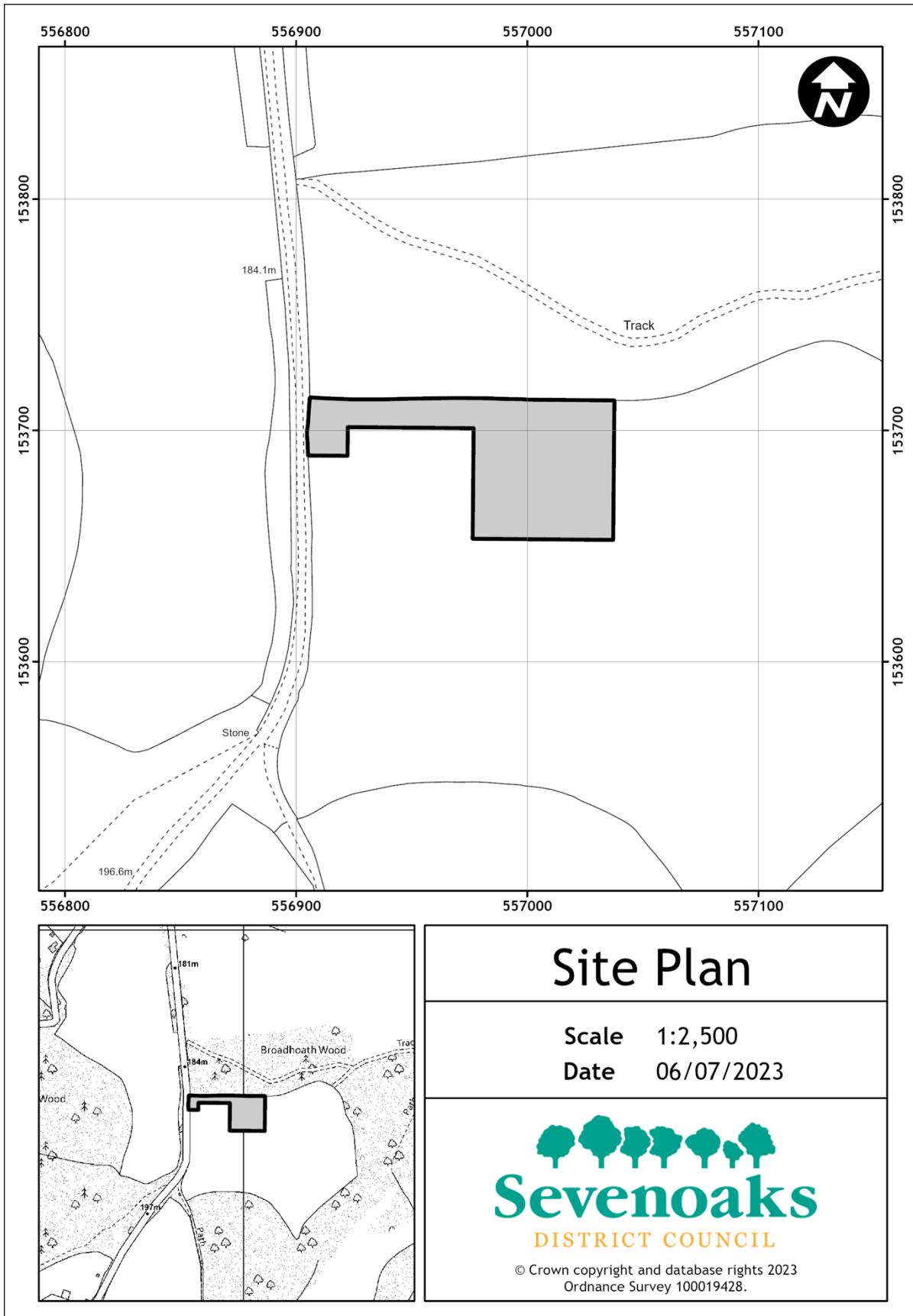
Contact Officer: Louise Cane

01732 227000

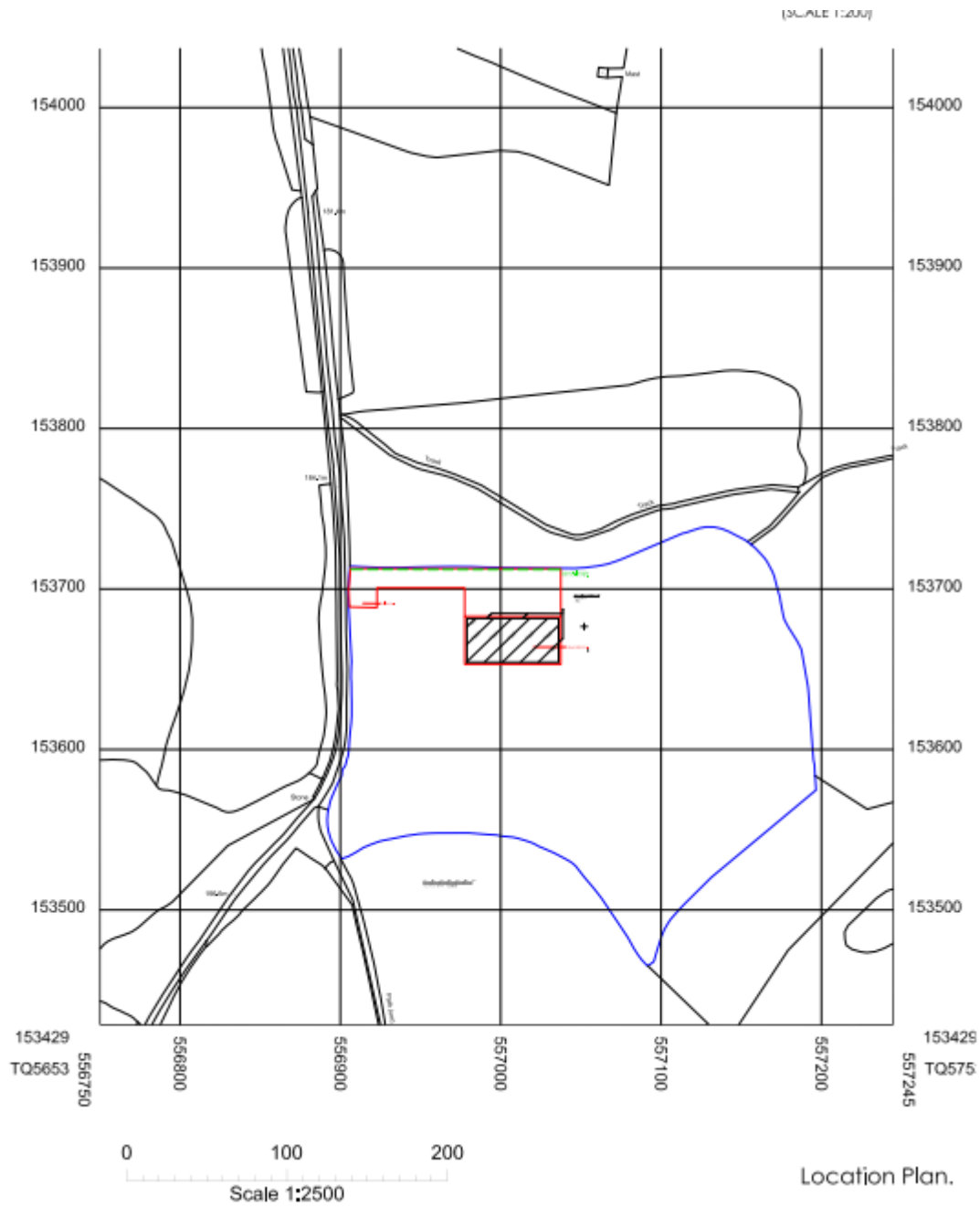
**Richard Morris**  
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



LOCATION PLAN FROM APPLICATION 21/00106/FUL



4.4 23/01182/HOUSE

Date expired 19 June 2023

Proposal:

Erection of single storey rear extension and associated works

Location:

Humbugs, 31 Hartslands Road, Sevenoaks Kent TN13 3TN

Ward(s):

Sevenoaks Eastern

**Item for decision**

This application has been called to Development Management Committee by Councillor Clayton due to concerns over the impact of the proposed development on the amenities of the neighbouring properties.

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: Site Location Plan, Proposed Block Plan (SP1413-23-BlockPlan), Proposed Plans and Elevations (SP1413-23-PL03), Application Form.

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

3) The development hereby permitted shall be constructed entirely of the materials as detailed on the schedule of materials on the planning application form.

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

4) Within three months of the solar photovoltaic panels being no longer in use/decommissioned, the panels together with associated ancillary equipment and apparatus shall be removed in its entirety from the application site and the roof made good.

To maintain the character and integrity of both the building and the Conservation Area as supported by policies EN1 and EN4 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

## Agenda Item 4.4

applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

### Description of site

- 1 The site comprises a modest, end of terrace property which is situated within both the Hartslands Conservation Area and urban confines of Sevenoaks.

### Description of proposal

- 2 Erection of single storey rear extension and associated works.

### Relevant planning history

- 3 88/00271/HIST – 2 Storey extension – GRANTED

### Policies

- 4 National Planning Policy Framework (NPPF)
- 5 Core Strategy (CS)
  - SP1 Design of New Development and Conservation
- 6 Allocations and Development Management Plan (ADMP)
  - EN1 Design Principles
  - EN2 Amenity Protection
  - EN4 Heritage Assets
- 7 Sevenoaks Town Neighbourhood Plan
  - C1 – Heritage
  - C4 – Character Area Assessments
- 8 Other guidance:
  - Residential Extensions Supplementary Planning Document
  - Hartslands Conservation Area Appraisal and Management Plan, 2011
  - Sevenoaks District Conservation Area Design Guidance, 2019

### Constraints

- 9 The following constraints apply:
  - Sevenoaks Urban Confines

- Conservation Area (Hartslands)

### Consultations

10 Sevenoaks Town Council

Sevenoaks Town Council recommends refusal on the following grounds:

- Over-development of the property given its location in the Conservation Area.
- Overshadowing and subsequent loss of amenity to neighbours.
- The depth of the extension is contrary to the Conservation Area Management Plan and is out of keeping and out of scale with the surrounding dwellings.
- It would set an unwelcome precedent.

11 Conservation Officer

Paragraphs 199 & 200 of the NPPF require great weight to be given to the conservation of designated heritage assets and note that significance can be harmed or lost through unsympathetic development. The discretely located new work causes no harm to the significance of the conservation area and there is no objection in terms of Policy EN4.

### Representations

12 1 objection received. Objecting for the following reasons (in summary):

- Overbearing impact of the development;
- Loss of light;
- Scale, massing, and height of the proposed extension.

### Chief Planning Officer's appraisal

13 The main planning considerations are:

- Design and impact on the character and appearance of the area;
- Impact on the character and appearance of the Conservation Area;
- Impact on neighbouring amenity.

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

14 Policy SP1 of the Core Strategy and Policy EN1 of the ADMP state that all new development should be designed to a high quality and should respond to and respect the character of the area in which it is situated.

15 The proposed extension is contained to the rear of the property and will not appear prominently in views from public vantage points as a result. Therefore, the proposed development would not harm, alter, or lessen the contribution that the host property makes to the wider street scene.

## Agenda Item 4.4

- 16 In terms of design, form, and scale, the proposed extension would appear clearly subservient to the host property by virtue of its single storey height and modest scale, with it having a depth of 3.5m nearest the boundary at no.29; width of 6.5m; and a maximum height of 3.76m (3.2m eaves height). Additionally, the proposed addition is modestly fenestrated and is of an overall design that is common within residential settlements.
- 17 The extension would extend into the existing garden space, as noted above. It would, however, retain approximately 7.6 metres of garden, and would be set back from the side boundaries of the property, such that it would not overwhelm the property, interfere with the plot boundaries or dominate its neighbours.
- 18 As such, the proposed addition would not harm the character of the host property in a significant way by virtue of both its design and scale.
- 19 The proposed extension is to be finished with render and tiles. These materials would appear visually similar to those used for the main dwelling and are characteristic of the area. Their use would ensure the extension is well integrated with the main house, and provide a cohesive design approach. Therefore, no concerns are raised in relation to their provision.
- 20 In addition to the above, the proposal includes the provision of solar panels within the rear facing roof slope. Given the discreet positioning of the panels, their provision is considered to be acceptable.
- 21 Based on the above, the proposed development is in accordance with policy EN1 of the ADMP, SP1 of the Core Strategy, and policy C4 of the Sevenoaks Town Neighbourhood Plan.

### **Impact on the character and appearance of the conservation area**

- 22 The NPPF states that great weight should be given to the conservation of heritage assets (para.199).
- 23 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset. Similarly, Policy C1 of the Sevenoaks Town Neighbourhood Plan reinforces this view by stating that proposals should preserve and enhance the setting of a heritage asset.
- 24 In this case, and as stated above, the proposed development would not be viewable from public vantage points within the streetscene. Referring to the Hartsland Conservation Area Appraisal and Management Plan, the character of Hartsland Road itself – from its domestic scale properties, to its sense of enclosure, to its characteristic use of painted brickwork, stucco and timber boarding – would be maintained. In other respects, I consider that the proposal would be consistent with the principles set out in the Conservation Area Design Guidance and the Management Plan. It would respect the character of the existing building and its relationship with the street and would use materials in keeping with the main dwelling and wider street scene. Further, it would not dominate the property of its neighbours, maintaining the existing boundary lines.



- 25 As such, it is considered that the extension would not have a material impact upon the Conservation Area and would conserve its character and appearance.
- 26 Therefore, as indicated above, and guided by the advice of the Conservation Officer, the proposed development is in accordance with both policy EN4 of the ADMP and Policy C1 of the Sevenoaks Town Neighbourhood Development Plan.

### **Impact on neighbouring amenity**

- 27 In terms of light impacts, the Residential Extensions SPD suggests utilising a 45° test to assess the potential loss of ambient daylight to neighbouring properties. The proposed extension passes the 45° test on elevation against the rear fenestrations of the neighbour at 29 Hartslands Road; it is therefore deemed acceptable in this respect.
- 28 Additionally, in terms of direct sunlight, this neighbour is situated south of the proposed extension, meaning that they will still enjoy sunlight to the rear garden area and windows in the evening as they do presently. It is also worth noting that, as the proposed development is situated north of this neighbour, the shadow to be cast by the extension would project away from the shared boundary between the application site and the property at no.29 Hartsland Road.
- 29 The proposed extension comfortably passes the 45° test on both plan and elevation against the fenestrations at 33 Hartslands Road. Additionally, the spacing between the application property and this neighbour will prevent an unacceptable loss of direct sunlight.
- 30 In terms of visual intrusion, paragraph 5.5 of the Residential Extensions SPD states that proposed developments should not significantly alter the nature of the outlook from neighbouring properties. The rear outlook from the neighbour at no.29 looks towards the rear of properties which line Bethel Road. While the extension would be visible, the principal outlook would not be significantly altered as a result of the development, as there is only modest increase in built form appearing from the ground floor windows when looking toward the application site.
- 31 Similarly to the above, the outlook from any of the other properties in the immediate vicinity also comprises views across rear gardens towards largely built form. The proposed development would not significantly alter the nature of their outlook, or result in a sense of enclosure.
- 32 In terms of whether the proposed development would result in the loss of privacy to any of the neighbouring properties, as the proposed extension is modestly fenestrated, and single storey in nature, the proposed extension would not significantly increase the level of overlooking with any neighbours when viewed comparatively with the site as existing.

### **Conclusion**

- 33 In conclusion, the proposal is in accordance with Policies EN1 and EN4 of the ADMP, Policy SP1 of the Core Strategy, and Policies C1 and C4 of the Sevenoaks Town Neighbourhood Plan.

## Agenda Item 4.4

- 34 As highlighted in the report above, the proposed development does comply with the NPPF, our adopted development plan, and the Sevenoaks Town Neighbourhood Plan.
- 35 It is therefore recommended that this application is approved.

### Background papers

- 36 Proposed Block Plan (SP1413-23-BlockPlan)
- Proposed Plans (SP1413-23-PL03)

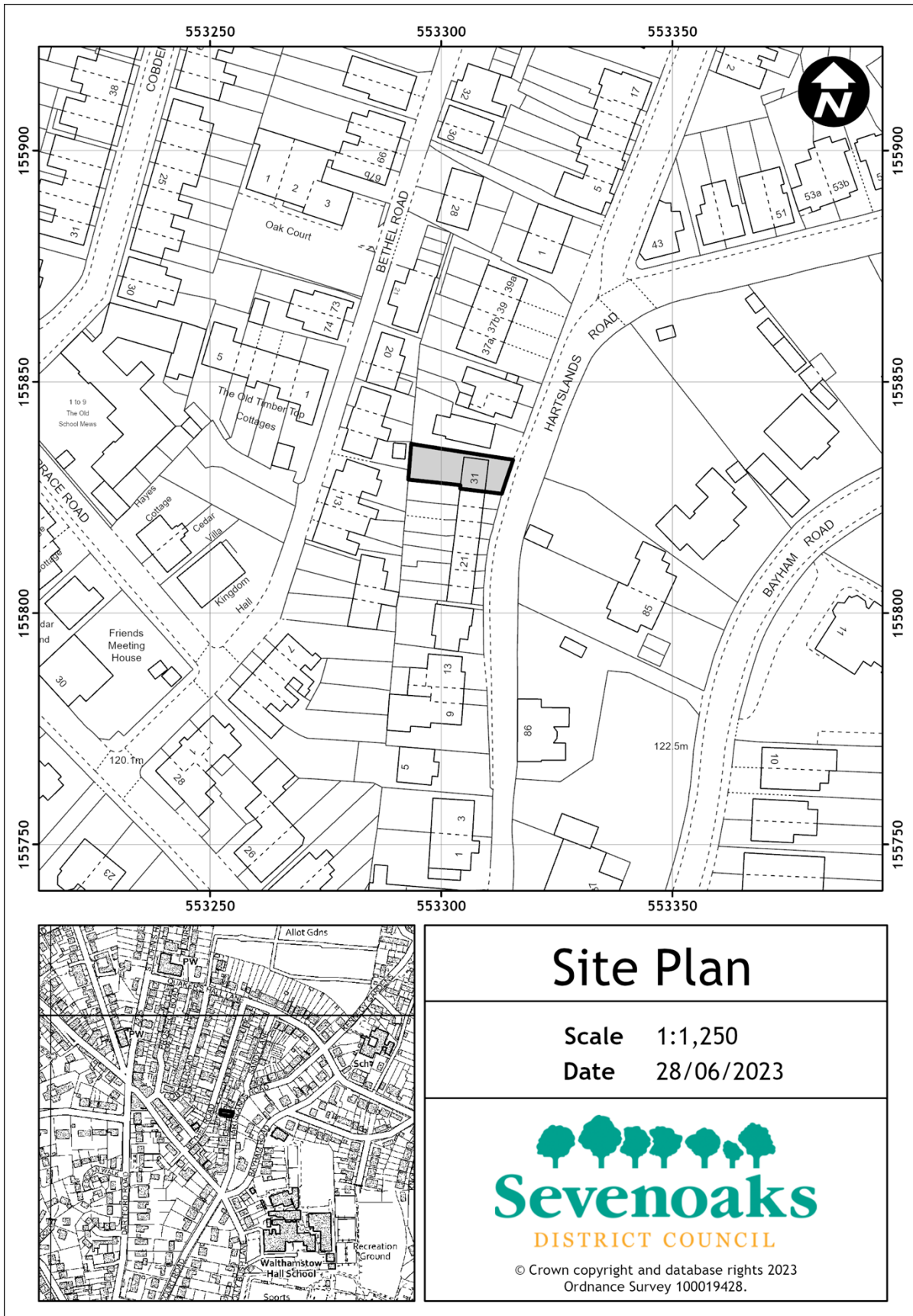
Contact Officer(s): Christopher Park

01732 227000

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

[Link to application details:](#)

[Link to associated documents:](#)



# Site Plan

Scale 1:1,250  
Date 28/06/2023



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Ordnance Survey 100019428.



Planning Application Information on Public Access – for applications coming to

DM Committee on Thursday 20 July 2023

**4.1 – 22/02930/FUL - Sancta Maria, Manor Drive, Hartley, Longfield, Kent DA3 8AW**

[Link to application details:](#)

[Link to associated documents:](#)

**4.2 – 22/03313/FUL - Oast House Nursery, Ash Road, Ash, Sevenoaks, Kent TN15 7HJ**

[Link to application details:](#)

[Link to associated documents:](#)

**4.3 – 23/00915/FUL - Land South East Of Broadhoath Wood, Rooks Hill, Underriver Kent**

[Link to application details:](#)

[Link to associated documents:](#)

**4.4 – 23/01182/HOUSE – Humbugs, 31 Hartslands Road, Sevenoaks, Kent TN13 3TN**

[Link to application details:](#)

[Link to associated documents:](#)

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