

28 September 2023 at 7.00 pm
Council Chamber, Argyle Road, Sevenoaks

Published: 20.09.23

The meeting will also be livestreamed to YouTube on the
Council's YouTube channel here:

https://www.youtube.com/channel/UCIT1f_F5OfvTzxjZk6Zqn6g



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. Minutes To approve the minutes of the meeting of the Committee held on 17 August 2023, as a correct record.	(Pages 1 - 14)	
2. Declarations of Interest or Predetermination Including any interests not already registered		
3. Declarations of Lobbying		
4. Planning Applications - Chief Planning Officer's Report		
4.1 23/02074/CONVAR - Tony's Corner Shop, 18 Cedar Drive, Edenbridge Kent TN8 5JL Variation of condition 2 (materials), 3 (hard and soft landscaping), 5 (electric car charging points) and 16 (plan numbers) of 22/02353/MMA related to 21/02825/FUL for Creation of seven off-street car parks; the erection of 13 dwellings; an extended replacement to the existing shop and associated landscaping improvements and creation of temporary shop with amendment	(Pages 15 - 26)	Anna Horn Tel: 01732 227000

to drawings to pick up minor changes to parking layouts, landscaping and elevations.

- 4.2 23/01890/FUL - Land At Robinsons Nursery, (Pages 27 - 34) Ashley Bidwell**
Goldsel Road, Swanley Kent Tel: 01732 227000

Storage container for domestic use and extension to existing permitted stable building for use as dog kennels.

- 4.3 23/01891/FUL - Land At Robinsons Nursery, (Pages 35 - 44) Ashley Bidwell**
Goldsel Road, Swanley Kent Tel: 01732 227000

Erection of a stable barn containing 4 foaling boxes, stocks, tack room and hay store.

EXEMPT INFORMATION

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

Any Member who wishes to request the Chairman to agree a pre-meeting site inspection is asked to email democratic.services@sevenoaks.gov.uk or speak to a member of the Democratic Services Team on 01732 227000 by 5pm on Monday, 25 September 2023.

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

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

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

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

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

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DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of the meeting held on 17 August 2023 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Horwood (Vice-Chairman)

Cllrs. Ball, Bayley, Camp, P. Darrington, Edwards-Winsor, Esler, Harrison, Hudson, Malone, Manston, Purves, Skinner, Varley and Williams.

Apologies for absence were received from Cllrs. Baker, Hogarth and Silander.

Cllrs. Barker, Haslam, Layland, McArthur, Reay and James Morgan were also present.

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

20. Minutes

Resolved: That the Minutes of the meeting of the Development Management Committee held on 20 July 2023, be agreed and signed by the Chairman as a correct record.

21. Declarations of Interest or Predetermination

Cllr. Edwards-Winsor declared that for Minute 24 – 23/00888/FUL – Clandon, Leonard Avenue, Otford, Sevenoaks Kent TN14 5RB he was the local Member but he remained open-minded.

22. Declarations of Lobbying

There were none.

RESERVED PLANNING APPLICATIONS

The Committee considered the following planning applications:

Agenda Item 1

Development Management Committee - 17 August 2023

23. 23/00925/FUL - Land Off Farmstead Drive, Edenbridge, Kent TN8 6DX

The proposal sought planning permission for demolition of community hall and retail unit and the construction of 23 new residential units (Class C3) with associated vehicular and pedestrian access, car parking (23 spaces), cycle parking, refuse storage, landscaping, play area and construction of new community hall (Class F2(b)) and new retail unit (Class E), and construction of 4 new areas of car parking on Four Elms Road, Foxglove Close, Wayside Drive, and Field Drive (total 41 spaces). The application had been referred to the Committee as the application had been submitted on behalf of the Council.

Members' attention was brought to the main agenda papers and late observation sheet which amended the recommendation in relation to the s106 agreement and condition 16.

The Committee was addressed by the following speakers:

Against the Application:	Nina Cormick
For the Application:	Andrew Connors
Parish Representative:	Town Cllr. Sarah Compton
Local Members:	Cllr. James Morgan

Members asked questions of clarification from the officers, which focused on the financial viability of the scheme as summarised in the Officer's report. The Development Manager advised that the viability data was assessed and had been independently verified. It was confirmed that the scheme was unable to support affordable housing.

It was moved by the Chairman that the recommendations within the report, and the amendments to the recommendations and condition 16 within the late observations be agreed.

Members discussed the application giving consideration to the parking provision, the viability of the scheme and the need for additional housing in the District. Some concern was expressed regarding the lack of affordable housing in the proposals. However, it was noted that the scheme could not support this.

The motion was put to the vote and it was

Resolved: That planning permission be granted subject to the completion of a S106 agreement:

- to provide an updated viability review (trigger to be agreed with KCC)

Agenda Item 1
Development Management Committee - 17 August 2023

- together with a clawback mechanism to provide for any surplus profit to be provided to KCC towards the need for education provision generated by the development, and
 - subject to the conditions set out in the main report.
- 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:

L-109 P01	Site Location Plan
L-100 P07	Landscape General Arrangement Plan
L-101 P06	Rendered Landscape Plan
L-111 P04	Wider Estate Parking Plan
1125	Proposed Block
1310	Proposed Ground Floor Plan
1311	Proposed First Floor
1312	Proposed Second Floor
1313	Proposed Third Floor
1314	Proposed Roof Plan
1330	Proposed West Block Ground Floor Plan
1331	Proposed West Block First Floor Plan
1332	Proposed West Block Second Floor Plan
1340	Proposed East Block Ground Floor Plan

Agenda Item 1
Development Management Committee - 17 August 2023

1341	Proposed East Block Typical 1 st to 3 rd Floor Plan.
1350	Proposed elevations 01
1351	Proposed elevations 02
1352	Proposed elevations 03
1370	Proposed section 01
1371	Proposed section 02
	Design and Access Statement
	Landscape Design and Access Statement
	Transport statement
220070-GSL-XX-XX-RP-C-0001	Flood Risk Assessment & SuDS Report

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

- 3) No development including any works of demolition or preparation works prior to building operations shall take place on site until a Construction Transport Management Plan has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period and shall include:
- a) parking for vehicles of site personnel, operatives and visitors
 - b) loading and unloading of plant and materials
 - c) storage of plant and materials used in constructing the development
 - d) programme of works (including measures for traffic management)
 - e) provision of boundary security hoarding behind any visibility zones
 - f) wheel washing facilities
 - g) measures to control the emissions of noise, dust and dirt during construction

- h) a scheme for the recycling/disposing of waste resulting from demolition and construction works

- i) hours of operation.

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

To ensure that the development does not compromise safety on the highway or cause inconvenience to other highway users and protects the amenity of residents, in accordance with Policies EN1, EN2 and T1 of the Sevenoaks Allocations and Development Management Plan. Also to ensure the development does not unacceptably impact the amenities of neighbouring residents in accordance with policy EN2.

- 4) No new windows or external doors shall be installed in the development until details have been submitted to the Local Planning Authority for approval in writing, such details to include elevations and sections. The development 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 area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 5) No development shall take place until a strategy of surface water drainage for the site using a Sustainable Drainage System (SuDS) has been submitted to and approved in writing by the local planning authority. The approved development shall be implemented in accordance with the approved strategy prior to the first occupation of any building and thereafter retained in that condition.

To ensure that the principles of sustainable drainage are incorporated into the development and to reduce the impact of flooding in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan and section 15 of the NPPF.

- 6) From commencement of works (including site clearance), a precautionary approach as detailed within the Bat Survey report (KB Ecology, September 2022) will be followed during the felling of the oak tree with moderate suitability for roosting bats. Felling will be carried out under the supervision of a licensed ecologist.

To ensure the construction of the proposed development does not result in harm to protected species in accordance with policy SP11 of the Sevenoaks Core Strategy.

Agenda Item 1

Development Management Committee - 17 August 2023

- 7) Prior to completion, a lighting design plan for biodiversity shall be submitted to and approved in writing by the local planning authority. The plan will show how and where external lighting will be installed, as well as the expected vertical and horizontal light spill in lux levels, so that it can be clearly demonstrated that areas to be lit will not impact on existing and proposed trees and other landscaping. All lighting shall be installed in accordance with the specifications and locations set out in the plan and be maintained thereafter.

To ensure any proposed external lighting will not result in harm to protected species in accordance with policy SP11 of the Sevenoaks Core Strategy.

- 8) Prior to completion, details of how the development will provide enhancement for biodiversity will be submitted to, and approved in writing by, the local planning authority. Measures will include a predominantly native species landscaping scheme and measures detailed within Section 4.10 of the Preliminary Ecological Appraisal, KB Ecology, July 2022. All wildlife boxes should be made of Woodstone/Woodcrete to ensure durability. The plan should also detail proposals for habitat management and remedial measures. The approved measures will be implemented and retained thereafter.

To ensure the proposed development will enhance the biodiversity of the site and area in accordance with policy SP11 of the Sevenoaks Core Strategy.

- 9) Notwithstanding the approved plans, further details of the cycle stores shall be submitted to and approved in writing by the local planning authority prior to occupation of the development. The development shall be carried out in accordance with the approved details.

To ensure adequate provisions for cycle storage are included in accordance with policy EN1 of the Allocations and Development Management Plan.

- 10) 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.

To ensure the proposed development is safe for future residents in accordance with policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 11) 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-E.

To ensure the council can retain control over the design and scale of the development to preserve the character of the area and neighbouring amenity in accordance with policies EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

- 12) No development shall take place until a foul drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

To ensure the development is served by adequate means of foul drainage in accordance with policy EN1 of the Allocations and Development Management Plan.

- 13) 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.

- 14) The vehicle parking spaces shown on the submitted plans shall be provided and retained in perpetuity prior to the use of the site commencing. No on-site parking spaces shall be allocated to specific residential or commercial units.

To accord with policy T2 of the Sevenoaks Allocations and Development Management Plan.

- 15) Samples of the materials for the walls and roofs of the buildings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development above damp proof course level.

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.

Agenda Item 1

Development Management Committee - 17 August 2023

- 16) Prior to first occupation, full details of soft landscape works shall be submitted to the Council for written approval. These 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.

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

Informatives

- 1) The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended), 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.

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 season¹ (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. 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.

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

24. 23/00888/FUL - Clandon, Leonard Avenue, Otford Sevenoaks Kent TN14 5RB

The proposal sought planning permission for the demolition of existing porch and shed to facilitate 1 no. new two storey residential dwelling and associated works. The application had been referred to the Committee by Cllr. Roy for further consideration of its impact on the Conservation Area, Area of Outstanding Natural Beauty (AONB) and street scene.

Members' attention was brought to the main agenda papers.

The Committee was addressed by the following speakers:

Against the Application:	Sian Flynn
For the Application:	James Cross
Parish Representative:	Parish Cllr. Carol Bent
Local Members:	Cllr. Roy (statement read by Cllr. Haslam)

Members asked questions of clarification of the Officer.

It was moved by the Chairman that the recommendations within the report be agreed.

Members discussed the application giving consideration to the design and character of the proposals, parking provision, and impact on the street scene. Members also noted the comments from the Conservation Officer and discussed whether the proposals would conserve and enhance the character of the landscape and AONB.

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: 273 09 105 Rev A; 273 09 110 Rev A; 273 09 111 Rev A; 273 09 112 Rev B; 273 09 113 Rev B; 273 09 120 Rev C; 273 09 121 Rev B; 273 09 122 Rev C; 273 09 125 Rev A

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

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

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 the commencement of the development hereby approved, a Phase 1 desk top and site walk over survey for contaminants is to be undertaken and submitted to and approved in writing by the Local Planning Authority. Where any contaminants are identified a Phase 2 site intrusive investigation shall be undertaken to include a risk assessment and conceptual site model and also submitted to the Local Planning Authority for approval. . If any contaminants are identified that may pose a risk to human health, the applicant shall submit a remediation strategy to be approved in writing by the local planning authority. Following any remediation works, a validation report shall be submitted to and approved in writing by the local planning authority to demonstrate the remediation works have been carried out in accordance with the approved remediation strategy. The development will be implemented in accordance with the approved details.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy EN2; of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework

- 5) Prior to occupation of the dwelling, any soil importation should have a verification report submitted to and approved in writing by the local planning authority.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy EN2; of the Sevenoaks Allocations and

Development Management Committee - 17 August 2023

Development Management Plan and the National Planning Policy Framework

- 6) Prior to commencement of the development, a construction environmental management plan shall be submitted to and approved in writing by the local planning authority. The report shall set out how any adverse impact of noise, dust and vibration on adjoining owners or occupiers will be mitigated. The construction management report shall then be adhered to for the duration of the construction works.

To safeguard the amenities of neighbouring properties during the construction of the development as supported by Policy EN2 of the Sevenoaks Allocations and Development Management Plan

- 7) No bonfires or burning should be undertaken on site during the demolition and construction phases.

To safeguard the amenities of neighbouring properties during the construction of the development as supported by Policy EN2 of the Sevenoaks Allocations and Development Management Plan

- 8) Demolition or construction works shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays

To prevent disturbance to nearby residential properties in accordance with Policies EN1, EN2 of the Sevenoaks Allocations and Development Management Plan.

- 9) Within three months of the commencement of works full details of both hard and soft landscaping shall be submitted to the local planning authority. These details shall include; details of soft landscape works including 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); details of hard landscaping and a programme of implementation. Works shall be carried out in accordance with the approved details.

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

Agenda Item 1

Development Management Committee - 17 August 2023

- 10) Prior to commencement of works, details of protection measures for the hedge located along the southern boundary shall be submitted to and approved in writing by the Local Planning Authority. The protection measures shall be carried out in accordance with the approved details and retained for the duration of construction of the hereby approved scheme. If during the construction of the hereby approved scheme, the boundary hedge located along the southern boundary dies or is damaged and removed, then it shall be replaced in the next planting season with other suitable planting of similar size and species.

To protect the hedgerow located on the southern boundary which is 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.

- 11) Within 3 months of the works commencing an ecological enhancement plan demonstrating how the site will enhance biodiversity must be submitted to and approved in writing by the Local Planning Authority. The approved details will be implemented and thereafter retained.

To enhance the biodiversity of the site in accordance with policy SP11 of the Sevenoaks District Council Core Strategy.

- 12) The vehicle parking spaces shown on the approved drawing 273 09 105 shall be provided and kept available at all times for the sole use of the occupiers of the hereby approved new dwelling.

In the interests of highways safety

- 13) 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.

- 14) 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

Agenda Item 1

Development Management Committee - 17 August 2023

Orders with or without modification), planning permission shall be required in respect of development falling within Schedule 2, Part 1, Classes A, C, D and E of that Order.

To protect the nearby heritage assets and the character and appearance of the landscape as supported by Policies EN1, EN4 and EN5 of the Sevenoaks Allocations and Development Management Plan.

THE MEETING WAS CONCLUDED AT 8.38 PM

CHAIRMAN

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4.1 - 23/02074/CONVAR Date expired 18 October 2023

Proposal: Variation of condition 2 (materials), 3 (hard and soft landscaping), 5 (electric car charging points) and 16 (plan numbers) of 22/02353/MMA related to 21/02825/FUL for Creation of seven off-street car parks; the erection of 13 dwellings; an extended replacement to the existing shop and associated landscaping improvements and creation of temporary shop with amendment to drawings to pick up minor changes to parking layouts, landscaping and elevations

Location: Tony's Corner Shop, 18 Cedar Drive, Edenbridge Kent TN8 5JL

Ward(s): Edenbridge South & West

Item for decision

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

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

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

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

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

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

3) The hard and soft landscaping, hereby approved, shall be carried out in accordance with the landscaping plans and planting schedules, reference numbers: 6337-LLB-ZZ-E10-DR-L-0001-S4-P03, 6337-LLB-ZZ-E11-DR-L-0001-S4-P01, 6337-LLB-ZZ-E6-DR-L-0001-S4-P02, 6337-LLB-ZZ-E3-DR-L-0001-S4-P01, 6337-LLB-ZZ-E7-DR-L-0001-S4-P01, 6337-LLB-ZZ-ZZ-DR-L-0001-S4-P02, 6337-LLB-ZZ-E10-DR-L-0002-S4-P03, 6337-LLB-ZZ-E11-DR-L-0002-S4-P01, 6337-LLB-ZZ-E3-DR-L-0002-S4-P01, 6337-LLB-ZZ-E6-DR-L-0002-S4-P02, 6337-LLB-ZZ-E7-DR-L-0002-S4-P01, 6337-LLB-ZZ-ZZ-DR-L-0002-S4-P02.

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) 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

Agenda Item 4.1

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

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

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

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

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

In the interests of Highways safety.

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

In the interests of Highways safety.

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

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

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

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

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

4779-CON-00-XX-DR-C-1515-P01; 4779-CON-00-XX-DR-C-1511-P01; 4779-CON-00-XX-DR-C-1510-P01; 4779-CON-00-XX-DR-C-1400-P01.

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding.

11) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

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

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

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

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

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

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

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

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

Agenda Item 4.1

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

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

National Planning Policy Framework

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

Description of site

- 1 The Stangrove Estate is located on the west side of Edenbridge to the south of the railway line. It is accessed via Crouch House Road. Stanbridge Road and Pine Grove lead into the estate to Cedar Drive, Park View Close and Park Avenue. The existing shop (Tony's Corner Shop) is a small single storey retail unit located at the junction of Cedar Drive and Park Avenue. The estate is predominantly made up of two storey terraced houses with areas of green open space. The area is residential in character, located within the build confines of Edenbridge.

Description of proposal

- 2 Permission was granted under 21/02825/FUL for the creation of seven off-street car parks; the erection of 13 dwellings; an extended replacement to the existing shop and associated landscaping improvements.
- 3 A minor material amendment was approved under 22/02353/MMA to allow the inclusion of 13 air source heat pumps, one per dwelling.
- 4 This application seeks to vary condition 2 (materials), 3 (hard and soft landscaping), 5 (electric car charging points) and 16 (plan numbers) of 22/02353/MMA related to 21/02825/FUL to address minor changes to parking layouts, landscaping and elevations. The wording of the approved conditions is below:
- 5 2) The materials to be used in the construction of the residential development shall be those indicated on the approved plans: A983-01B-PL-120 rev E, A983-01B-PL-121 rev D, A983-01C-PL-120 rev D, A983-01C-PL-121-D, A983-01F-PL-120 rev C, A983-01FPL-121 rev C.

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

(Item No 4.1) 4

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

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

7 Development Management Plan

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

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

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

The applicant wishes to update the plan numbers to incorporate minor changes. These changes are summarised below:

9 Site 3:

- Use of permeable asphalt opposed to block paving
- Two strips of planting have been omitted in between the parking spaces and the spaces furthest from the road have been moved over, this is due to underground services running parallel to the pavement which in amending the layout do not need to be diverted

10 Site 6:

- Alteration to rear patio door of middle two bed dwelling
- Alteration to rear window styles at first floor
- Minor alteration in hard surfacing finish to use permeable asphalt in car parking area to east opposed to block paving
- No alterations to number of spaces or EV points

11 Site 7:

- Alteration to the door on east elevation of retail unit

Agenda Item 4.1

- Alteration to reduce window size on north elevation at ground and first floor
 - Slight relocation of retail bin store
- 12 Sites 8 and 9:
- Use of permeable asphalt opposed to brick paving
- 13 Site 10:
- Alterations to design of rear windows
 - Addition of ground floor window on side elevation
 - Landscape alterations – slight alterations to siting of proposed trees, additional hedgerow and tree planting proposed along western side boundary, alterations to hard surfacing materials
 - No alterations to number of spaces or EV points
- 14 Site 11:
- Extending the block paving from asphalt surface to the west side
 - Removing block paving on east side
 - Inclusion of disabled space
 - One less space on western side (from 8 to 7 spaces) to retain existing turning area
- 15 The following approved drawings: A983-01A-PL-102 D, A983-01B-PL-102a D, A983-01B-PL-112-B, A983-01B-PL-120-E, A983-01B-PL-121-D, A983-01C-PL-102 E, A983-01C-PL-110-C, A983-01C-PL-120-D, A983-01C-PL-121-D, A983-01E-PL-102 C, A983-01F-PL-102 D, A983-01F-PL-111-C, A983-01F-PL-120-C, A983-01F-PL-121-C, A983-01F-PL-130-D, A983-01F-PL-131-A, A983-01G-PL-102-C, Site 10 Planting Schedule, 5469 LLB ZZ E6 DR L 001 rev P03, 5469 LLB ZZ E6 DR L 0002 P03, 5469 LLB ZZ E10 DR L 0001 P02, 5469 LLB ZZ E11 DR L 0001 P02, 5469 LLB ZZ E11 DR L 0002 P02, 5469 LLB ZZ E3 DR L 0002 P03, 5469 LLB ZZ E3 DR L0001 P03, 5469 LLB ZZ E7 DR L 0001 P02, 5469 LLB ZZ E7 DR L 0002 P02, 5469 LLB ZZ ZZ DR L 0001 P02, 5469 LLB ZZ ZZ DR L 0002 P02;
- 16 Are to be replaced with the new proposed drawings: A983-01A-PL-102-F, A983-01B-PL-102-E, A983-01B-PL-112-C, A983-01B-PL-120-F, A983-01B-PL-121-E, A983-01C-PL-102-F, A983-01C-PL-110-D, A983-01C-PL-120-E, A983-01C-PL-121-E, A983-01E-PL-102-D, A983-01F-PL-102-E, A983-01F-PL-111-D, A983-01F-PL-120-D, A983-01F-PL-121-D, A983-01F-PL-130-E, A983-01F-PL-131-B, A983-01G-PL-102-D, 6337-LLB-ZZ-E3-DR-L-0001-S4-P01, 6337-LLB-ZZ-E3-DR-L-0002-S4-P01, 6337-LLB-ZZ-E6-DR-L-0001-S4-P02, 6337-LLB-ZZ-E6-DR-L-0002-S4-P02, 6337-LLB-ZZ-E7-DRL-0001-S4-P01, 6337-LLB-ZZ-E7-DR-L-0002-S4-P01, 6337-LLB-ZZ-E10-DR-L-0001-S4-P03, 6337-LLB-ZZ-E10-DR-L-0002-S4-P03, 6337-LLB-ZZ-E11-DR-L-0001-S4-P01, 6337-LLB-ZZ-E11-DR-L-0002-S4-P01, 6337-LLB-ZZ-ZZ-DR-L-0001-S4-P02, 6337-LLB-ZZ-ZZ-DR-L-0002-S4-P02 .

Relevant planning history

- 17 21/02825/FUL Creation of seven off-street car parks; the erection of 13 dwellings; an extended replacement to the existing shop and associated landscaping improvements and creation of temporary shop. GRANT

- 18 21/03526/FUL Provision of a temporary shop unit to be used in lieu of the existing for a period of 3 years. GRANT
- 19 22/02353/MMA Amendment to 21/02825/FUL. GRANT

Policies

- 20 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:

- application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 7); or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 21 Core Strategy (CS)

- LO1 Distribution of Development
- LO6 Development in Edenbridge
- SP1 Design of New Development and Conservation
- SP3 Provision of Affordable Housing
- SP5 Housing Size and Type
- SP7 Density of Housing Development
- SP8 Economic Development and Land for Business
- SP10 Green Infrastructure, Open Space, Sport and Recreation Provision

- 22 Allocations and Development Management (ADMP)

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

Constraints

- 23 The following constraints apply:

None identified.

Consultations responses

- 24 Edenbridge Town Council – Members support the application, subject to there being no loss of parking.

Agenda Item 4.1

- 25 KCC Highways – No objections to the minor amendments.
- 26 Tree Officer – No objections.
- 27 SDC Housing – No comments.
- 28 Environmental Health – Requested more information on the EV charging points.
- 29 KCC Ecology – No significant changes to the landscaping and planting plans, no comments.
- 30 Lead Local Flood Authority – No objections, sought clarification regarding the permeable asphalt and attenuation.
- 31 Environment Agency – Application relates to condition not requested by Environment Agency, no comments.
- 32 Conservation – No comments.
- 33 Southern Water – No objections.
- 34 National Highways – No objection.
- 35 Public Right of Ways Officer – Footpath SR602 on site 10 is in the process of being diverted. The granting of planning permission confers no other permission or consent. Footpaths must not be stopped up, diverted or obstructed.

Representations

- 36 One comment of support received regarding the amendments to landscaping and materials.

Chief Planning Officer's appraisal

- 37 The development, which this application seeks to amend, has by definition been judged to be acceptable in principle. Paragraph 031 of the PPG states that 'In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application.' On this basis, an assessment under section 73 should be focused on the changes sought.
- 38 There have not been significant changes in local and national policy since the last decision that are relevant to this proposal. Any changes will be considered as part of this application.
- 39 The applicant seeks to vary conditions 2, 3, 5 and 16 of planning permission 22/02353/MMA to allow new drawing numbers to be referenced due to minor changes to the parking layout, landscaping and elevations.
- 40 The planning issues relevant to the proposed amendments to the conditions are assessed below.

Design and impact on the character of the area

- 41 The previous scheme was considered to have been designed to be sympathetic to the existing character of the estate, with extensive landscaping improvements proposed. Overall, the proposed development was not considered to detract from the character and appearance of the site or the surrounding area and was found to be compliant with design policies EN1 and SP1.
- 42 The alterations sought under this application as considered to be minor changes to the landscaping, parking layout and the elevations of some of the proposed units.
- 43 Additional landscaping is proposed at site 10 along the western side boundary and the previous landscaping improvements across the proposed sites would be retained. The Tree Officer has raised no objections to the alterations to the hard and soft landscaping as the changes are minor in scale and would not alter the overall appearance of the scheme.
- 44 There are areas where the previously approved block paving will be replaced by permeable asphalt. This would not be considered to detrimentally alter the character and appearance of the proposal and is considered to be acceptable in visual impact.
- 45 The changes to the elevations of the dwellings include minor alterations to fenestration and would not impact the overall appearance of the scheme.
- 46 Overall, the proposed variations and amendments are considered to remain compliant with design policies SP1 of the Core strategy and policy EN1 of the ADMP.

Impact on neighbouring amenity

- 47 The previously approved scheme was considered acceptable in terms of protecting existing neighbouring amenity and the amenity of future occupiers.
- 48 The alterations to the hard surfacing would not impact upon neighbouring amenity.
- 49 The new ground floor window proposed on the side elevation of unit 5 on site 10 would be at ground floor level and would not be considered to harm neighbouring amenity in terms of overlooking or privacy.
- 50 Additional landscaping including hedging and tree planting is proposed along the western side boundary of site 10. This supplementary landscaping would provide additional screening of the development and would improve the relationship to the properties to the west.
- 51 The other alterations are considered minor in scale and would not harm neighbouring amenity. Overall, considering the scale and nature of amendments proposed, it is considered that the variation of the conditions would see the safeguarding of the amenities of existing and future occupants, in accordance with policy EN2.

Impact on Highways

- 52 The car park proposed at site 11 would have 7 spaces instead of the previously approved 8. This has been done to retain the existing turning area. This reduction of one parking space is not considered significantly or detrimentally harmful to the highways considerations of the proposal overall.

Agenda Item 4.1

- 53 Overall, the alterations proposed would not be considered to harmfully impact upon the parking or access arrangements that were approved under 21/02825/FUL or 22/02353/MMA. The scheme will still provide parking, landscaping improvements and the same number of EV charging points as previously consented. The scheme is considered to remain acceptable on highways grounds, with KCC Highways raising no objections to the variation of conditions proposed.

Impact on drainage and flood risk

- 54 KCC as the Lead Local Flood Authority noted the change in hard surfacing on some of the sites. The LLFA commented that they do not oppose the use of permeable asphalt but sought confirmation that the underlying sub-base is still present to provide the required attenuation. The applicant has confirmed that the permeable surfaces are still designed with the appropriate sub-base and that the change of surfacing does not affect the depth of the sub-base. As such, the alterations to the hard surfacing would not alter the approved drainage strategy.

Community Infrastructure Levy (CIL)

- 55 The proposal was CIL liable and the CIL charge has been paid. The amendments proposed do not alter the CIL charge relating to the development.

Conclusion

- 56 In light of the above, the variation of conditions 2, 3, 5 and 16 is considered to be acceptable when considering the character of the area, neighbouring amenity, highways and other material considerations, and consequently the proposal is considered to be in accordance with the development plan for the District. Accordingly, the variation of the conditions are recommended for approval.

Background papers

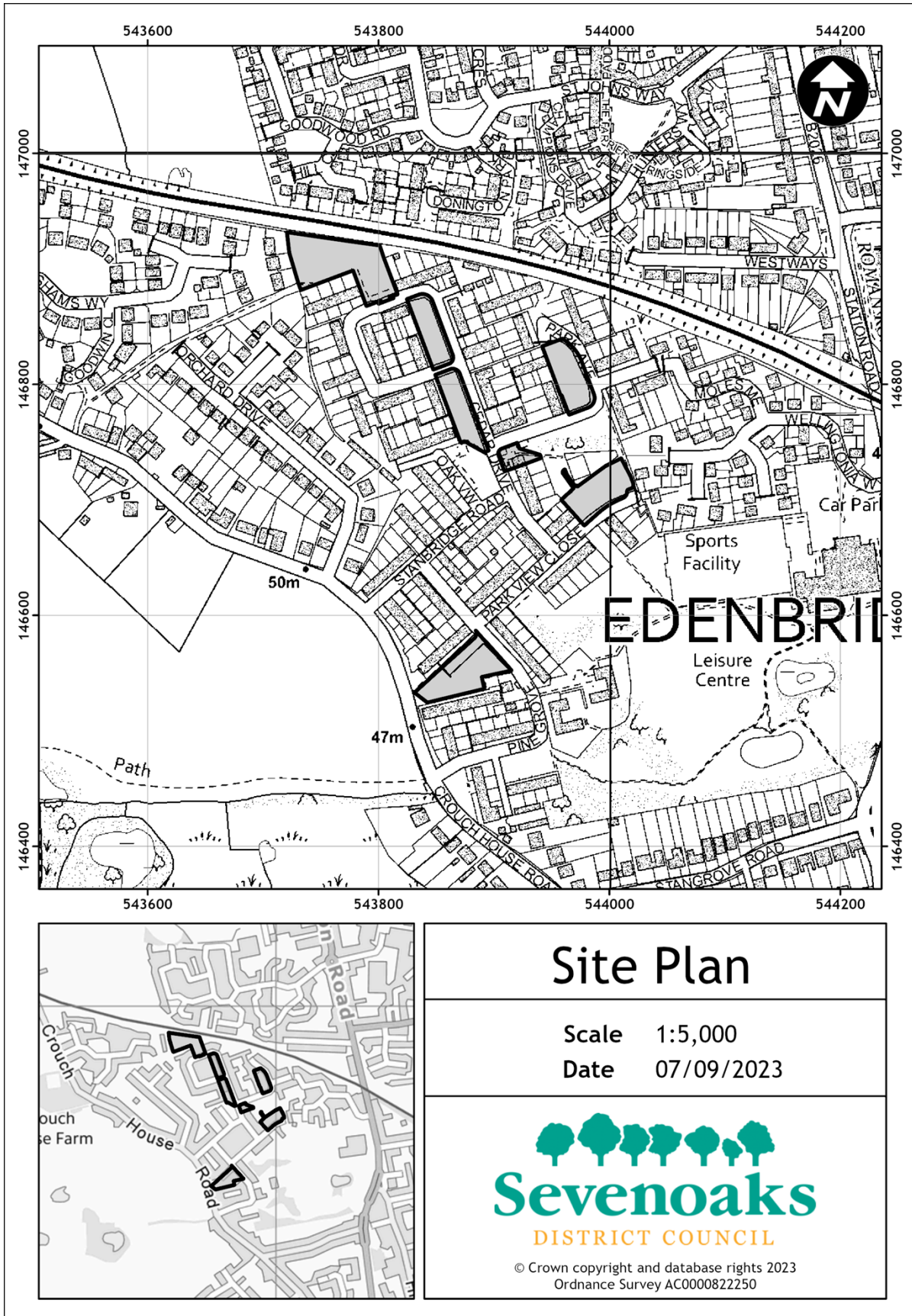
- 57 Site and block plan

Contact Officer(s): Anna Horn 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



PROPOSED OVERALL SITE PLAN



4.2 - 23/01890/FUL

Revised expiry date 29 September 2023

Proposal:

Storage container for domestic use and extension to existing permitted stable building for use as dog kennels.

Location:

Land At Robinsons Nursery, Goldsel Road, Swanley Kent

Ward(s):

Crockenhill & Well Hill

Item for decision

Councillor Waterton has called the application to committee on the grounds that the very special circumstances outweigh the harm to the Green Belt.

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

The proposed development by way of inappropriateness would result in harm to the Green Belt, this harm in accordance with the National Planning Policy Framework must be afforded substantial weight. The stable extension is disproportionate to the size of the original building. The case of very special circumstances does not clearly outweigh the harm identified. The development is therefore contrary to policy GB8 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

National Planning Policy Framework

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

Description of site

- 1 The application site comprises a long and narrow parcel of land to the south-eastern side of Goldsel Road, at a lower level than the road. The site is located within the Green Belt and currently comprises a mobile home and a former stable building, a fenced off area for the keeping of horses, and a storage container which is subject to this application.

Description of proposal

- 2 This a retrospective application for the retention of a metal container for domestic storage and an extension to a former stable, for kennels.

Relevant planning history

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

Agenda Item 4.2

- 4 21/01756/FUL - Construction of a stable block and an associated path. Refused (appeal dismissed - APP/G2245/W/21/3287673).

Policies

- 5 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 proposed⁷; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 6 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)

- SP1 Design of New Development and Conservation
- LO1 Distribution of Development
- LO8 The Countryside and Rural Economy

- 8 Allocations and Development Management (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- T1 Mitigating Travel Impact
- T2 Vehicle Parking

- 9 Other

- Development in the Green Belt SPD
- Sevenoaks Landscape Character Assessment (2017)

Constraints

- 10 The following constraints apply:

Metropolitan Green Belt

Consultations

11 Crockenhill Parish Council:

Support – We are supportive of the application, on the basis that a clause is added to ensure permission for the extension to the stable building is limited to its intended use i.e. dog kennels - and therefore cannot be developed/converted in the future without prior sought permission.

12 KCC Highways: No objection.

13 KCC Public Rights of Way: No objections.

Representations

14 None received.

Chief Planning Officer's appraisal

15 The main planning considerations are:

- Principle of development in the Green Belt
- Impact on the character of the area
- Impact on neighbouring amenity
- Assessment of very special circumstances

Principle of development in the Green Belt

16 Planning legislation 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.

17 Policy LO1 of the Sevenoaks Core Strategy 2011 sets out the distribution of development in the district, stating that: "development will be focussed within the built confines of existing settlements". Policy LO1 goes onto to state that "in other locations priority will be given to protecting the rural character of the District. Development will only take place where it is compatible with policies for protecting the Green Belt...". Moreover, policy LO8 of the Core Strategy which covers matters of the countryside and rural economy outlines how the extent of the Green Belt must be maintained.

18 Paragraph 149 of the NPPF states that new buildings in the Green Belt are inappropriate development, unless they meet one of the exemptions. Para 149(c) allows for extensions to existing buildings, so long as not disproportionate to the size of the original building. The storage container does not fall into the categories of any of the exemptions and therefore is classed as inappropriate development in the green belt

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

20 Paragraph 148 of the NPPF advises substantial weight should be 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

Agenda Item 4.2

outweighed by other considerations. Therefore, the harm in principal to the Green Belt remains even if there is no further harm to openness because of the development.

21 Storage container

In this case, the residential site is a mobile home and would not be classed as a dwelling under the Town and Country Planning Act. In consequence, it does not have a residential curtilage or benefit from any permitted development rights. Regardless, given the distance the storage container is located from the dwelling it would not be regarded as within the curtilage anyway. In light of this, the storage container comprises development in the Green Belt. The container does not fall under any of the exemptions under paragraphs 149 & 150 of the NPPF and would constitute inappropriate development as a result.

22 Extension to stables

Paragraph 149(c) allows for the extension to an existing building provided it does not result in disproportionate additions over and above the size of the original building.

23 Policy GB8 of the Allocations and Development Management Plans states:

“Proposals to extend an existing non-residential building within the Green Belt which would meet the following criteria will be permitted:

- a) the existing building is lawful and permanent in nature; and
- b) the design and volume of the proposed extension, taking into consideration the cumulative impact of any previous extensions, would be proportional and subservient to the 'original' building and would not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion”.

24 In this case the building is permanent and lawful, however it will almost double in length, which would dwarf the scale of the original building. The development is therefore considered inappropriate in the Green Belt and contrary to policy GB8 of the ADMP and the NPPF.

25 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principal to the Green Belt from inappropriate development.

26 The proposed storage container is located towards the corner of the site, it would by virtue of the scale have a limited impact on the openness of the Green Belt from a visual perspective. However, there would be a spatial impact upon the openness of the green belt, by way of the siting of a structure where nothing previously existed.

27 The extension to the stables has an even greater spatial impact than the storage container as the original building has been almost doubled in size, the increased bulk and massing therefore has an unquestionable impact on the spatial openness of the Green Belt. The visual harm is more limited due to the isolation of the site, however it is more visible from the public right of ways to the south. Consequently, there is also a visual loss of openness as viewed from the extended countryside to the south. There is some screening to the boundary, however this does not fully screen the building and thus the increased bulk and massing is visible and impactful.

- 28 There will be harm to the openness of the Green Belt and also as a result of inappropriateness, the harm must be afforded substantial weight. There is a case for very special circumstances which is reviewed later in the report.

Design and impact on the character of the area

- 29 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.
- 30 The proposed development by virtue of the scale and the containment of the site would preserve the street scene. The development would be visible from the public right of ways and open countryside to the south, the storage container would in particular look out of place in the rural context. The extension to the stables whilst excessive in Green Belt terms would preserve the rural character of the area more so than the container.
- 31 Overall, the impact of the development on the character of the area is not great enough to warrant a secondary reason for refusal. The proposal would therefore comply with Policy EN1 of the ADMP and SP1 of the Core Strategy.

Neighbouring Amenity

- 32 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.
- 33 The application site is largely isolated from neighbouring properties and would therefore preserve amenity in terms of noise, smells and privacy. Therefore, the proposal complies with Policy EN2 of the ADMP.

Assessment of Very Special Circumstances

- 34 The harm in this case has been identified as harm by way of inappropriate development in the Green Belt. Any harm to the Green Belt must be afforded substantial weight in accordance with paragraph 148 of the NPPF. The NPPF advises very special circumstances exist where the harm is clearly outweighed by other considerations.
- 35 Possible very special circumstances can be summarised as:
- Mobile home does not have loft space.
 - Keeping of dogs on site is a deterrent for burglaries.
- 36 Review of very special circumstances:
- The first reason for very special circumstances that has been forwarded relates to a lack of storage space within the mobile home for personal storage. Many mobile homes have the same situation, there is rarely justification for additional buildings within mobile home plots solely for additional storage. Particularly when located within the Green Belt. This is therefore afforded limited to moderate weight.
- 37 As for the keeping of dogs as a deterrent for burglaries this is not sufficient ground to justify the doubling of the size of the stable block. Moreover, no evidence of break ins has been provided and as such this matter is afforded very limited weight.

Community Infrastructure Levy (CIL)

- 38 This proposal is not CIL liable.

Agenda Item 4.2

Conclusions

- 39 The proposed development by way of inappropriateness would result in harm to the Green Belt, this harm in accordance with the National Planning Policy Framework PPF must be afforded substantial weight. The stable extension is disproportionate to the size of the original building. The case of very special circumstances does not clearly outweigh the harm identified. The development is therefore contrary to policy GB8 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.
- 40 It is therefore recommended that this application is refused

Background papers

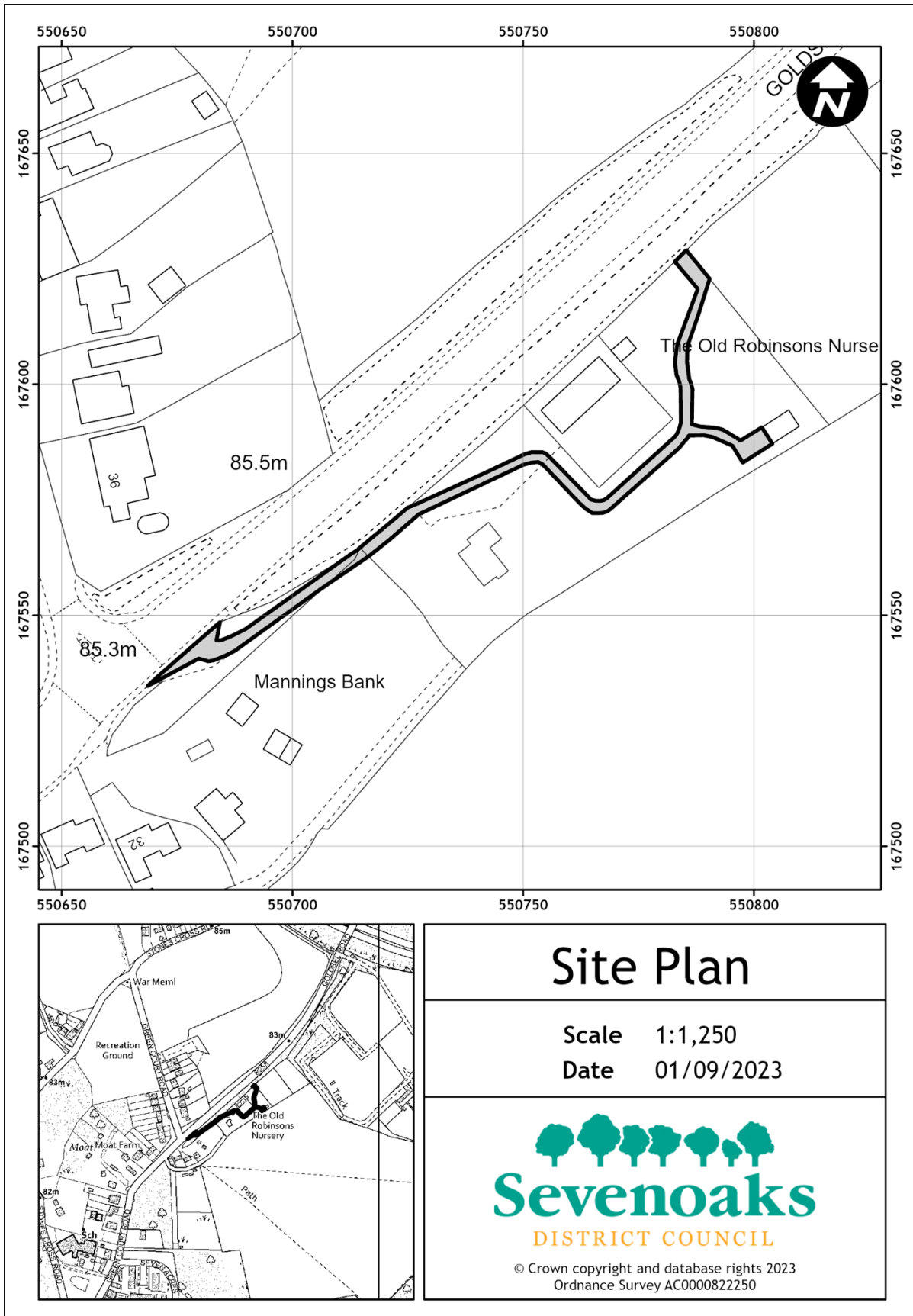
- 41 Site and block plan

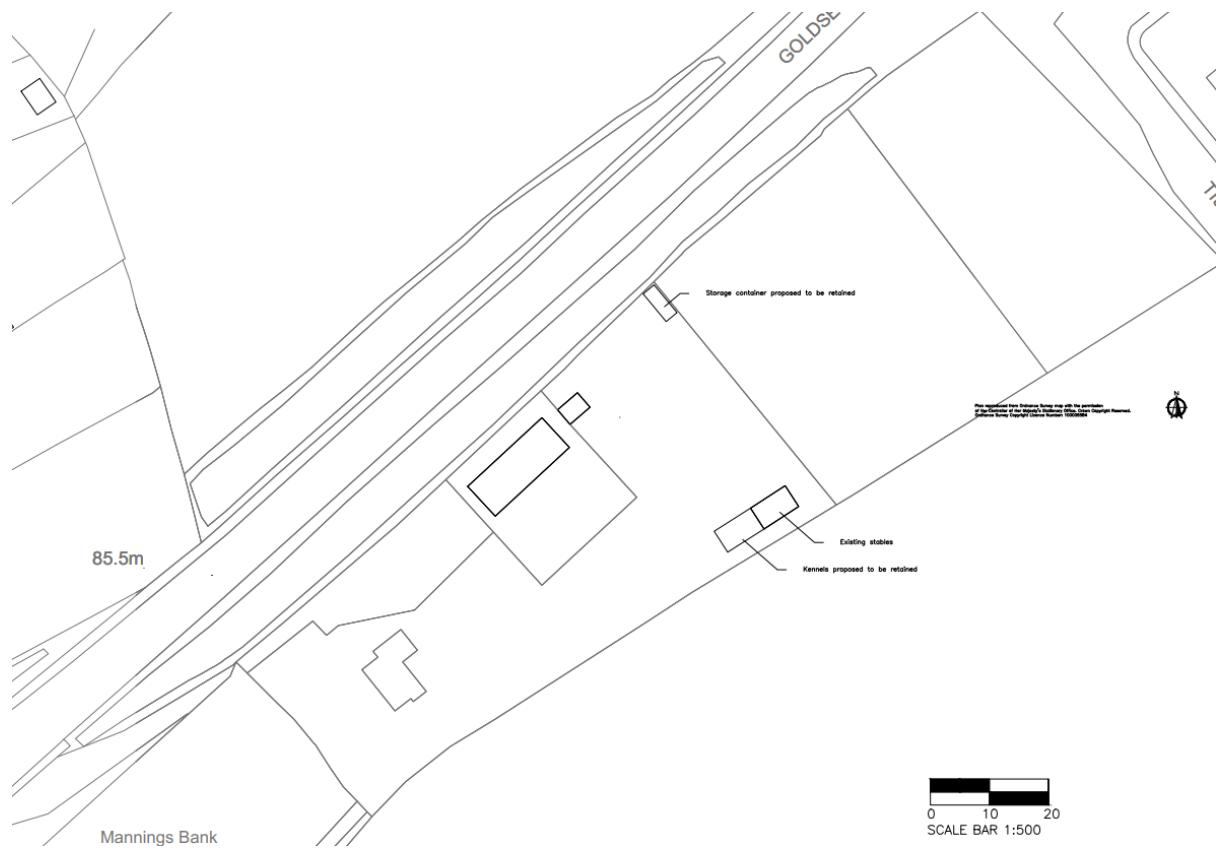
Contact Officer(s): Ashley Bidwell 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)





4.3 - 23/01891/FUL Revised expiry date 29 September 2023

Proposal: Erection of a stable barn containing 4 foaling boxes, stocks, tack room and hay store.

Location: Land At Robinsons Nursery, Goldsel Road, Swanley Kent

Ward(s): Crockenhill & Well Hill

Item for decision

Councillor Waterton has called the application to committee on the grounds that the proposals have addressed the reasons for refusal of the last application and appeal.

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

The proposed development by way of inappropriateness and a loss of openness would result in harm to the Green Belt, this harm in accordance with the National Planning Policy Framework must be afforded substantial weight. The case of very special circumstances, whilst afforded significant weight does not clearly outweigh the substantial harm identified. The development is therefore contrary to paragraph 149 of the NPPF, polices LO1 and LO8 of the Sevenoaks Core Strategy and LT2 of the Sevenoaks Allocations and Development Management Plan.

National Planning Policy Framework

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

Description of site

- 1 The application site comprises a long and narrow parcel of land to the south eastern side of Goldsel Road, the site is situated at a lower level than the road and is visually more closely linked to the agricultural fields that extend to the south. The site, which comprises a mobile home and associated domestic paraphernalia, a former stable building – now used for kennels – and a fenced off area for the keeping of horses, is located within the Metropolitan Green Belt and between the settlement confines of Swanley and Crockenhill.

Description of proposal

- 2 Permission is sought for the construction of a stable with four foaling boxes, tack room and a hay and feed store. The planning statement outlines how the stables would be used for foaling, weaning, isolating and treating horses as a part of a horse breeding and trading business.

Agenda Item 4.3

- 3 This application follows a refusal of planning permission under application 21/01756/FUL for a similar development on the basis the very special circumstances did not clearly outweigh the harm to the Green Belt. This was subsequently appealed where it was dismissed.
- 4 The current application differs to the previous only on the basis that the proposed stable block is marginally smaller than the previous proposal, additional information for the case for very special circumstances has also been submitted.

Relevant planning history

- 5 16/032/46/FUL - Planning permission was granted on 18th January 2017 for the permanent siting of a mobile home on the site. The permission was personal to the applicants and a condition of the permission required the site only to be occupied by those who meet the definition of Gypsies and Travellers.
- 6 21/01756/FUL - Construction of a stable block and an associated path. Refused (appeal dismissed - APP/G2245/W/21/3287673).

Policies

- 7 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; 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.

- 8 Footnote 7 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

- 9 Core Strategy (CS)

- SP1 Design of New Development and Conservation
- LO1 Distribution of Development
- L08 The Countryside and Rural Economy

- 10 Allocations and Development Management (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- LT2 Equestrian Development
- T1 Mitigating Travel Impact

- T2 Vehicle Parking

11 Other

- Development in the Green Belt SPD
- Sevenoaks Landscape Character Assessment (2017)

Constraints

12 The following constraints apply:

- Metropolitan Green Belt

Consultations

13 Crockenhill Parish Council:

Support – We are supportive of the application, on the basis that a clause is added to ensure that permission is restricted to agricultural/equine use.

14 KCC Highways: No objection.

15 KCC Public Rights of Way: No objections.

Representations

16 None received.

Chief Planning Officer's appraisal

17 The main planning considerations are:

- Principle of development in the Green Belt
- Impact on the character of the area
- Impact on neighbouring amenity
- Assessment of very special circumstances

Principle of development in the Green Belt

18 Planning legislation 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.

19 The application site is located off Goldsel Road and within the green belt and countryside. It lies in-between the settlement confines of Swanley to the north east and Crockenhill to the southwest. Policy LO1 of the Sevenoaks Core Strategy 2011 sets out the distribution of development in the district, stating that: "development will be focussed within the built confines of existing settlements". As a matter of fact, the application site does not lie within any existing settlements and is clearly contrary to this policy. Policy LO1 goes onto to state that "in other locations priority will be given to protecting the rural character of the District. Development will only take place where it is compatible with policies for protecting the Green Belt..." Moreover, policy LO8 of

Agenda Item 4.3

the Sevenoaks Core Strategy which covers matters of the countryside and rural economy outlines how the extent of the Green Belt must be maintained.

- 20 Paragraph 149b of the NPPF allows for the provision of appropriate facilities (in connection with the existing use of the land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial ground and allotments as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Paragraph 147 outlines how where development is found to be inappropriate in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances.
- 21 In addition, policy LT2 of the Allocations and Development Management Plan states:
- “Proposals for equestrian buildings, facilities and activities which would meet the following criteria will be permitted.
- a) buildings would be appropriate in scale to their setting and would be closely related to existing farm buildings or other groups of buildings that are well screened from public view;
- b)for proposals that involve new facilities for the keeping of horses, sufficient grazing land and off road riding areas would be available and would not harm the amenities of surrounding residents;
- c) the proposal would not have an unacceptable impact on the water environment and sewage disposal, and
- d) the development would not result in harm to the character of the landscape or the ecological value of the area in which it is situated.

Proposals for equestrian development in the Green Belt will be permitted where the scale of the development is appropriate to a Green Belt setting and where the cumulative impact of other buildings does not harm the openness of the Green Belt.

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

Assessment against policy and impact on openness

- 22 Part a) of policy LT2 confirms that buildings for equestrian development would be potentially acceptable as long as they are of an acceptable scale to their setting and would be related to existing buildings on the site. There are currently no buildings on the application site, in which the stable will be related to. The existing mobile home does not meet the definition of a building under the Town and Country Planning Act 1990, plus the conditions of its permission (16/032/46/FUL) require it to be removed and the use of the land for that purpose cease if/when the applicants vacate the site. This condition was imposed to protect the openness of the Green Belt.
- 23 This matter was reviewed under the recent appeal decision for the site (ref: APP/G2245/W/21/3287673) in which the inspector determined the appeal on the basis that the development was for commercial equine use. Given the commercial/business use is the reasoning behind the need, as outlined in the case for very special circumstances, paragraphs 6 & 7 of the appeal decision are still considered relevant:

“Given my findings in respect of the intended nature of the proposed development it cannot be considered to be an appropriate facility in connection with the change of use for outdoor sport or outdoor recreation. As a result, Policy LT2 of the Sevenoaks Allocations and Development Management Plan 2015, is not relevant in the determination of this appeal, as it specifically relates to equestrian development, where horse and other equestrian related activities are described as popular forms of recreation.

Nonetheless, it was common ground between the main parties at the Hearing that the proposal would not fall within any of the list of exceptions set out in paragraph 149, and I have no substantive reason to disagree. It would therefore be regarded as inappropriate development that is, by definition, harmful to the Green Belt and in conflict with the Framework”.

24 The planning statement for the current application highlights the commercial uses once more and therefore the development is not intended for recreational use and would not meet the criteria of policy LT2 or paragraph 149(b).

25 The proposed stable is approximately 160sqm in footprint, which is a 10% reduction compared to the 176sqm of the previous application. It would include a pitched roof rising to a maximum height of just under 3.7m. Whilst this is a reduction on the refused application, it is still a very large building in terms of scale and bulk and would result in harm to the openness of the Green Belt.

26 The National Planning Practice Guidance (Paragraph: 001 Reference ID: 64-001-20190722 - Revision date: 22 07 2019) sets out some of the factors that can be taken account of when assessing the potential impact of development on the openness of the Green Belt:

“By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

1. openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
2. the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
3. the degree of activity likely to be generated, such as traffic generation”.

27 The application site is located at a much lower level than Goldsel Road. However, the area to the southern eastern side of Goldsel Road, which the application site is part of, predominantly comprises open fields and agricultural land. In terms of a spatial impact to the openness of the Green Belt, the inspector within the previous appeal concluded that: “the footprint and volume of the proposed development would give rise to a spatial loss of openness on the site as it results in development where there was previously none”. They also acknowledged that whilst the site may have formerly been a horticultural nursery with some buildings, as that use has ceased and the buildings have been removed they do not lessen the harm to the openness from the proposed development.

28 As for visual impact, the application site due to the aforementioned level change from Goldsel Road and the presence of screening means the development would have limited visibility from this area. However, it would be more visible from the public footpaths (SD186 & SD187) to the south and would in turn reduce the openness of the Green Belt from this perspective.

Agenda Item 4.3

- 29 With regard to points 2 & 3, the stables would have a permanent impact upon the openness of the Green Belt as the land cannot be readily reverted to its previous condition. As for traffic generation, it is noted that the siting of the stables on may reduce the number of vehicular trips for the owner, however given the business use it is not clear whether there will be an increase in visitors in relation to the trading of horses. Overall, the development could have a further impact on the openness of the Green Belt in terms of points 2 & 3 of the PPG guidance above.

Summary

- 30 Paragraph 148 of the NPPF advises substantial weight should be 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. Therefore, the harm in principal to the Green Belt remains even if there is no further harm to openness because of the development.
- 31 Harm has been found by way of inappropriateness, which must be afforded substantial weight, there is also harm by way of loss of openness. The applicant has made a claim for very special circumstances which is considered in more detail later in this report.

Design and impact on the character of the area

- 32 Policy SP1 of the Core Strategy and Policy EN1 of the ADMP state that all new development should be designed to a high quality and should respond to and respect the character of the area in which it is situated.
- 33 The proposed stable, by virtue of the change in level of the site from Goldsel Road and the presence of screening, would preserve the street scene and general character of this area between the settlements of Swanley and Crockenhill. The stable would consist of four foaling boxes, tack room, hay and feed store and a stock room. The scale of the building is, it would preserve the character of the area – notwithstanding the impact upon the Openness of the Green Belt. The proposed materials would also respect the character of the area and would be acceptable in this location.
- 34 The proposal would therefore comply with Policy EN1 of the ADMP and SP1 of the Core Strategy

Neighbouring Amenity

- 35 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.
- 36 The application site and area of development is located at a significant distance from the nearest neighbouring property and would therefore preserve amenity in terms of noise, smells and privacy. Therefore, the proposal complies with Policy EN2 of the ADMP.

Assessment of any Very Special Circumstances

- 37 The harm in this case has been identified as harm by way of inappropriate development in the Green Belt. There is also harm by way of loss of openness. Any harm to the Green Belt must be afforded substantial weight in accordance with paragraph 148 of the NPPF. The NPPF advises very special circumstances exist where the harm is clearly outweighed by other consideration (including benefits).

38 Possible very special circumstances can be summarised as:

- The requirement of the proposed development for the business
- Comparison to other development - polytunnels

Assessment of very special circumstances:

39 Following the refusal of the previous planning application and the subsequent appeal further information has been provided with the intention of following the gaps which the inspector highlighted. These include, financial data (sensitive), details of injuries, details of horse deaths and injuries, further letters of support.

40 It is understood that the applicants have between 30 and 40 horses across multiple locations, both owned and rented land. There are a few on kept at the application site. The business operation relates to the breeding and trading of horses, some trading includes international. The crux of the case for very special circumstances is that there is a lack of suitable indoor facilities for the foaling, weaning, isolation and treatment of their horses. Additionally, there is a need to have these facilities on site as the animals can require 24/7 supervision and care. This is supported by a letter from the applicant's vet confirming that mares tend to foal in the early hours of the morning, hence the requirement for foaling stables on site. Moreover, the lack of shelter and facilities (on any of the sites) has resulted in fatalities of foals and mares, a list of horse fatalities in recent years has been provided, some of these are a result of pneumonia from foaling outside in the cold.

41 I acknowledge the significant benefit to the business the erection of a stable on site would bring, and having accounted for the additional information provided I would afford this significant weight.

42 The planning statement argues that the impact on the openness of the Green Belt is mitigated by the siting of polytunnels to the south. This is afforded very limited weight as polytunnels are for agriculture which as outlined in the NPPF is appropriate development in the Green Belt. The existence of polytunnels does not override the proposed equestrian development, as it still remains inappropriate development in the green belt, regardless of whether or not they are screened by polytunnels.

Community Infrastructure Levy (CIL)

43 This proposal is not CIL liable.

Conclusions

44 The proposed development by way of inappropriateness and a loss of openness would result in harm to the Green Belt, this harm in accordance with the National Planning Policy Framework must be afforded substantial weight. The case of very special circumstances, whilst afforded significant weight does not clearly outweigh the substantial harm identified. The development is therefore contrary to paragraph 149 of the NPPF, policies LO1 and LO8 of the Sevenoaks Core Strategy and LT2 of the Sevenoaks Allocations and Development Management Plan.

Recommendation

45 It is therefore recommended that this application is refused

Agenda Item 4.3

Background papers

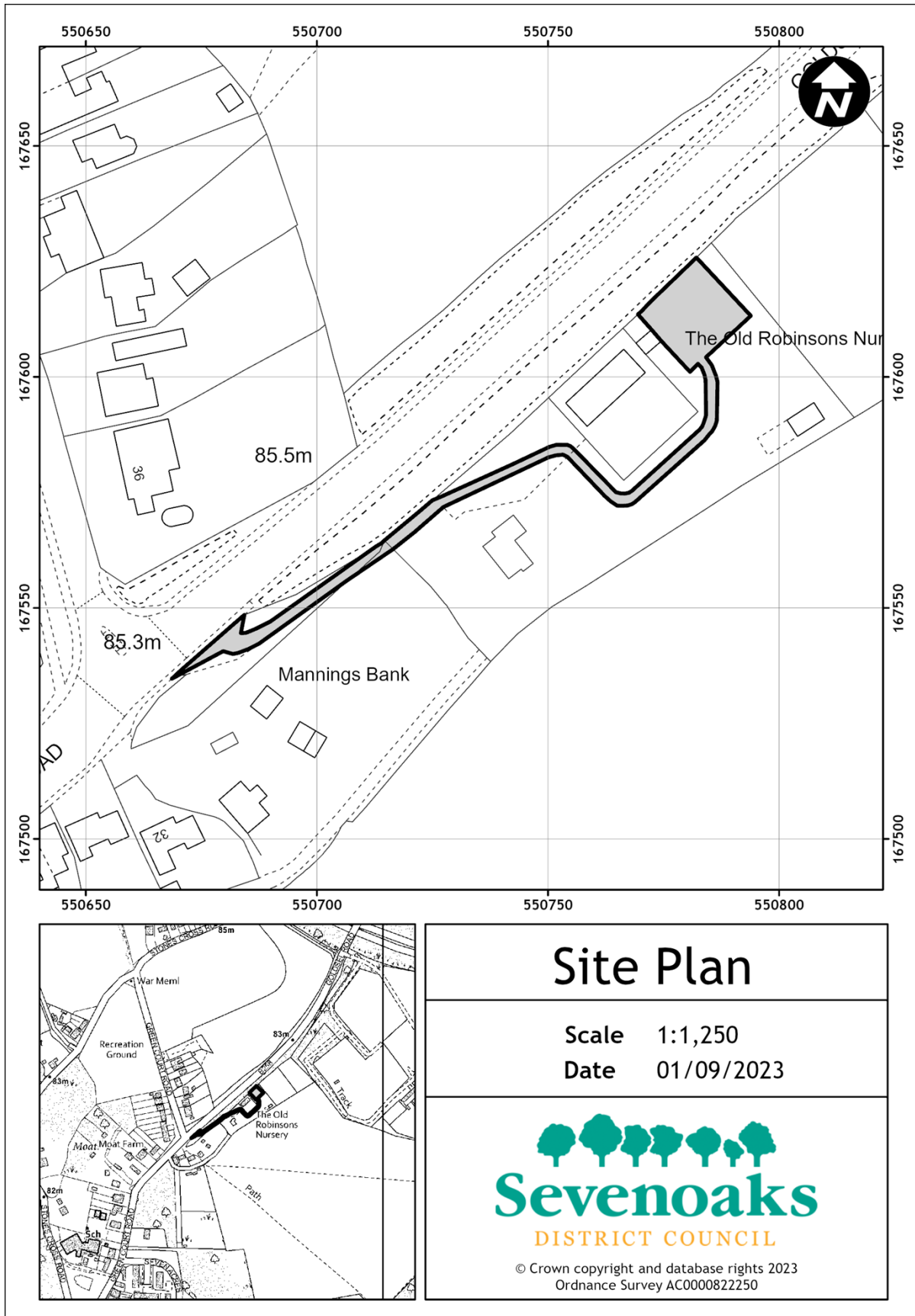
46 Site and block plan

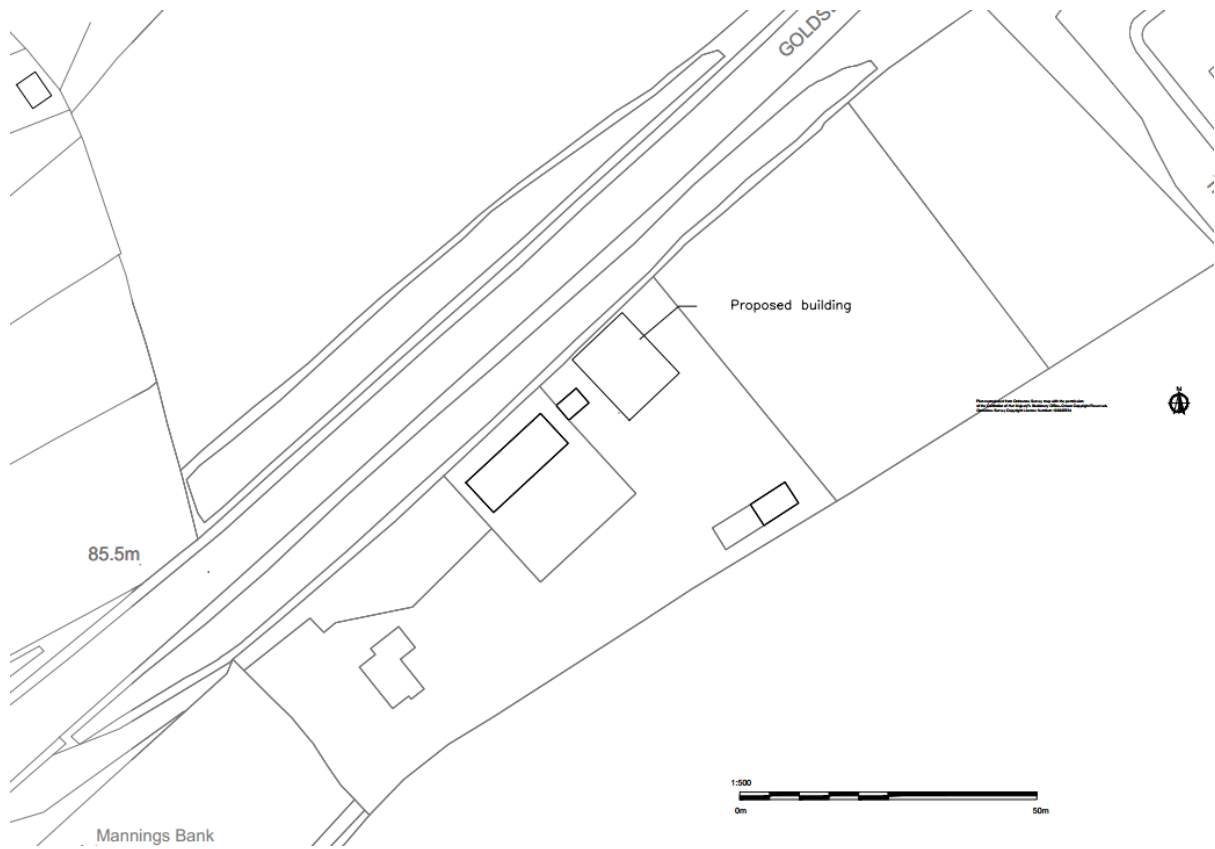
Contact Officer(s) Ashley Bidwell 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)





Planning Application Information on Public Access – for applications coming to

DM Committee on Thursday 28 September 2023

4.1 – 23/02074/FUL - Tonys Corner Shop, 18 Cedar Drive, Edenbridge, Kent TN8 5JL

[Link to application details:](#)

[Link to associated documents:](#)

4.2 – 23/01890/FUL - Land At Robinsons Nursery, Goldsel Road, Swanley, Kent

[Link to application details:](#)

[Link to associated documents:](#)

4.3– 23/01891/FUL - Land At Robinsons Nursery, Goldsel Road, Swanley, Kent

[Link to application details:](#)

[Link to associated documents:](#)

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