

25 April 2024 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

Published: 17.04.24



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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, Purves, Silander, Varley, Williams, Barker and Granville

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 28 March 2024, as a correct record.	(Pages 1 - 4)	
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 24/00225/TELNOT - Telecommunications Equipment South Of Ivy Farm, Main Road, Knockholt Kent Telecommunication equipment.	(Pages 5 - 20)	Ashley Bidwell Tel: 01732 227000
4.2 23/03541/HOUSE - The Willows, 2 Singles Cross Cottages, Blueberry Lane Knockholt Kent TN14 7NH Demolition/dismantling of existing shed; erection of single storey side extension.	(Pages 21 - 32)	Hayley Nixon Tel: 01732 227000

4.3 23/03054/ADV - Ground Floor, 26 - 28 (Pages 33 - 42) Stephanie Payne
Pembroke Road, Sevenoaks Kent TN13 1XR Tel: 01732 227000

Signage to identify the company on the external facade of the premises plus directional signage for car parking and entry way. Covering the front and rear elevations of the building and use of boundary wall along with two freestanding pillar mounted signs at angles to the road replacing current signage.

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, 22 April 2024.

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 28 March 2024 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Horwood (Vice-Chairman)

Cllrs. Baker, Ball, Bayley, Camp, P. Darrington, Edwards-Winsor, Esler, Granville, Hogarth, Malone, Purves, Silander, Varley and Williams

Apologies for absence were received from Cllrs. Barker and Harrison

Cllr. Robinson was also present.

67. Minutes

Resolved: That the minutes of the meeting held 7 March 2024 be approved, and signed by the Chairman as a correct record.

68. Declarations of Interest or Predetermination

Cllrs Granville and Varley declared for Minute 70 - 24/00068/FUL - The Old Meeting House, St Johns Road, Sevenoaks Kent TN13 3LR that they were members of Sevenoaks Town Council, but that they remained open minded.

Cllr Camp declared that for Minute 70 - 24/00068/FUL - The Old Meeting House, St Johns Road, Sevenoaks Kent TN13 3LR that she was predetermined and would not participate in the item.

69. Declarations of Lobbying

All members declared that they had been lobbied in respect of Minute 70 - 24/00068/FUL - The Old Meeting House, St Johns Road, Sevenoaks Kent TN13 3LR.

70. 24/00068/FUL - The Old Meeting House, St Johns Road, Sevenoaks Kent TN13 3LR

The proposal sought planning permission for Change of use to a place of worship, and works to fenestration. The application had been referred to the Committee by Councillor Camp on the grounds the potential impact upon residential amenities, parking, and highways safety.

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:

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Against the Application: Paul George

For the Application: Peter Court

Parish Representatives: Cllr Sue Camp

Members asked questions of clarification of the speakers and the officer. The proposal would not have facilities to host weddings or funerals. The facility would be open for anyone to use, and it was anticipated it would primarily be used for daytime and Friday prayers. Some members of the congregation currently shared cars to attend services.

The 18-month period of planning permission would allow for the proposed pre-commencement conditions to be assessed, agreed, and implemented, before use could commence. Six months was considered appropriate for this, allowing for 12 months of use, in line with the recommendation from Kent County Council. The Environmental Health assessment had considered noise levels with open windows. Condition 6 would require the applicant to maintain a register of attendance which would be open to enforcement spot-checks. These restrictions on occupancy were a measure to reduce the impact on parking and neighbouring amenity. The limits were maximums, and it was not guaranteed that all occupancy spaces would be filled at any one time.

It was moved by the Chairman that the recommendations within the report, as amended by the late observations, be agreed.

Members discussed the application. It was moved and duly seconded that the wording of Condition 11 be amended to read “only lights conforming to the approved detail shall be installed”, instead of “Only the approved details shall be installed”. The amendment was put to the vote and it was carried.

Members further discussed the application. They expressed concerns regarding the impact of the proposal to residential amenity, in particular through the generation of noise in the early hours of the day, from people parking and walking to the facility. Members noted that these issues could not be controlled by conditions. It was also considered that the proposal could exacerbate the existing parking problems in the area, as the on-site parking was insufficient. The additional pressures on on-street parking could have an unacceptable impact on highway safety. Some members suggested that the proposed 18-month trial period would allow these issues to be examined more accurately, and solutions to be developed.

The motion, as amended, was put to the vote and it was lost.

It was moved and duly seconded that planning permission be refused on the grounds that the proposed development would have an unacceptable impact on residential amenity through the generation of noise and activity throughout the day, including during early morning hours, and that the development would have a severe residual cumulative impact on the road network and an unacceptable impact on highways safety, through the insufficient provision of on-site parking, when taking into account existing conditions on the road.

The motion was put to the vote and it was

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

- a) The proposed development would have an unacceptable impact on residential amenity through the generation of noise and activity throughout the day, including during early morning hours, contrary to policies EN2 and EN7 of the Sevenoaks Allocations and Development Management Plan, and paragraph 135f of the National Planning Policy Framework; and
- b) that the development would have a severe residual cumulative impact on the road network and an unacceptable impact on highways safety, through the insufficient provision of on-site parking, taking into account existing parking and traffic conditions on the road, contrary to policies T1 and T2 of the Sevenoaks Allocations and Development Management Plan, and paragraph 115 of the National Planning Policy Framework.

THE MEETING WAS CONCLUDED AT 8:44PM

CHAIRMAN

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4.1 - 24/00225/TELNOT Revised expiry date 30 April 2024

Proposal: Telecommunication equipment.

Location: Telecommunications Equipment South Of Ivy Farm, Main Road, Knockholt Kent

Ward(s): Halstead, Knockholt & Badgers Mount

Councillor Grint has called the application to committee on the grounds of neighbouring amenity and impact upon the National Landscape (AONB).

Item for decision:

RECOMMENDATION: THAT PRIOR APPROVAL IS NOT REQUIRED

Description of site

- 1 The application site is located to the south of Main Road, Knockholt Pound, it is at the end of Ivy Lane which leads to the Bowling Green/Club. The site features an existing 25m tall mast within an enclosed/gated area. The site is outside the settlement confines of Knockholt Pound and within the Green Belt, it is also within the Kent Downs National Landscape (AONB). Playing fields extend to the south, within agricultural fields beyond. The nearest residential properties are along Ivy Lane just north of the site.

Description of proposal

- 2 It is proposed to replace the existing 25m mast with a new 25m mast that can better support 5G equipment.

IMPORTANT NOTE:

- 3 This proposal is not a planning application.
- 4 This is an application to confirm if the proposal is permitted development and whether prior approval is required for the proposed mast, in accordance with the Town and Country Planning (General Permitted development) (England) Order 2015 (as amended).
- 5 In assessing this application, and in accordance with the legislation, only the siting and appearance of the development can be considered as part of the prior approval process.

Relevant planning history

- 6 03/01088/FUL - Installation of 4 no antennas and 4 no Dishes on existing tower with equipment in existing brick building. Granted
- 7 08/03036/FUL - Decommissioning and removal of existing 36m mast. Erection of 25m lattice mast & equipment housing within existing compound for O2 and T-Mobile. Amended by plans received 10.11.08. Granted.

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- 8 09/01143/FUL- Minor amendments to application SE/08/03036/FUL, decommissioning and removal of existing 36m mast. Erection of 25m lattice mast & equipment housing within existing compound for O2 and T-Mobile. Replacement of antennas. Granted.

Constraints

- 9 The following constraints apply:
- Green Belt
 - Kent Downs National Landscape (AONB).

Consultations

Knockholt Parish Council:

- 10 Objection - We recognise the need for improved communications in Knockholt which has been previously neglected, however we have a number of concerns regarding the proposal which we have listed below.
- We note there are 2 existing masts located in Brasted Lane and would like to know why this has not been considered as an alternative site?
 - There appears to be no consideration of the impact the proposal will have on the properties in the vicinity or the impact of the highway infrastructure. Ivy Lane is an un-adopted Road that is not suitable for heavy vehicle use.
 - This is an Area of Outstanding Natural Beauty and we therefore have concerns regarding the height bulk and scale of this proposal.
 - We note the proposed removal of foliage, we seek clarification that this does not include any Trees.
 - Have medical advisors given any clarification on the possible health concerns that the mast could cause, due to the number of outdoor sporting facilities in the area.
 - We would support any neighbour concerns.

Representations

- 11 7 letters of objection relating to the following issues:
- Lack of consultation before application was submitted.
 - Increased height and bulk of tower.
 - Health effects of radiation on nearby residents.
 - Construction traffic on Ivy Lane.
 - Bulky antennas at the top of the frame.
 - Very visible site, particularly as it is adjacent to the bowling club and tennis courts.

Planning Officer's appraisal

- 12 The application seeks confirmation from the Council whether prior approval is required for the proposed development. It is not an application for planning permission.
- 13 The application is considered in relation to The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 16, Class A.

14 For this application, the report assesses:

- Whether the proposal would comply with the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Part 16, Class A
- Whether prior approval is required in respect of siting and appearance, and if so, whether the proposals are acceptable in their siting and appearance.

Permitted Development assessment - Part 16, Class A:

15 ***“A. Development by or on behalf of an electronic communications code operator for the purpose of the operator’s electronic communications network in, on, over or under land controlled by that operator or in accordance with the electronic communications code consisting of:***

a) The installation, alteration or replacement of any electronic communications apparatus,

b) The use of land in an emergency for a period not exceeding 18 months to station and operate movable electronic communications apparatus required for the replacement of unserviceable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use, or

c) Development ancillary to radio equipment housing”.

The proposed development falls under criteria a) confirming that there is potential for the scheme to be permitted development.

Criteria for development that is not permitted:

16 ***Paragraph (1) - Ground based apparatus:***

“Development consisting of the installation, alteration or replacement of electronic communications apparatus (other than on a building) is not permitted by Class A (a) if–

(a) in the case of the installation of electronic communications apparatus (other than a mast), the apparatus, excluding any antenna, would exceed a height of 15 metres above ground level”.

The proposed development would be classed as a mast and therefore this is not applicable.

17 ***“(b) in the case of the alteration or replacement of electronic communications apparatus (other than a mast) that is already installed, the apparatus, excluding any antenna, would when altered or replaced exceed the height of the existing apparatus or a height of 15 metres above ground level, whichever is the greater”.***

As above, the proposal is for a mast and therefore this is not applicable.

18 ***“(c) in the case of the installation of a mast, the mast, excluding any antenna, would exceed a height of–***

(i) 30 metres above ground level on unprotected land; or

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(ii) 25 metres above ground level on article 2(3) land or land which is on a highway”;

The proposal entails the erection of a new mast located on article 2(3) land (AONB National Landscape). The mast would have a height of 25m which does not exceed the maximum permitted height and is in compliance with these criteria.

- 19 ***“(d) in the case of the alteration or replacement of a mast, the height of the mast, excluding any antenna, would when altered or replaced exceed the greater of the height of the existing mast or a height of—***

(i) 30 metres above ground level on unprotected land; or

(ii) 25 metres above ground level on article 2(3) land or land which is on a highway”;

The height of the mast does not exceed the height of the existing mast or the height criteria above.

- 20 ***“(e) in the case of the alteration or replacement of a mast—***

(i) the mast is on any land which is, or is within, a site of special scientific interest; and

(ii) the mast would, when altered or replaced, exceed the original width of the mast by more than one third”.

The replacement mast is not within a site of special scientific interest.

- 21 ***Paragraph (2) - Electronic communications apparatus on a building.***

This is not applicable in this instance as the mast would not be on a building.

- 22 ***Paragraph (3) - Apparatus on masts:***

“Development consisting of the installation, alteration or replacement of electronic communications apparatus (other than an antenna) on a mast is not permitted by Class A (a) if the height of the mast (including the apparatus installed, altered or replaced) would exceed any relevant height limit specified in paragraph A.1(1)(c) or (d) or A.1(2)(a) or (b). For the purposes of applying the limit specified in paragraph A.1(2)(a), the words “taken by itself” in that paragraph are omitted.

The proposal would meet the provisions set out in the relevant parts of the legislation described above.

- 23 ***Paragraph (4) - Antennas and supporting structures installed, replaced or altered on article 2(3) land or land which is a site of special scientific interest.***

“Development consisting of the installation, alteration or replacement of an antenna, a mast or any other apparatus which includes or is intended for the support of an antenna, or the replacement of an antenna or such apparatus by an antenna or apparatus which differs from that which is being replaced, is not permitted by Class A(a)—

(a) on any article 2(3) land unless—

(i) the development (excluding the installation, alteration or replacement of a mast) is carried out in an emergency and is within any limitations specified in paragraph A.1 for development of the same type on unprotected land;

(ii) the antenna or apparatus comprises or is part of a small cell system and is on a building which is not a dwellinghouse or within the curtilage of a dwellinghouse;

(iii) the antenna is a small antenna and the development is within the limitations specified in paragraph A.1(5) or (6); or

(iv) where the antenna or apparatus is not a small cell system or a small antenna, the development is within the limitations specified in paragraphs A.1(1)(c)(ii), A.1(1)(d)(i)(bb) A.1(1)(d)(ii) or A.1(2)(f);

(b) on any land which is, or is within, a site of special scientific interest unless—

(i) the development (excluding the installation, alteration or replacement of a mast) is carried out in an emergency and is within any limitations specified in paragraph A.1 for development of the same type on unprotected land; or

(ii) the development is within the limitations specified in paragraph A.1(5)

The application site is within Article 2(3) land, however it complies with criterion (a)(iv) above.

24 **Paragraph (5) - Electronic communications apparatus installed, replaced or altered on a dwellinghouse.**

The development does not relate to electronic communications apparatus on a dwellinghouse and therefore the criteria of Class A (5) is not relevant.

25 **Paragraph (6) - Small antennas installed, replaced or altered on a building which is not a dwellinghouse.**

The proposals do not relate to small antennas or development on a building which is not a dwellinghouse. Therefore, the criteria of Class A (6) is not applicable.

26 **Paragraph (7) Ground or base area:**

“Development consisting of the installation, alteration or replacement of any electronic communications apparatus other than-

- a) a mast;***
- b) an antenna;***
- c) ~~a public call box~~; (no longer applicable)***
- d) any apparatus which does not project above the level of the surface of the ground; or***
- e) radio equipment housing,***

is not permitted by Class A(a) if the ground or base area of the structure would 1.5 square metres”.

The proposed mast utilises many of the existing ground based equipment, no new cabinets etc. are proposed and therefore the ground coverage of any new development does not exceed 1.5m².

27 **Paragraph (8) - Driver information systems:**

“Development consisting of the installation, alteration or replacement of system apparatus within the meaning of section 8(6) of the Road Traffic (Driver Licensing and Information Systems) Act 1989 (definitions of driver information systems etc.) is not permitted by Class A(a)”.

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This is not relevant to the proposal.

28 **Paragraph (9) - radio equipment housing**

“Development consisting of the installation, alteration or replacement of radio equipment housing is not permitted by Class A(a) if-

(a) the development is not ancillary to the use of other electronic communications apparatus;

(b) the cumulative volume of such development would exceed 90 cubic metres or, if located on the roof of a building, the cumulative volume of such development would exceed 30 cubic metres; or

(c) or on any land which is, or is within, a site of special scientific interest, any single development would exceed 2.5 cubic metres, unless the development is carried out in an emergency.

(9A)Sub-paragraph (9)(b) and (c) does not apply where the development is carried out within a permitted compound (and accordingly the development described in that sub-paragraph is permitted by Class A(a))”.

The submission does not state that the development comprises of ‘radio equipment housing’. Therefore, this is not relevant.

Conditions

29 The following sections of Class A contain conditions that the development must adhere to.

30 **A.2 Conditions**

(1) “Class A(a) development is permitted subject to the conditions that-

(a) the siting and appearance of any—

(i) mast;

(ii) electronic communications apparatus installed, altered or replaced on a mast;

(iii) antenna or supporting apparatus;

(iv) radio equipment housing; or

(v) development ancillary to radio equipment housing,

constructed, installed, altered or replaced on a building (other than a building which is a mast) are such that the effect of the development on the external appearance of that building is minimised, so far as practicable”.

The development is not located on a building.

31 ***(b) “the siting and appearance of any—***

(i) mast;

- (ii) *electronic communications apparatus installed, altered or replaced on a mast;*
- (iii) *antenna or supporting apparatus;*
- (iv) *radio equipment housing; or*
- (v) *development ancillary to radio equipment housing,*

which has been constructed, installed, altered or replaced in a manner which does not require prior approval under paragraph A.2(3) are such that the visual impact of the development on the surrounding area is minimised, so far as practicable”.

The requirement for prior approval under paragraph A.2 (3) is discussed below.

32 (c) *the siting and appearance of any development which is visible from a site which is—*

- (i) *article 2(3) land;*
- (ii) *a scheduled monument or a listed building;*
- (iii) *the curtilage of a schedule monument or a listed building;*
- (iv) *a World Heritage Site;*
- (v) *a site designated by the Secretary of State under section 1 of the Protection of Wrecks Act 1973; or*
- (vi) *land registered by Historic England in a register described in section 8C of the Historic Buildings and Ancient Monuments Act 1953,*

are such that the visual impact of the development on the site is minimised so far as practicable, taking into account the nature and purposes of the site”.

The development would be visible from and is within article 2(3) land, the impact on the AONB National Landscape is assessed later in the report.

33 (d) *“the siting of any development is such that it—*

- (i) *does not prevent pedestrians from passing along a footway;*
- (ii) *does not prevent access to premises adjoining a footway; and*
- (iii) *is determined having regard to—*
 - (aa) *the needs of disabled people; and*
 - (bb) *the guidance document “Inclusive Mobility” issued by the Department for Transport in December 2021”.*

The proposal complies with criterion (d).

34 (2) *Class A development is permitted subject to the condition that—*

(a) “any electronic communications apparatus provided in accordance with that permission is removed from the land or building on which it is situated—

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(i) if such development was carried out in an emergency, at the expiry of the relevant period;

The development is not being carried out in an emergency.

(ii) in any other case, as soon as reasonably practicable after it is no longer required for electronic communications purposes”

Clarification on this point is not required. This would be the responsibility of the applicant in order to ensure compliance with the legislation.

(b) “such land or building is restored to its condition before the development took place, or to any other condition as may be agreed in writing between the local planning authority and the developer”.

As above. The existing mast would need to be removed from site prior to the erection of the proposed mast in order to comply with the legislation.

35 **(3) “Subject to sub-paragraph (5), Class A development –**

(a) on article 2(3) land, excluding development specified in sub-paragraph (4);

(b) on land which is, or is within, a site of special scientific interest; ~~or~~

(c) on unprotected land where that development consists of–

(i) the installation of a mast; other than the installation of a mast on a building where the height of the mast (including any antenna and supporting apparatus) does not exceed the height of the highest part of the building by more than 6 metres

(ii) the alteration or replacement of a mast which, when completed–

(aa) is taller than the mast which existed prior to such alteration or replacement; and

(bb) exceeds a height of 25 metres above ground level;

(iia) the alteration or replacement of a mast which–

(aa) is less than one metre wide where the mast would, when altered or replaced, exceed the original width of the mast by two thirds; or

(bb) is one metre wide or wider where the mast would, when altered or replaced, exceed the original width of the mast by more than one half or 2 metres, whichever is the greater; or

(iii) the construction, installation, alteration or replacement of radio equipment housing, where the volume of any single development, other than a single development within a permitted compound, exceeds 2.5 cubic metres;

(d) on a highway where that development consists of–

(i) the alteration or replacement of a mast which, when completed–

(aa) is taller than the mast which existed prior to such alteration or replacement; and

(bb) exceeds a height of 20 metres above ground level;

(ii) the alteration or replacement of a mast which—

(aa) is less than one metre wide where the mast would, when altered or replaced, exceed the original width of the mast by two thirds; or

(bb) is one metre wide or wider where the mast would, when altered or replaced, exceed the original width of the mast by more than one half or 2 metres, whichever is the greater; or

(e) which consists of the installation, alteration or replacement of a mast on a defence safeguarding area

Is permitted subject, except in case of emergency (in which case only paragraph A.3(12) applies), to the conditions set out in paragraph A.3 (prior approval)”.

Part (a) & (c) is applicable and prior approval is reviewed below.

36 *(4) “Development is specified for the purposes of sub-paragraph (3)(a), if it consists of—*

(a) the installation, alteration or replacement of a small cell system on a building which is not a dwellinghouse or within the curtilage of a dwellinghouse; or

(b) development which is within the limitations specified in paragraph A.1(1)(d)(i)(bb), A.1(2)(f), A.1(5) or A.1(6)”

This is not applicable.

37 *(5) “The conditions set out in paragraph A.3 (prior approval) do not apply in relation to Class A development on any article 2(3) land which consists of the construction, installation, alteration or replacement of a telegraph pole, cabinet or line, in connection with the provision of fixed-line broadband”.*

The proposal would meet this criteria as the development is not for a telegraph pole.

38 *(5A) “Except in case of emergency, Class A development which consists of the installation, alteration or replacement of a mast on a civil safeguarding area or a defence safeguarding area is permitted subject (in addition to any other condition imposed by this paragraph) to the conditions that—*

(a) the developer notifies in writing—

(i) the Civil Aviation Authority, in respect of development on a civil safeguarding area;

(ii) the Secretary of State for Defence, in respect of development on a defence safeguarding area;

(iii) the operator of the civil safeguarding area (if the operator is not the Civil Aviation Authority) or defence safeguarding area (if the operator is not the Secretary of State for Defence); and

(b) the development does not begin until the end of 28 days after the day the last notification required by paragraph (a) is given”.

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The proposal would meet this criteria as it does not relate to the installation, alteration or replacement of a mast on a civil safeguarding area or a defence safeguarding area.

- 39 ***(5B) “In case of emergency, Class A development which consists of the installation, alteration or replacement of a mast on a civil safeguarding area or a defence safeguarding area is permitted subject to the condition that the developer notifies the person mentioned in sub-paragraph (5A)(a)(i) to (iii) (as appropriate) as soon as practicable after the emergency begins”.***

As above, the proposal does not relate to the installation, alteration or replacement of a mast on a civil safeguarding area or a defence safeguarding area.

Prior Approval

- 40 The criteria in respect of applying for prior approval has been adhered to in the submission of this application.

- 41 Planning Practice Guidance states that:

“prior approval means that a developer has to seek approval from the local planning authority that specified elements of the development are acceptable before work can proceed... A local planning authority cannot consider any other matters when determining a prior approval application.”

- 42 As defined above, it is for the local planning authority to consider the siting and appearance of the development only.

Siting and appearance

- 43 Paragraphs 118 to 122 of the NPPF refer to telecommunications equipment.

- 44 Paragraph 118 states that:

“Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution)”

- 45 Paragraph 122 states that:

“Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure”.

- 46 Policy SP1 of the Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated.

- 47 Policy EN1 of the Allocations and Development Management Plan states that the form of proposed development should be compatible in terms of scale, height, density and

site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.

- 48 The proposed development would be located within a fenced off area currently housing a 25m tall mast. The site is located opposite the Bowling Club building and north of the playing fields. The site of the existing mast and the proposed mast is against a backdrop of trees and vegetation, it is not located within an open field and an overly prominent location. The site at the end of Ivy lane is away from the heart of Knockholt Pound and significantly back from the street frontage of Main Road, it is also over 40m away from the nearest neighbouring property (Ivy Farm) and further still to the others along Ivy Lane and fronting Main Road.
- 49 Having conducted a site visit, the land in which the existing mast resides and the site of the proposed mast is set at a higher level than Main Road. Consequently, the mast would be visible from the street scene, as the current mast is at present. It is noted that the structure is wider than the existing mast and that the antennas are set towards the top and thus may appear somewhat bulky compared to the existing. However, due to the set back from street and the siting against the backdrop of the trees that of a similar height the impact on the character of the area would be minimised.
- 50 Policy EN5 of the Allocations and Development Management Plan states “The Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings will be given the highest status of protection in relation to landscape and scenic beauty. Proposals within the AONB will be permitted where the form, scale, materials and design would conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance”.
- 51 The Countryside and Rights of Way Act 2000 states that the Local Planning Authority should conserve and enhance Areas of Outstanding Natural Beauty. Designating an Area of Outstanding Natural Beauty protects its distinctive character and natural beauty and can include human settlement and development.
- 52 The replacement mast is the same height as the existing though it would introduce increased bulk particularly towards the top of the frame where the current mast is largely free from antennas. There is a longstanding history of electronic communications on site including 03/01088/FUL which added antennas to the existing 38m tall tower (13m taller than the existing and proposed mast). The tower that existed on site as far back as pre-2000 and to which antennas were subsequently added as outlined in the planning history above had a significantly greater impact on the character and appearance of the National Landscape (AONB) than the current and proposed masts. More recent history includes 08/03036/FUL & 09/01143/FUL which sought the siting of 25m masts, both of which were approved.
- 53 It is acknowledged that the mast would be visible from neighbouring properties along Ivy Lane, in particular Ivy Farm House. However, the impact upon the views of the neighbouring properties would not be significantly worsened compared to the current development on site and previous permissions granted.
- 54 In light of the above, it is considered that the proposal due to its siting and appearance would preserve and enhance the character of the surrounding area and Kent Downs National Landscape (AONB) by utilising an existing site in a village location.

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Consideration of other development

- 55 It is noted that there are other masts within the parish and local area, however these are not within the immediate setting or context of the site and therefore the combined impact of the masts would not be detrimental to the character of the vicinity. It is also noted that the proposal is to replace the existing mast to upgrade coverage in the area it currently supports. Notwithstanding this it should be noted that the NPPF is clear at para 122 that the Local Planning Authority should not question the need for telecommunication systems.
- 56 As explained in the supporting information, the existing mast is temporary and is unable to support multiple networks or 5G connections, upgrading the facility in the current location will therefore maintain and improve the service in the area. Should the mast not be replaced the service in the local area would be reduced when the temporary contract ceases, to the detriment of the residents. The proposed replacement mast is also able to support multiple mobile networks unlike the current mast, thus reducing the need for a further net gain of masts in the area.

Other issues

Health issues

- 57 Paragraph 121 of the NPPF states that applications for communications development, including application for prior approvals, should be supported by the necessary evidence, including a statement that self-certifies that, when operational, International Commission guidelines will be met.
- 58 Concerns have been raised about the impact upon health. The application is accompanied by supporting information confirming conformity with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) Public Exposure Guidelines, a ICNIRP Certificate has also been submitted. In light of this the proposal meets the necessary requirements for this application. Beyond this, Health and safety concerns are the responsibility of Public Health England and Ofcom.
- 59 The application demonstrates that the proposal will meet the international guidelines and therefore complies with paragraph 121 of the NPPF.

Trees and construction traffic

- 60 Whilst not part of the Prior Approval Procedure in relation to Part 16 of the GPDO, a response to other matters raised within the consultation of this application is set out below.
- 61 Any construction traffic would be limited to the period when the mast is being installed and equipment being replaced. There are no protected trees on site that could be at risk of damage during construction works, and the site not situated near any wildlife sites.

Conclusion

- 62 The proposed development would, by reason of its siting and appearance preserve the character of the area. It would comply with policies EN1 and EN5 of the Allocations and Development Management Plan. The proposal also accords with the relevant criteria and conditions of Class A of Part 16, Schedule 2 of the GPDO.

Recommendation

63 Prior approval be granted.

Background papers

64 Site and block plan

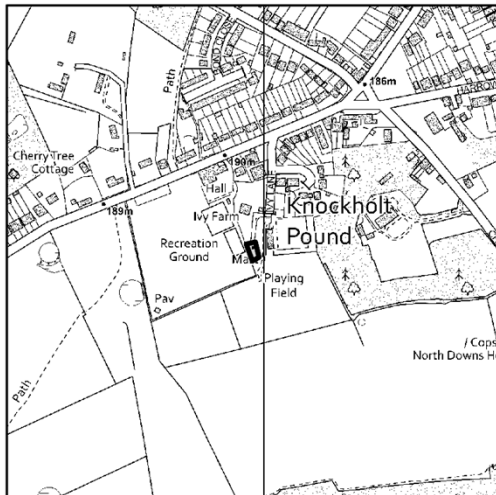
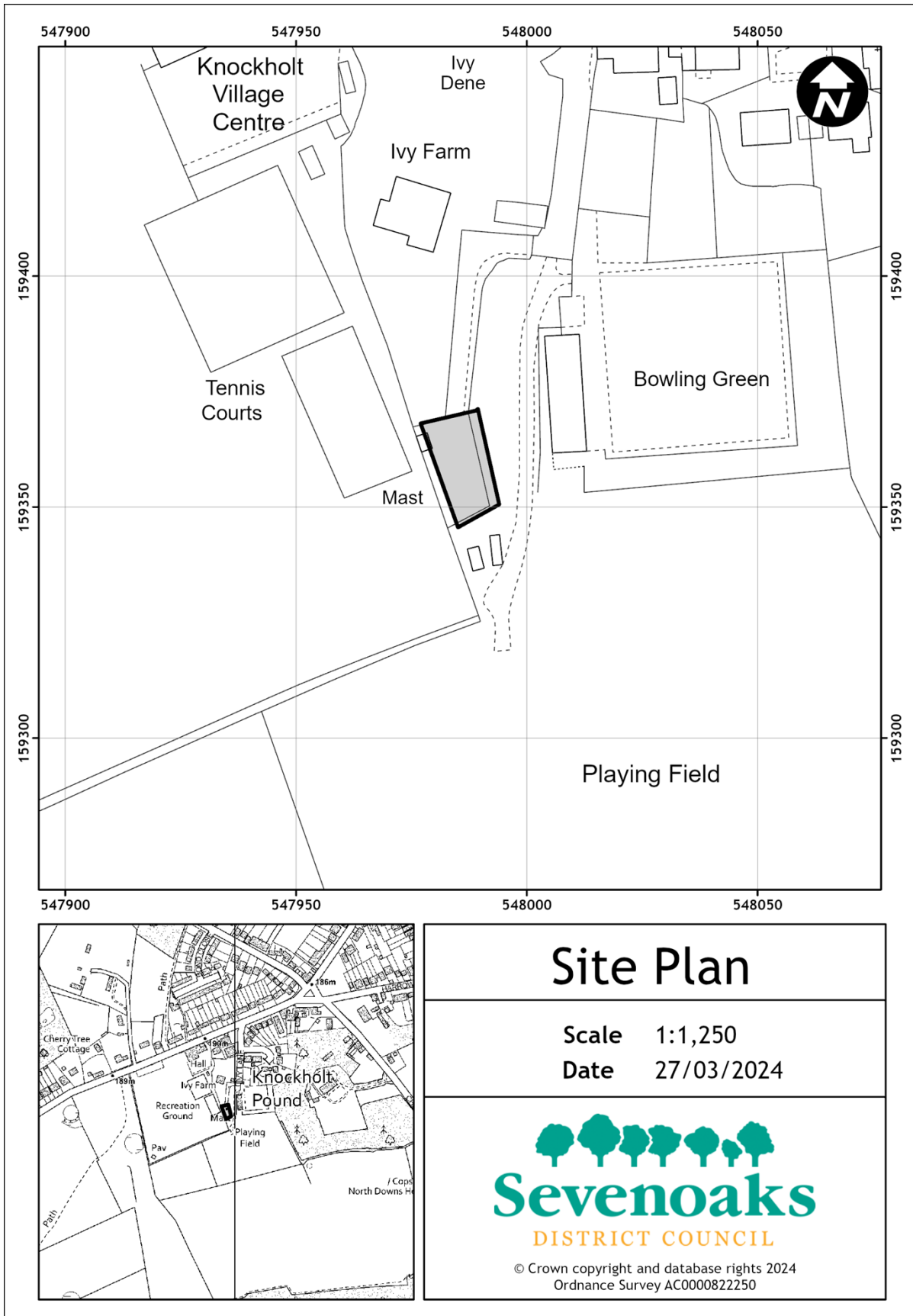
Contact Officer(s):

Ashley Bidwell 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



Site Plan

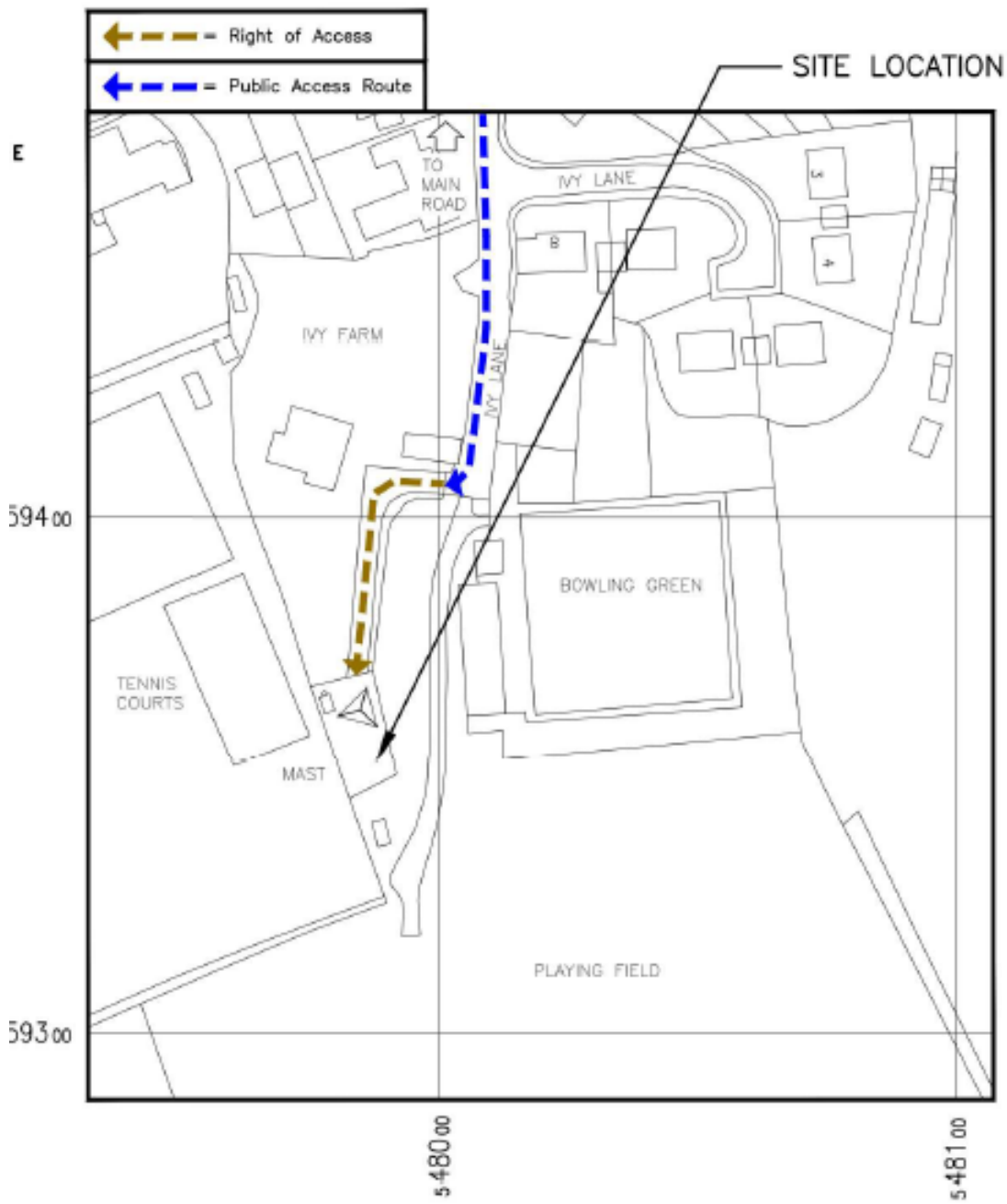
Scale 1:1,250

Date 27/03/2024



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Ordnance Survey AC0000822250

DETAILED LOCATION PLAN



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4.2 - 23/03541/HOUSE Revised expiry date 29 April 2024

Proposal: Demolition/dismantling of existing shed; erection of single storey side extension

Location: The Willows, 2 Singles Cross Cottages, Blueberry Lane
Knockholt Kent TN14 7NH

Ward(s): Halstead, Knockholt & Badgers Mount

Item for decision

This application has been called to Committee by Councillor Grint due to concern that the proposal would have an unacceptable impact on the 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 three years from the date of this permission.

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

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

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

3) The development hereby permitted shall be carried out in accordance with the following approved plans and details: Drawing No. 3081 (20) 002, 3081 (20) 003 Rev B, 3081 (20) 004, 3081 (02) 1250 Rev A, 3081 (20) 1250 Rev A and outbuilding removal plan (REP-01).

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

4) No development above the damp proof course shall be carried out to the extension hereby approved, until the existing buildings (half of shed to rear of the site and tool sheds 1 and 2), have been demolished and all resulting materials removed from the site, in accordance with the outbuilding removal plan (REP-01) and proposed ground and first floor plan (3081 (20) 002).

To preserve the openness of the Green Belt and to comply with the aims of 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

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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 and numerous outbuildings located on the eastern side of Blueberry Lane within the parish of Knockholt. There are properties either side of the site.
- 2 It is understood that the shed subject to this application is shared with No.1 Singles Cross and straddles both plots. The application proposes to demolish the half of the shed which serves The Willows, 2 Singles Cross Cottages. The shed is referred to in previous appeal decisions as 'a substantial pavilion type structure on a thick concrete base' with a 'robust and permanent appearance.' The lawfulness of the shed has not been questioned in previous decisions or at appeal. It is visible on aerial photography dated more than four years ago. Permitted development rights were removed under 09/02485/FUL.

Description of proposal

- 3 Demolition/dismantling of existing shed; erection of single storey side extension.

Relevant planning history

- 4 87/00869/HIST - Two storey rear extension - GRANT - 28/07/1987
- 5 93/00359/HIST - Replacement larger attached garage - GRANT - 21/05/1993
- 6 93/01139/HIST - Addition of room/storage area in roof space incorporating dormer extensions to front and side elevations. - GRANT - 11/10/1993
- 7 96/02288/HIST - To erect chain-link fencing, three metres high along the sides and four metres high at the ends, around a tennis court. - GRANT - 04/04/1997
- 8 98/01525/HIST - Renewal of planning permission SE/93/1139. - GRANT - 21/05/1999
- 9 09/02485/FUL - Demolish No 1 Singles Cross Cottages and erect replacement dwelling. Alter and retain No 2 Singles Cross Cottages. Including amended site plan 12.01.2010 - GRANT - 13.01.2010
- 10 11/02917/FUL - The addition of new windows to the existing building approved under planning reference SE/09/02485, comprising a new dormer window to the south east facing roof slope, three new windows in the southern flank wall and amendment to ground floor rear windows (part retrospective), increase to the roof ridge height of the rear projections and changes to the ground floor front windows. - GRANT - 08/08/2013
- 11 11/03304/LDCEX - Use of the land edged in red on the Site Plan as residential curtilage of the property at Number 2 Singles Cross Cottages, Blueberry Lane, Knockholt. - REFUSE - 14/02/2012
- 12 12/02736/HOUSE - Retention of Side Extension and Conservatory to No 2 Singles Cross Cottages and the erection of a shed. - REFUSE - 30/10/2013

- 13 15/00521/LDCPR – Stationing of a caravan – GRANT – 01/05/2015
- 14 15/00714/HOUSE – Proposed single storey side extension – REFUSE – 11/05/2015
- 15 20/03752/HOUSE – Demolition of existing outbuildings; erection of single storey side extension – REFUSE – 15/02/2021
- 16 23/02284/HOUSE - Relocation of existing shed. – GRANT – 10/10/2023

Policies

17 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.
- Footnote 7 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

18 Core Strategy (CS)

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

19 Allocations and Development Management Plan (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- GB1 Limited Extensions in the Green Belt
- GB3 Residential Outbuildings in the Green Belt
- T2 Vehicle Parking

20 Other:

- Sevenoaks Residential Extensions Supplementary Planning Document (SPD),
- Development in the Green Belt SPD

Constraints

21 The following constraints apply:

- Metropolitan Green Belt

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Consultations

- 22 Parish Council
- 23 First response:
- “We object to this application for the reasons listed below;
- 24 This application is contrary to the previous appeal decision (appeal reference APP/G2245/A/14/2212304).
- 25 We would strongly recommend this appeal decision is studied in detail ahead of making a decision on this application.
- 26 This is a stealthy approach when noting the previous history on this site. This proposal is for a 3-storey property which would constitute over development bearing in mind the property has already been very substantially increased over the years and this application would add further habitable space. We note the difference between the timber structure and the proposed brick structure including inclusion door into the main building.
- 27 We are disconcerted at the speed in which this application has been submitted after the previous application to relocate the shed which suggests clear intent.
- 28 We note with interest that the applicant is not the registered owner of this property as has been in past representations.
- 29 If Sevenoaks are minded to grant this application we request that permitted development rights be removed on the entire site.”
- 30 Second response (following revalidation):
- No response received.
- 31 SDC Planning Policy
- No responses received.

Representations

- 32 We have received 3 letters of objection relating to the following issues:
- The application goes against previous appeal decisions
 - Over development
 - Permitted development rights should be removed
 - Impact on the Green Belt
 - The 50% limit for extensions should be upheld

Chief Planning Officer's appraisal

- 33 The main planning considerations are:
- Impact on the Green Belt
 - Impact on the character of the area
 - Impact on neighbouring amenity

Impact on the Green Belt

- 34 As set out in paragraph 154 of the NPPF, new buildings in the Green Belt are inappropriate development. There are some exceptions to this, such as “(c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building”
- 35 Paragraph 152 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.
- 36 Paragraph 153 of the NPPF advises we should give substantial weight to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. Therefore, the harm in principle to the Green Belt remains even if there is no further harm to openness because of the development.
- 37 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form although it can have a visual element. Even if there is absence of harm to openness, there can be harm in principle to the Green Belt from inappropriate development.
- 38 Policy GB1 of the ADMP provides the local policy on extensions in the Green Belt.
- 39 Criteria (a) of Policy GB1 states that proposals to extend an existing dwelling is permitted if the dwelling is lawful and permanent in nature. The dwelling is lawful and permanent in nature and therefore the proposed development would comply with Policy GB1 in this regard.
- 40 Criteria (b) states that the development should have a responsive design, should be proportional and subservient to the ‘original dwelling’ and should not materially harm the openness of the Green Belt through scale, bulk or visual intrusion.
- 41 Criteria (c) states that the total floor space of the proposal, together with any previous extensions, alterations and outbuildings should not result in an increase of more than 50% above the floor space of the original dwelling (measured externally) including outbuildings within 5m of the dwelling.
- 42 The dwelling is lawful and permanent in nature. It is understood from the planning history and appeal decisions that the dwelling has already been extended by more than 50%. As such, the proposed extension would represent a disproportionate addition to the original dwelling. This is demonstrated in the table below. The figures relating to the original dwelling and existing extensions are derived from previous officer reports. No evidence has been provided as part of this application which would lead me to refute these figures.

Original dwelling	107m ²
50% limit	53.5m ²
Existing extensions	120.3m ²

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Proposed extension	31.29m ²
Proposed development	258.59m ²
Percentage uplift	141.67%

43 In light of the above, the proposed extension would result in disproportionate additions over and above the size of the original dwelling and would therefore be inappropriate development in the Green Belt which is, by definition, harmful to the openness of the Green Belt. The proposal would fail to comply with policy GB1 of the ADMP and the NPPF.

44 Very special circumstances

The applicant **has** made a claim for very special circumstances. This issue is considered in more detail in this report.

Design and impact on the character of the area

45 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.

46 The proposal would involve the erection of a single storey side extension and the demolition of half of the existing shed to the rear of the site which serves The Willows.

47 It is understood that planning permission was refused in 2021 for the erection of a single storey side extension (ref: 20/03752/HOUSE). This was, in part, because it was considered that the development would lead to the over-development of the site which would be harmful to the character of the surrounding area. The extension was viewed as a disproportionate addition which would infill the gap between 2 and 3 Single Cross Cottages. This would be seen from Blueberry Lane and would have an adverse effect on the character and appearance of Nos.1-5 and their immediate surroundings. An appeal against this decision was dismissed (ref: 21/00020/RFPLN). However, it is noted that, while the Inspector found that there would be an element of harmful conflict in respect of the effect on the character and appearance of the surrounding area, they concluded that the harm would be limited as the addition would be set back from the front wall and the design would be in keeping with the design and materials of the main dwelling and neighbouring properties.

48 Planning permission was granted under 23/02284/HOUSE for the relocation of the shed (now proposed to be demolished) to the side of the main dwelling, between The Willows and 3 Singles Cross Cottages. The relocated shed had a smaller footprint than the extension proposed under 20/03752/HOUSE and would be set much further back from the front building lines of 2 and 3 Singles Cross Cottages and the front wall. As such, it was considered that, when viewed within the street scene, particularly when approaching the site from the north and south of Blueberry Lane, the perception of a gap between No. 2 and 3 Singles Cross Cottages would remain. It was noted that the roof of the shed would be partially visible. However, due to its set back its visual impact would be limited. Furthermore, due to its design, appearance, materials and height, it was considered that the shed would appear ancillary and subservient in its appearance. It would not be viewed as a substantial new addition to

the main dwelling. Therefore, when compared to the development proposed under 20/03752/HOUSE, it was concluded that the relocation of the shed would not have a seriously harmful impact upon the group of properties along Blueberry Lane or their immediate surroundings.

- 49 The proposed extension would be of the same scale, design, height and appearance as the relocated shed approved under 23/02284/HOUSE. It would also be set back from the front elevation of the road by the same distance and would have the same roof design. The only change would be to the materials, which would match the existing dwelling. As such, I am of the view that the visual impact of the proposed extension on the main dwelling and the street scene would be similar to the relocated shed and, therefore, would be acceptable.
- 50 The proposed extension would not be highly visible in views across the fields from the nearby public footpath due to its discrete location.
- 51 As mentioned above, the submitted plans state that the materials of the proposed extension would match those of the existing dwelling. This could be secured by a condition and would assist with integrating the proposed extension with the main dwelling.
- 52 In light of all of the above, it is considered that the proposal would not have a detrimental impact on the character of the surrounding area and would therefore comply with policy EN1 of the ADMP.

Impact to neighbouring amenity

- 53 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
- 54 The neighbouring property most likely to be affected by the proposed development is 3 Singles Cross Cottages immediately to the north of the site. Other neighbouring properties would be situated a sufficient distance away from the proposed development and therefore would not be adversely affected in terms of light, privacy and outlook.
- 55 Light
- There are no ground floor windows on the south side elevation of 3 Single Cross Cottages which serve habitable rooms and, as such, the proposal would not result in a harmful loss of light to this property. It is understood that there is a door on the south side elevation of the neighbouring property which contains a window however it is obscure glazed/frosted and therefore is unlikely to be the primary source of light to a habitable room.
- 56 Privacy
- The proposed extension would contain one window along the northern side elevation which would face towards 3 Singles Cross Cottages. For the same reason set out above, it is not considered that the development would result in a harmful loss of privacy or overlooking for any habitable rooms of this property.

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57 Outlook

None of the main windows of the neighbouring property, 3 Singles Cross Cottages, would directly overlook the development. As such, it is not considered that the development would result in a harmful loss of outlook or visual intrusion.

Overall, the development would safeguard the amenities of existing and future occupants of nearby in accordance with the policy EN2 of the ADMP and the NPPF.

Assessment of any Very Special Circumstances

58 Para 153 of the NPPF states that when considering any planning application, we should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by any other considerations.

59 The harm in this case has been identified as:

- The harm in principle from inappropriate development in the Green Belt, which must be given significant weight.
- The harm to the openness of the Green Belt which is also given significant weight.

60 Possible very special circumstances – these can be summarised as:

- The proposed extension and the demolition of the shed would not result in an increase in floor area or volume and would result in an improvement to openness of the Green Belt to the rear of the site.

61 The applicant has highlighted that the proposal would not result in an increase in floor area or volume on the site when compared to the existing situation and planning permission 23/02284/HOUSE.

62 Furthermore, the demolition of the shed would result in an improvement to the openness of the Green Belt as it would consolidate the built form and reduce the sprawl of development across the site, particularly to the rear. This holds significant weight against the harm identified to the Green Belt. It is a similar argument to that made by the Inspector within the appeal decision for 20/03752/HOUSE, which related to the erection of a single storey side extension to the main dwelling. The Inspector found that the demolition of half of the shed would make a 'useful contribution to increasing the openness of the Green Belt' and would 'confer a noticeable and meaningful effect on the openness of the land to the rear of Singles Cottages.'

63 The demolition of the half of the shed in the rear of the site, and the demolition of the tool sheds in the area where the proposed extension would be sited, would be secured by condition 4. The previous application, 23/02284/HOUSE, did not secure the demolition of the buildings via a condition. This is therefore a further benefit of the current scheme.

Conclusion on very special circumstances:

64 It is therefore concluded that the case for very special circumstances put forward by the applicant would clearly outweigh the harm to the Green Belt in this instance.

Other issues

- 65 Concerns raised by the parish council and during public consultation, which have not already been addressed in this report are considered below.
- 66 This application is contrary to the previous appeal decision
- 67 Previous appeal decisions are a material consideration for the current application. It is not considered that the grant of planning permission would be in conflict with the most recent appeal decision at the site, taking into account the differences between the proposals, the grant of 23/02284/HOUSE, the visual impact of the proposed extension and the very special circumstances that have been advanced.
- 68 This proposal is for a 3 storey property which would constitute over development bearing in mind the property has already been very substantially increased over the years and this application would add further habitable space.
- 69 The proposal is for a single storey side extension.
- 70 Overdevelopment
- 71 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. In this regard, it is considered that the proposal would not have a detrimental impact on the character of the surrounding area.
- 72 The difference between the timber structure and the proposed brick structure including inclusion door into the main building
- 73 This is noted within the report above. It is not considered that the difference in materials or the inclusion of a door connecting to the main dwelling would result in the development having a materially greater impact on the character of the surrounding area, or the Green Belt, when compared to 23/02284/HOUSE. Furthermore, it would not alter the balance of considerations which form the very special circumstances.
- 74 We are disconcerted at the speed in which this application has been submitted after the previous application to relocate the shed which suggests clear intent.
- 75 We cannot prevent the owners of The Willows from applying for planning permission and we have an obligation to assess any applications made. This matter therefore holds limited weight in the determination of the application.
- 76 We note with interest that the applicant is not the registered owner of this property as has been in past representations.
- 77 The applicant has served notice on the owner of the site and has subsequently signed certificate B on the application form.
- 78 If Sevenoaks are minded to grant this application we request that permitted development rights be removed on the entire site
- 79 Permitted development rights were removed for the dwelling under 09/02485/FUL.

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Community Infrastructure Levy (CIL)

80 The proposal is not CIL liable.

Conclusion

81 The case for very special circumstances would clearly outweigh the harm to the Green Belt and, in every other respect, the proposal would be an acceptable form of development which would comply with local and national planning policies.

82 It is therefore recommended that this application is granted.

Background papers

83 Site and block plan

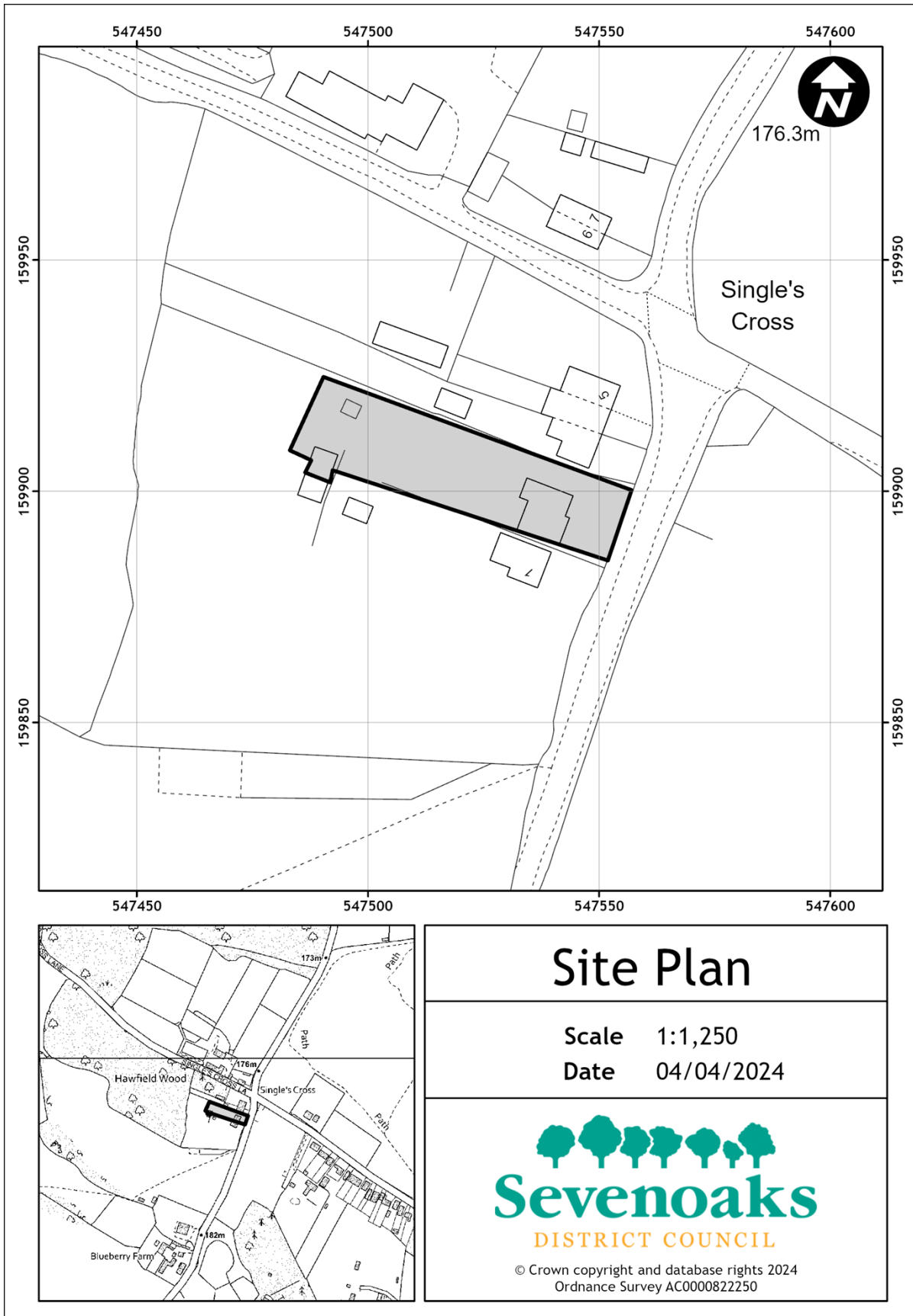
Contact Officer

Hayley Nixon 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)





4.3 - 23/03054/ADV

Revised expiry date 26 April 2024

Proposal: Signage to identify the company on the external facade of the premises plus directional signage for car parking and entry way. Covering the front and rear elevations of the building and use of boundary wall along with two freestanding pillar mounted signs at angles to the road replacing current signage

Location: Ground Floor, 26 - 28 Pembroke Road, Sevenoaks Kent TN13 1XR

Ward(s): Sevenoaks Town & St Johns

Item for decision

The application has been referred to Development Management Committee due to the site being on council owned land.

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

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

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

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

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

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

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

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

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

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

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

6) The illumination of the advertisements should only be static in nature and the maximum intensity of the illumination shall not exceed 600 candelas /m²

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

7) The advertisements hereby approved shall be installed in accordance with the following approved plans and details: Email dated 15 Feb 24; Proposed Block Plan; 1388/1202 C2 - Proposed Elevations; 1388/1201 C1 - Proposed Elevations; Proposed Elevations [COMBINED DRAWINGS RECEIVED 1 FEB 2024]

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 site comprises a three-storey building fronting Pembroke Road in Sevenoaks town. The subject property is brick built with large glass windows at all floor levels. At present, the property has a small freestanding sign displayed at the front boundary of the property.

Description of proposal

- 2 The proposal is for external signage both identifying the company and directional signage. During the course of the application the amount of the signage was reduced and now the signage will be on the front and rear building elevations and the boundary wall along with two freestanding pillar mounted signs at angles to the road replacing current signage.

Relevant planning history

- 3 22/00818/ADV - Consent to display signs - GRANT

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:

- 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.

Footnote 7 relates to a variety of designations, 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

- 6 Allocations and Development Management (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection

- 7 Sevenoaks Town Neighbourhood Plan (STNP)

- C4 - Character, Heritage and Identity

Constraints

- 8 The following constraints apply:

- Sevenoaks Residential Character Area (SRCAA) – O01
- Urban Confines
- TPO – West Boundary
- Sevenoaks Town Neighbourhood Plan

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Consultations

9 Sevenoaks Town Council

Recommended refusal, on the grounds that the proposal exceeds the permitted level of illumination as indicated by Environmental Health and Kent Highways. This is a prominent junction and the scale of the proposal is unacceptable.

10 Sevenoaks Town Council Re-consultation

Recommended refusal, unless the Planning Officer is satisfied that the steps to address the lighting are satisfactory, and the scale of the signage is in keeping with the area.

11 Environmental Health

The illuminated signs do not appear to comply with the criteria contained in the ILE Guidance PLG 05 'The brightness of Illuminated Advertisements.' This guidance provides the maximum luminance levels for various sizes of illuminated areas, and these are:

- Illuminated area of more than 10m² - maximum illuminance of 300 cd/m²
Illuminated area of not more than 10m² - maximum illuminance of 600 cd/m²
Illuminance levels for the signs are given as 1250 cd/m² and 1500 cd/m² which are obviously far in excess of these levels.
- in addition, the application form does not make it clear for some signs if they are to be illuminated or not as no response has been given on the form. Based on the above, it is recommended that the scheme is revised to take into consideration the criteria contained in the ILE Guidance.

12 Environmental Health Re-consultation

Some signs have now been removed. The amended drawings and specification of the remaining signs now states that the illuminated signage will be compliant with the maximum luminance levels in that they will be 600 cd/m².

This is the maximum level for signs of not more than 10m² in area in this category of Environmental Zone in the ILE Guidance PLG 05 'The brightness of Illuminated Advertisements.' The 3 illuminated signs do not appear to have changed in either size or design, so I'm unsure as to how the levels can have dropped from 1250 cd/m² and 1500 cd/m² to the now quoted/maximum permissible level of 600 cd/m²? Can the applicant explain or verify these levels please. This is a prominent location/junction so the signs will be highly visible and in addition there are residential premises close by. We need to ensure that the lighting will not be overly bright.

13 Environmental Health Re-consultation

The additional information submitted by the applicant dated 15th February 2024 has been reviewed. The explanation provide for the reduction in illumination levels is acceptable. Provided the lighting levels do not exceed the ILP guidance as the specification now indicates, the proposal is therefore acceptable and there is no objection. It is recommended that a condition be applied to any permission that requires the lighting to be installed in accordance with the details, levels submitted and the ILP guidance and that there be no changes to the lighting without seeking permission from the LPA.

14 KCC Highways

The application proposes illuminated signage that exceeds the recommended luminance levels. The maximum value of luminance must not exceed the maximum permitted values for the relevant zone given in the Institution of Lighting Professionals 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements'.

15 KCC Highways Re-consultation

Revised information has been submitted that states that the illuminated signs have been changed and will now have reduced luminance levels of 600 cd/m² which is within the guidance permitted. No objection.

Representations

16 None Received

Chief Planning Officer's appraisal

17 The main planning consideration are:

- Visual amenity
- Impact on public safety

18 In accordance with Regulation 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the Local Planning Authority is required to exercise its powers in the interests of amenity and public safety. The development plan may be held as a material consideration in the determination of express consent applications.

19 The regulations indicate that in the assessment of advertisement consent applications, 'amenity' includes visual amenity. The most relevant matter for consideration in this case is the visual impact of the signage upon the street scene and the character and appearance of the area in which the signage is proposed.

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- 20 Paragraph 141 of the National Planning Policy Framework (NPPF) states that advertisements should only be subject to control in the interests of amenity and public safety, taking into account cumulative impacts. Given this, the combined impact of the signage will be assessed as well as their individual impact.

Visual amenity

- 21 Policy SP1 of the Core Strategy and Policy EN1 of the Allocations and Development Management Plan 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.
- 22 The properties that line Pembroke Road are a mix of commercial and residential with the nature and scale of the commercial buildings increasing at the junction of Pembroke Road, London Road and Eardley Road. Importantly, due to the mixed nature of the setting, advertisements and signage are displayed in multiple locations throughout Pembroke Road. As such, the principal of advertisements in this location is acceptable.
- 23 The building is located on a main through road into Sevenoaks in which multiple roads converge and passers by wait at traffic lights. The building and therefore the proposed adverts would be in a highly visible location and visible for a substantial amount of time.
- 24 During the course of the application, the amount of signage has been reduced from 9 to 6.
- 25 On the principal elevation of the building, a sign will be placed in the apex of the central gable with a smaller sign between the ground and first floor right hand windows. The apex signage will be static illumination, and the smaller sign will not be illuminated. The signage would not dominate or overwhelm the existing building.
- 26 Also at the front, a free-standing double-sided sign is to be located in the same place as the existing signage already present on site. This would have static illumination. Additionally, at the south-eastern entrance a free-standing directional sign is proposed which will not be illuminated. The free-standing signage is limited in height, scale and bulk and would not appear overly obtrusive or overly dominant within the street scene.
- 27 The remaining signage is located to the rear to signpost customers parking in the associated car park. A banner style sign is located between the ground and first floor windows. The building is located 45m from the adjacent Conservation Area to the rear and with established boundary treatments to the rear and being non-illuminated, the visibility of this signage and its impact on the character of the area and on the Conservation Area would not be considered harmful.
- 28 Considering the proposal, the signage is limited, restrained and appropriately located and would be considered to comply with policy EN1 of the ADMP, relevant guidance with the SRCAA and policy C4 of the STNP.

Impact on Public Safety

- 29 Some of the proposed signage will sit adjacent to the public highway that is Pembroke Road meaning that any potential obstruction in terms of visibility would be an important consideration. Therefore, KCC Highways and Environmental Health were consulted.
- 30 The site is within an area of mixed uses. The site would be in accordance with the Institution of Lighting Engineers Technical Report Number 5 in an area designated as zone E3: 'Medium district brightness areas (e.g. small Town Centres or suburban locations).
- 31 The Lighting Engineers Technical Report Number 5 suggests that in zone E3 areas an acceptable level of illuminance would be 600cd/m² for those under 10m² and 300cd/m² for those over 10m².
- 32 The proposed illuminance levels for the signage has now been confirmed to match these acceptable levels of illuminance and has been confirmed as static. The signage would be comparative to other properties with signage and not considered harmful or excessive. As a result of these levels, both KCC Highways and Environmental Health have no objection to the scheme. As such, it is considered that the proposed signage would not have an adverse impact on public safety.
- 33 Overall, guided by the representation made by KCC and Environmental Health, it is considered that the proposal will not have a significant adverse impact on the safety and operation of the surrounding highways or pedestrian safety.
- 34 Appropriate and relevant conditions can be added to any grant of advertisement consent.

Community Infrastructure Levy (CIL)

- 35 The development is not CIL Liable.

Conclusion

- 36 The proposed signage is considered acceptable in size, scale, siting and in terms of public safety and therefore the proposal complies with policies EN1, EN2 of the Allocations and Development Management Plan and SP1 of the Core Strategy. The proposal is therefore considered to be policy compliant and in accordance with the NPPF and our adopted development plan.

Recommendation

- 37 It is therefore recommended that advertisement consent is GRANTED – subject to conditions.

Agenda Item 4.3

Background papers

38 Site and block plan

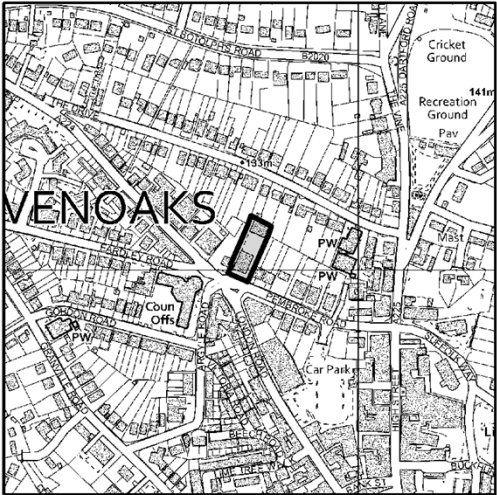
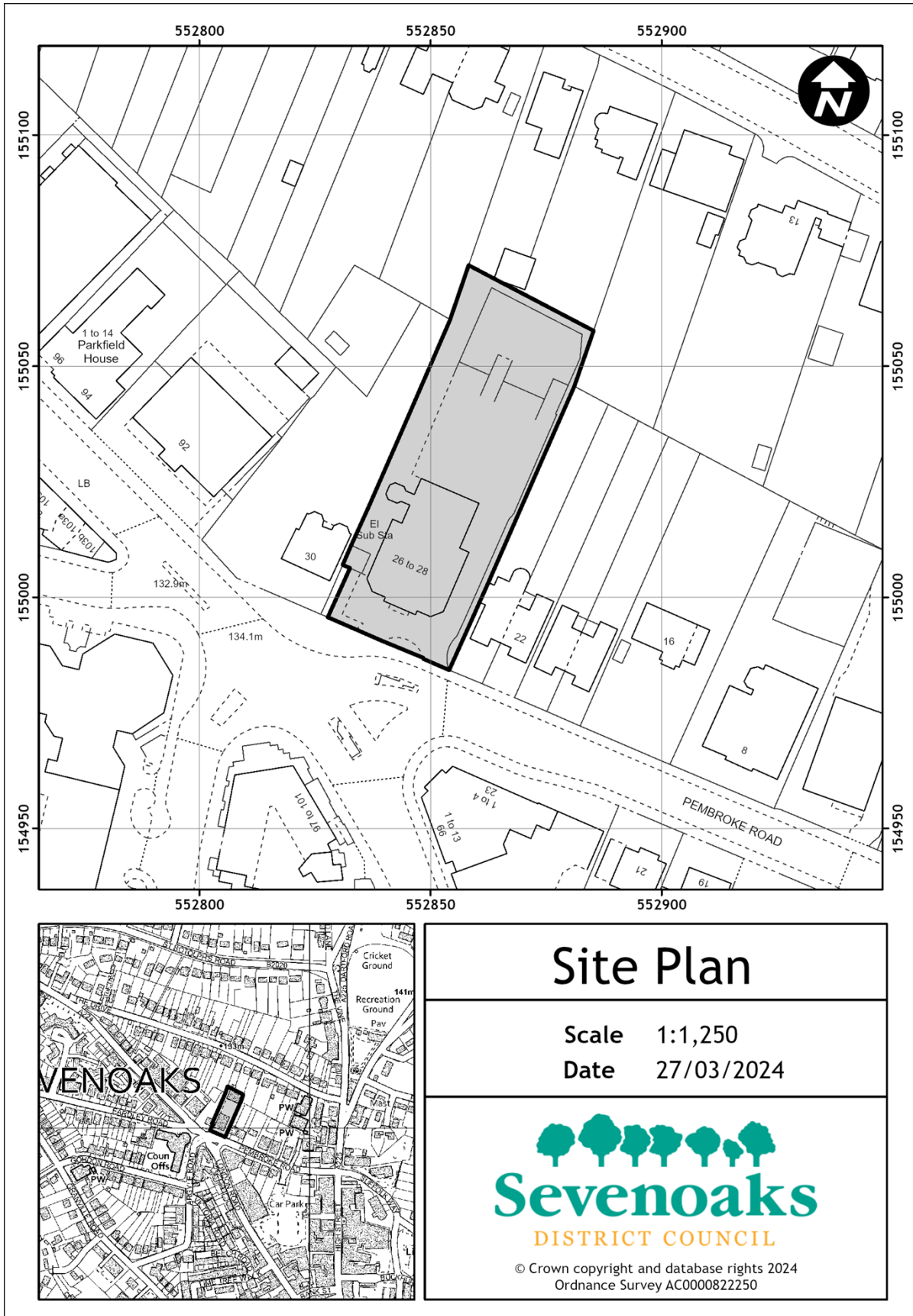
Contact Officer(s):

Stephanie Payne 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



Site Plan

Scale 1:1,250

Date 27/03/2024



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Ordnance Survey AC0000822250



Planning Application Information on Public Access – for applications going to

DM Committee on Thursday 25 April 2024

4.1 – 24/00225/TELNOT - Telecommunications Equipment South Of Ivy Farm, Main Road

Knockholt Kent

[Link to application details:](#)

[Link to associated documents:](#)

4.2 – 23/03541/HOUSE - The Willows, 2 Singles Cross Cottages, Blueberry Lane, Knockholt

Kent TN14 7NH

[Link to application details:](#)

[Link to associated documents:](#)

4.3 – 23/03054/ADV - Ground Floor 26-28 Pembroke Road, Sevenoaks, Kent TN13 1XR

[Link to application details:](#)

[Link to associated documents:](#)

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