

4.2 – SE/15/00044/FUL Date expired 5 March 2015

PROPOSAL: Demolition of existing dwelling and pool pavilion and erection of a replacement dwelling and tennis pavilion.

LOCATION: Tickners, Spode Lane, Cowden TN8 7HW

WARD(S): Cowden & Hever

ITEM FOR DECISION

This item has been referred to the Development Control Committee, as the officer's recommendation is contrary to that of the Parish Council. There is currently no standing Councillor in Cowden ward and therefore no delegated powers in this instance.

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

1) The development hereby permitted shall be begun before the expiration of 3 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: TIC PL 03 Rev B, TIC PL 05 Rev B, TIC PL 06 Rev A, TIC PL 07, TIC PL 09, TIC PL 16 Rev B.

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

3) The development shall achieve a Code for Sustainable homes minimum rating of level 3. Evidence shall be provided to the Local Authority -
i) Prior to the commencement of development, of how it is intended the development will achieve a Code for Sustainable Homes Design Certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority; and
ii) Prior to the occupation of the development, that the development has achieved a Code for Sustainable Homes post construction certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority.

In the interests of environmental sustainability and reducing the risk of climate change as supported in Policy SP2 of the Sevenoaks Core Strategy.

4) No extension or external alterations shall be carried out to the dwelling hereby approved, despite the provisions of any Development Order.

To prevent inappropriate development in the Green Belt as supported by GB4 of the Sevenoaks Allocations and Development Management Plan.

5) No development shall be carried out on the land until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To ensure that the appearance of the development enhances the character and

appearance of the locality as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

6) A detailed mitigation strategy relating to development impact on bats, great crested newts and reptiles shall be submitted and approved prior to the commencement of any development. The works shall be carried out in accordance with the approved details.

In the interests of the ecological value of the site in accordance with SP11 of the Core Strategy

7) The development works must be carried out, outside of the breeding bird season (March - August) to avoid impacting any nesting birds. If that is not possible an ecologist must examine the site prior to works starting and if any nesting birds are recorded all works must cease in that area until all young have fledged.

In accordance with the Wildlife and Countryside Act 1980 (as amended).

8) Prior to occupation of the dwelling, the enhancement measures as outlined in the bat survey report shall be implemented.

In accordance with the Wildlife and Countryside Act 1980 (as amended)

9) Prior to the commencement of development of the tennis pavilion hereby approved, the existing pool room shall be demolished, all debris removed and the land made good.

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

10) No external lighting shall be installed on the land until such details have been submitted to and approved by the Council. The installation of external lighting shall only be carried out in accordance with the approved details.

To ensure that there is no unacceptable impact on bats in accordance with Policy SP11 of the Core Strategy.

11) No development shall take place until details of the: existing levels of the land; any proposed slab levels and any changes in levels have been submitted for approval. The development shall be carried out in accordance with the approved details.

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

Informatives

1) Please note that in accordance with the information on your Self Build Exemption Claim Form Part 1 and the requirements of The Community Infrastructure Levy Regulations 2010 (as amended) you MUST submit a COMMENCEMENT NOTICE to the Council BEFORE starting work on site. Failure to do so will result in the CIL charge becoming payable in full.

2) Please note that within six months of completing the home, the applicant must submit additional supporting evidence to confirm that the project is self build, being:

* A Self Build Exemption Claim Form - Part 2 (available on the Planning Portal website);

* The supporting evidence as set out in the form, to confirm that the levy exemption should be upheld.

If the evidence is not submitted to the Council within the 6 month time period, the full levy charge becomes payable.

3) A public right of way may be affected by this proposal and planning permission does not authorise its stopping up or diversion (even temporarily). There is a separate and sometimes lengthy procedure to deal with this and you should contact this Council for further information. It is an offence to obstruct a public right of way.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line (www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Was provided with pre-application advice that led to improvements to the acceptability of the proposal.

Description of Proposal

- 1 The proposal is for the demolition of the existing dwelling and erection of a replacement dwelling on site along with the demolition of the existing pool pavilion and erection of a tennis pavilion.
- 2 There have been two previous permissions at the site for the demolition of the existing property and erection of replacement dwellings (ref: 03/01424/FUL and 09/01007/FUL) which were both permitted.

- 3 The proposal seeks to amend the orientation of the dwelling within the plot. The application would see the orientation of the proposed property in a north/south alignment to ensure that maximum daylight/sunlight was provided to it.
- 4 The proposal entails the erection of a 4 no. bedroom dwelling with a basement. Externally the proposed dwelling would be similar in style to the house it replaces, utilising brick elevations to the ground floor with render and timber detailing to the first floor elevation. The roof would utilise clay tiles similar to that of the existing property. The proposal also involves the demolition of the existing pool pavilion and the erection of a tennis pavilion close to the existing tennis court.

Description of Site

- 5 The application site, Tickners, is located approximately 800m to the north-west of the village of Cowden. The site is located to the west of Spode Lane and is accessed via a private road which leads to Tickners, and a number of outbuildings and a single bungalow to the north of the application site. The site is located within the Green Belt and an area designated as an Area of Outstanding Natural Beauty (AONB).
- 6 Tickners is situated to the north-eastern corner of the site, with a swimming pool to the south-western corner of the site. The building is orientated in a north-east/south-west direction.
- 7 The building is a mixture of ages, with the main building considerably older than the extension to the south-eastern elevation, which was added in the 1970's. The main portion of the dwelling was in-situ as of 1st July 1948.
- 8 Public Footpath SR662 runs in close proximity to the application site, although it is not affected by this development.

Constraints

- 9 Green belt
- 10 AONB

Policies

Core Strategy

- 11 Policies – SP1, SP2, SP11, L08.

ADMP

- 12 Policies – SC1, EN1, EN5, GB3, GB4, GB2.

Other

- 13 NPPF

Relevant Planning History

- 14 03/01424/FUL - Demolition of Tickners and the construction of a replacement dwelling as amended by letter and plans dated 18/12/03. Granted.

09/01007/FUL - Demolition of existing dwelling to facilitate the erection of replacement dwelling. Granted.

14/03046/FUL - Demolition of existing dwelling and pool pavilion and erection of a replacement dwelling and tennis pavilion. Withdrawn.

Consultations

Parish Council

15 Cowden Parish has commented:

'Members of the Planning Committee of Cowden Parish Council have reviewed the planning application referenced above.

Members expressed concerns at the size of the proposed development and noted, as per previous application SE/14/03046/FUL that plans included for basement facilities. Therefore, the size/dimensions of the basement should be included within any calculation related to the increase in footprint of the property. As previously stated in previous comments in respect of development at the site, Members will assume that the basement provided for in this subsequent application is to be used for living accommodation.

In addition, members consider the size of the proposed tennis pavilion to be excessive and believe that the size/dimensions of the pavilion should also be included within the overall footprint size calculations.

Members resolved not to support the application.'

Natural England

16 Natural England has advised:

'The advice provided in our previous response applies equally to this consultation although we made no objection to the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.'

KCC Ecology

17 Kent Ecology has advised:

'Under the Natural Environment and Rural Communities Act (2006), "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". In order to comply with this 'Biodiversity Duty', planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.

The National Planning Policy Framework states that "the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible."

Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision."

Natural England has published Standing Advice on protected species and Ancient Woodland. When determining an application for development that is covered by the Standing Advice, Local Planning Authorities must take into account the Standing Advice. The Standing Advice is a material consideration in the determination of applications in the same way as a letter received from Natural England following consultation.

The following comments were provided for SE/14/03046/FUL. We advise that they are still relevant.

We have reviewed all the ecological information which has been submitted for comment and we are satisfied with the information which has been provided and we do not require any additional information to be submitted for comment prior to determination of the planning application.

Bats

- 18 *The bat emergence surveys identified that low numbers of common pipistrelle and brown long eared bats were present within the building and the ecologists have assessed that based on the survey results it is not a maternity roost. Instead the roosts are transitional and used interchangeably and sporadically throughout the summer months.*

The report has made suggests for mitigation - however no confirmation has been provided detailing what mitigation will be incorporated in to the new building. We advise if planning permission is granted a detailed mitigation strategy will be submitted as a condition of planning permission.

Lighting can be detrimental to roosting, foraging and commuting bats - the recommendations discussed within the report must be incorporated in to the lighting design. We also advise that the Bat Conservation Trust's Bats and Lighting in the UK guidance is adhered to in the lighting design (see end of this note for a summary of key requirements).

Great Crested Newts (GCN)

- 19 *The GCN surveys have identified that low populations of GCN have been recorded and the surveys have provided mitigation suggestions. We did have concerns that the ecological survey had not fully considered the whole area to be impacted by the proposed development as the tennis pavilion was not included within the original ecological survey.*

However additional information has now been submitted assessing the impact and provided mitigation recommendations and we are satisfied that sufficient information has been provided assessing the impact of the proposed development on GCN.

We advise that if planning permission is granted a detailed mitigation strategy is submitted a condition of planning permission.

Reptiles

- 20 A reptile survey has been carried out and identified that grass snake, slow worm and common lizard have been recorded within the site.

We did have concerns that the ecological survey had not fully considered the whole area to be impacted by the proposed development as the tennis pavilion was not included within the original survey. However additional information has been provided which has detailed that there is only a small area of suitable reptile habitat within the footprint of the proposed tennis pavilion. As such we are satisfied that there is no requirement for an updated reptile survey to be carried out.

We recommend that if planning permission is granted a detailed reptile mitigation strategy is submitted as a condition.

Breeding Birds

- 21 There is suitable habitat within the site for breeding birds, all nesting birds and their young are legally protected under the Wildlife and Countryside Act 1980 (as amended). We advise that the works are carried out, outside of the breeding bird season (March - August) to avoid impacting any nesting birds. If that is not possible an ecologist must examine the site prior to works starting and if any nesting birds are recorded all works must cease in that area until all young have fledged.

Enhancements

- 22 One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged".

Recommendations have been included within the bat survey report - we suggest that these enhancements are incorporated in to the proposed development site.'

KCC Public Rights of Way

- 23 Kent Public Rights of Way officer has advised:

'Public Rights of Way Footpath SR662 crosses the north eastern corner of the site and despite my requests of 21st October and 4th November 2014 the agent has still failed to show this footpath on the plans, although it is referred to in the Planning Statement. However, I do not anticipate that it will be directly affected by any building on the site, as it says in the Planning Statement in 4.6.2. I enclose a copy of the Public Rights of Way network map showing the line of this path for your information.

I would also ask that, if permission is granted, the applicant is required, by condition, to put up signs warning drivers of the presence of pedestrians crossing the route used by vehicles for the duration of the demolition and construction works.

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

Should any temporary closures be required to ensure public safety then this office will deal on the basis that:

The applicant pays for the administration costs

The duration of the closure is kept to a minimum

Alternative routes will be provided for the duration of the closure.

A minimum of six weeks notice is required to process any applications for temporary closures.

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

Representations

24 None.

Chief Planning Officer's Appraisal

- 25 Planning permission is sought for the demolition of an existing dwelling and pool pavilion and erection of a replacement dwelling and tennis pavilion.
- 26 The proposed dwelling would have a floorspace of approximately 294sq.m. The 'original dwelling' had a gross floor area of 196sq.m. The proposal also includes a subterranean enclosed basement of 99 sq.m.
- 27 There have been two previous permissions at the site for the demolition of the existing property and erection of replacement dwellings (ref: 03/01424/FUL and 09/01007/FUL). These applications did not include any basement provision. Application 09/010047 was essentially a renewal of 03/01424 with the approved plans being identical.
- 28 This scheme shows the proposed dwelling located in the same place as previously approved but altered in layout with differing design and detailing. The main body of the consented scheme (8.8m) is higher than currently proposed (8.2m), and although the width of the proposed scheme (19.7m) is greater than consented

(14.9m), it utilises a catslide roof and single storey kitchen element of 6m width which reduces the appearance of bulk within the setting.

- 29 Externally the proposed dwelling will be similar in style to the house it replaces, utilising brick elevations to the ground floor with render and timber detailing to the first floor elevation. The roof will utilise clay tiles similar to that of the existing property. The proposed footprint of the dwelling replicates that approved in 2009.
- 30 Policy SC1 of the ADMP states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The Council will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
- 31 With regards to the relevant policies of the Development Plan, the main considerations in this case are:
- The acceptability of the proposal in terms of the Green Belt Designation
 - The acceptability of the proposal in terms of its impact upon the character and appearance of the landscape
 - The impact of the development in terms of ecological conservation
 - Any other issues

Green Belt

- 32 Chapter 9 of the NPPF relates to the Metropolitan Green Belt. Paragraph 79 indicates that 'fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'.
- 33 The NPPF provides that inappropriate development is by definition harmful to the green belt and should not be allowed except in very special circumstances. One of the types of development that is considered appropriate is the replacement of a building provided that the new building is of the same use and not materially larger than the one that it replaces.
- 34 Policy LO8 of the Core Strategy refers to the countryside and rural economy. It states that the extent of the Green Belt will be maintained and that the countryside will be conserved and the distinctive features that contribute to the special character of its landscape and its biodiversity will be protected and enhanced where possible.
- 35 Policy GB2 of the ADMP states that proposals to extend or replace a dwelling in the Green Belt that includes the provision of a basement will be permitted and will not be subject to the floorspace allowance as set out in Policies GB1 and GB4 provided that the basement would not exceed the footprint of the original dwelling, the basement would be situated entirely underground with no part of it visible at any point externally, there would be no external windows, entrances or exits to the basement, the replacement dwelling would not be artificially raised

above natural ground level to accommodate the extension; and the elements of the proposal situated above ground would comply with Policy GB4 (replacement dwellings) in all other respects.

- 36 Policy GB4 of the ADMP states that proposals to replace an existing dwelling within the Green Belt will be permitted where the existing dwelling is lawful and permanent in nature, the design and volume proposed does not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion, the proposal adheres to the "original" dwelling curtilage; and the applicant provides clear evidence that the total floorspace of the replacement dwelling, together with any retained extensions, alterations and outbuildings would not result in an increase of more than 50% above the floorspace of the "original" dwelling (measured externally).
- 37 Policy GB3 of the ADMP states that outbuildings located more than 5m from the existing dwelling will be permitted where the building, including the cumulative impact of other outbuildings and extension within the curtilage of the dwelling, would be ancillary to the main dwelling in terms of function and design and would not materially harm the openness of the Green Belt through excessive bulk or visual intrusion.
- 38 The proposal would see the erection of a dwelling with approximately 294sq.m of gross floor area. The 'original dwelling' had a gross floor area of 196sq.m. The proposal would therefore not result in any greater than 50% increase over the original floorspace. The basement level would comply with the requirements of policy GB2 of the ADMP being entirely subterranean with no element visibly above ground level.
- 39 The new house is sited at a lower level within the site which this ensures that the ridge line sits lower / same than the original building, and respects to its location within the AONB and Green Belt. As a result, the height of the proposed dwelling is no greater than that of the existing house. The proposal is set over two storeys with a larger proportion as single storey, which has a beneficial effect on the impact of the house, compared with the previously consented scheme. The proposal incorporates features such as a 'catslide' roof, hipped roof and eyebrow dormers that help to reduce the perceived massing of the building. The proposal would site on a similar footprint to the existing dwelling, set back from the road and well screened by mature planting. It would not appear harmful through excessive scale, bulk or visual intrusion. The proposal would meet all the requirements set out in policy GB4 and is considered acceptable in this respect.
- 40 The proposed tennis pavilion has an internal floorspace of 13sqm, and a total covered floorspace of 30sqm compared with the existing pool room (which is actually two separate buildings next to each other) which have a combined floorspace of 21sqm. The pavilion is shown as sited in a considerably preferable, better screened location than the pool room. The replacement of the pool room with the tennis pavilion in an alternative location would result in an enhancement of the openness of the site. The pavilion would be ancillary to the main dwelling in terms of function and design and would not materially harm the openness of the Green Belt through excessive bulk or visual intrusion given the size of the site and the sensitive location of the pavilion. As such, it is considered to comply with policy GB3 of the ADMP.

The impact upon the landscape

- 41 Policy EN1 of the ADMP states that proposals which would create high quality design will be permitted where the form of the proposed development would respond to the scale, height, materials and site coverage of the area, the layout of the proposed development would respect the topography and character of the site and the surrounding area, the proposal would not result in the loss of buildings, open spaces or green infrastructure that would have an unacceptable impact on the character of the area, where the proposal would ensure satisfactory means of access for vehicles and pedestrians, and provide adequate parking and refuse facilities, and where the proposal would incorporate, within the design opportunities for increasing biodiversity potential.
- 42 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 at the area in which it is situated.
- 43 Policy LO8 of the Core Strategy requires that the distinctive character of the AoNB will be conserved and enhanced.
- 44 A duty exists under the Countryside and Rights of Way Acts to preserve and enhance the natural beauty of the AONB.
- 45 Policy EN5 of the emerging ADMP states that *'the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings will be given the highest status of protection in relation to landscape and scenic beauty. Proposals within the AONB will be permitted where the form, scale, materials and design would conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance.*

Proposals that affect the landscape throughout the District will be permitted where they would

- a) conserve the character of the landscape, including areas of tranquillity, and*
- b) where feasible help secure enhancements in accordance with landscape actions in accordance with the Sevenoaks Countryside Assessment SPD.'*

- 46 The proposed dwelling would replace an existing dwelling but is shown as sited further south west into the site away from any public vantage point, further behind the mature screening and at no higher ridge height than the existing. The proposed new dwelling has been sympathetically designed to sit comfortably within the AONB and Green Belt. The use of traditional design and materials in the proposed property would ensure that the new building complements the locality.
- 47 The proposal would be a high quality design that would respond to the scale, height, materials and site coverage of the area. The layout of the proposed development would respect the topography and character of the site and the surrounding area and would not result in the loss of buildings, open spaces or green infrastructure that would have an unacceptable impact on the character of the area. The proposal utilises the existing means of access for vehicles and provides adequate parking in the vicinity of the dwelling.

- 48 As described above, the tennis pavilion would replace a comparably sized pool room but would be located in a less intrusive position further within the site where it would be entirely screened.
- 49 With the above in mind, it is considered that given the improved design and siting of the proposal, that it replaces an existing dwelling and outbuilding and the mature screening of the site, the landscape impact of the proposal would not be harmful, would enhance the AONB and would therefore be acceptable and would comply with policy SP1 and LO8 of the Core Strategy and EN1 and EN5 of the ADMP.

The impact of the development in terms of ecological conservation

- 50 Policy SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity.
- 51 The bat emergence surveys identified that low numbers of common pipistrelle and brown long eared bats were present within the building and the ecologists have assessed that based on the survey results it is not a maternity roost. Instead the roosts are transitional and used interchangeably and sporadically throughout the summer months.
- 52 Kent Ecology have advised that mitigation measures can be required by condition regarding bats, great crested newts and reptiles.
- 53 Works should be carried out outside of the breeding bird season (March - August) to avoid impacting any nesting birds and if that is not possible, an ecologist must examine the site prior to works starting and if any nesting birds are recorded all works must cease in that area until all young have fledged. This can also be required by condition.
- 54 The enhancement included within the bat survey report will be required to be incorporated into the proposed development site by condition.

Any other issues

- 55 Policy SP2 of the Core Strategy requires that all new dwellings will be required to achieve level 3 of the Code for sustainable homes. This will be required by condition.
- 56 The development has been assessed as being CIL liable. The applicant has claimed self build exemption for the whole new home.

Conclusion

- 57 The proposal represents acceptable development within the Green Belt. It would not cause any harm to the landscape character or the ecological value of the locality and would represent an enhancement to the AONB.
- 58 For the reasons stated above, the proposal is in accordance with the Development Plan and approval of the application is recommended subject to the appropriate conditions.

Background Papers

Site and Block plans

Contact Officer(s):

Joanna Russell Extension: 7367

Richard Morris
Chief Planning Officer

Link to application details:


<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NHVBEIBKI9700>

Link to associated documents:

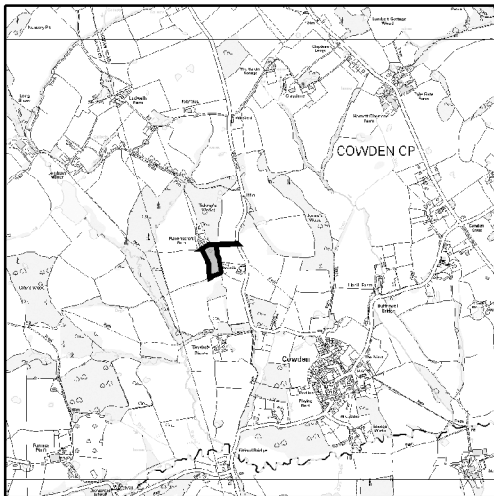
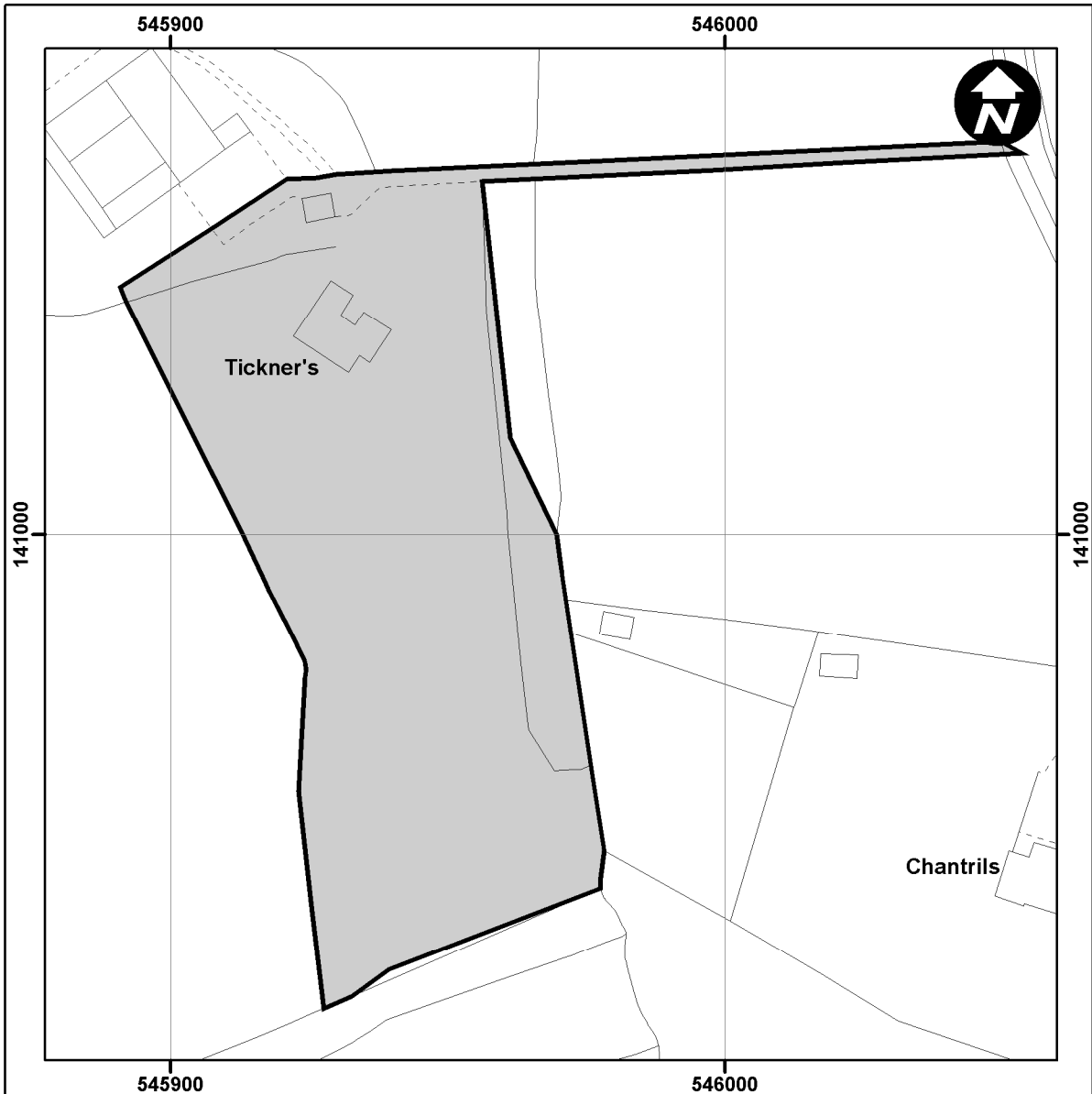
<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NHVBEIBKI9700>

 Block Plan – Existing



 Block Plan – Proposed





Site Plan

Scale 1:1,250
Date 16/03/2015



This map is based upon the Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
 Sevenoaks District Council, 100019428, 2013.