

4.1 - SE/14/01562/OUT Date expired 10 September 2014

**PROPOSAL:** Development comprising (a) detailed permission for the demolition of existing buildings and structures and the construction of new/replacement floorspace, extra care accommodation for older people (sui generis use). Conversion of the existing grade II listed Wildernesse House to provide extra care accommodation (sui generis use) to comprise extra care units, staff accommodation and communal facilities, including a kitchen, restaurant/bar, a gym and treatment rooms, communal lounge/library and storage facilities. Car parking for up to 118 cars for residents, visitors and staff of the extra care community. The creation of a new vehicular access onto Park Lane and an access driveway. A comprehensive landscape strategy comprising communal and private spaces and gardens for use by residents of the proposed extra care community and the provision of new/replacement storage structure to house plant, maintenance equipment, mobility scooters and cycles and (b) outline permission, with all matters reserved, for the erection of three residential units (class C3). Description amended 12th Dec 2014 and 6th Feb 2015.

**LOCATION:** Wildernesse House, Wildernesse Avenue, Sevenoaks  
TN15 0EB

**WARD(S):** Seal & Weald

**ITEM FOR DECISION**

This application has been referred to the Development Control Committee since the Officer's recommendation is at variance to the view of the Parish Council and at the request of Councillor Hogarth who is of the view that the proposal would potentially result in a detrimental impact on the Metropolitan Green Belt, highways safety, the listed building and the conservation area.

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

1) The development hereby permitted (with the exception of the three residential units) 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) Details relating to the layout, scale and appearance of the proposed three residential units, the means of access, and the landscaping of the development (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the District Planning Authority before any development is commenced.

No such details have been submitted.

3) Application for approval of the reserved matters relating to the three residential units shall be made to the District Planning Authority before the expiration of three years from the date of this permission.

In Pursuance of section 92(2) of the Town and Country Planning Act 1990.

4) The development relating to the erection of three residential units must be begun before: -The expiration of three years from the date of this permission; or -The expiration of two years from the final approval of the reserved matters whichever is the later.

In Pursuance of section 92(2) of the Town and Country Planning Act 1990.

5) The development hereby permitted shall be carried out in accordance with the following approved plans: 5433/P/002, 234852-140-B Revision A, 234852-140-LG Revision A, 234852-140-00 Revision A, 234852-140-01 Revision A, 234852-140-02 Revision A, 234852-140, 234852-141, 234852-142, 234852-143, 234852-144, 234852-145, 234852-146, 234852-147, 234852-148, 234852-14L, 234852-150-B Revision A, 234852-150-LG Revision A, 234852-150-00 Revision A, 234852-150-01 Revision A, 234852-150-02 Revision A, 234852-160, 234852-161, 234852-162, 234852-163, 234852-200-B Revision P2, 234852-200-LG Revision P2, 234852-200-00 Revision P2, 234852-200-01 Revision P2, 234852-200-02 Revision P2, 234852-200-04 Revision P2 234852-220, 234852-221, 234852-222, 234852-223, 234852-2LG, 234852-450, 234852-451, A211-A-Z0-(01)P101 Revision B, A211-A-Z1-E-(01)P101, A211-A-Z1-E-(01)P102, A211-A-Z1-E-(01)P103, A211-A-Z1-E-(01)P201, A211-A-Z1-E-(01)P202, A211-A-Z1-E-(01)P203, A211-A-Z1-E-(01)P301, A211-A-Z1-E-(01)P302, A211-A-Z1-E-(01)P303, A211-A-Z1-E-(01)P304, A211-A-Z1-BC-(01)P101 Revision A, A211-A-Z1-BC-(01)P102 Revision A A211-A-Z1-BC-(01)P103 Revision A, A211-A-Z1-BC-(01)P104 Revision A, A211-A-Z1-BC-(01)P201 Revision A, A211-A-Z1-BC-(01)P202 Revision A, A211-A-Z1-BC-(01)P301 Revision A, A211-A-Z1-BC-(01)P302 Revision A, A211-A-Z1-BC-(01)P303 Revision A, A211-A-Z1-BC-(01)P304 Revision A, A211-A-Z2-(01)P101 Revision B, A211-A-Z2-(01)P102 Revision A, A211-A-Z2-(01)P103 Revision A, A211-A-Z2-(01)P104 Revision A, A211-A-Z2-(01)P201 Revision A, A211-A-Z2-(01)P202 Revision A, A211-A-Z2-A(01)P101 Revision B, A211-A-Z2-A(01)P102 Revision A, A211-A-Z2-A(01)P103, A211-A-Z2-A(01)P104, A211-A-Z2-A(01)P201, A211-A-Z2-A(01)P202, A211-A-Z2-A(01)P301, A211-A-Z2-B(01)P101, A211-A-Z2-B(01)P102 Revision A, A211-A-Z2-B(01)P103 Revision A, A211-A-Z2-B(01)P104 Revision A, A211-A-Z2-B(01)P201 Revision A, A211-A-Z2-B(01)P202 Revision A, A211-A-Z2-B(01)P301 Revision A, A211-A-Z2-C(01)P101 Revision B, A211-A-Z2-C(01)P102, A211-A-Z2-C(01)P103, A211-A-Z2-C(01)P104, A211-A-Z2-C(01)P201, A211-A-Z2-C(01)P202, A211-A-Z2-C(01)P301, A211-A-Z2-D(01)P101 Revision A, A211-A-Z2-D(01)P102 Revision A, A211-A-Z2-D(01)P103, A211-A-Z2-D(01)P104, A211-A-Z2-D(01)P201, A211-A-Z2-D(01)P202, A211-A-Z2-D(01)P301, A211-A-Z2-E(01)P101, A211-A-Z2-E(01)P102 Revision A, A211-A-Z2-E(01)P103, A211-A-Z2-E(01)P104, A211-A-Z2-E(01)P201, A211-A-Z2-E(01)P202 and A211-A-Z2-E(01)P301.

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

6) The reserved matters for the three residential units shall be in accordance with the parameters set out in the College Site Development Specification Document (Supporting Document 14).

To preserve the openness of the Green Belt, the setting of Wildernesse House, the character and appearance of the area and residential amenities as supported by policies L01, L08 and SP1 of the Sevenoaks District Core Strategy and policies EN1, EN2, EN4 of

the Sevenoaks District Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

7) No demolition works to the main house shall take place until full details of the making good of the main house where demolition works are hereby granted consent have been submitted to and approved in writing by the Council. The works shall be carried out using the approved details.

To conserve the significance of the listed building as supported by policy EN4 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

8) No works shall take place in relation to the erection of the approved extension to the main house until samples of the materials to be used in the construction of the external surfaces of the new extension hereby granted consent have been submitted to and approved in writing by the Council. The works shall be carried out using the approved materials.

To conserve the significance of the listed building as supported by policy EN4 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

9) No works shall take place in relation to the erection of the approved extension to the main house and alterations to doors and windows until all door and window details of the approved extension and of the new openings in the main house, at a scale of not less than 1:20, have been submitted to and approved in writing by the Council. The works shall be carried out in accordance with the approved details.

To conserve the significance of the listed building as supported by policy EN4 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

10) No development shall take place in relation to the erection of the new buildings on the site until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To preserve the significance of the main house and to safeguard the character and appearance of the area as supported by policies EN1 and EN4 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

11) No new development shall take place until detailed plans of the proposed new

access onto Park Lane, including dimensions, surface materials, drainage and proposed traffic signs, and also showing acceptable visibility splays to the left, to the right and forwards along Park Lane have been submitted to and approved in writing by the Local Planning Authority. These plans should be accompanied by a Stage One safety audit prepared by an independent Safety Auditor and the development shall be carried out in accordance with the approved details.

In the interests of highway safety and visual amenity as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

12) No new development shall take place until full details of turning and parking areas within the southern part of the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

In the interest of highway safety as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

13) The development in relation to the three residential units and the new extra care accommodation units shall achieve a Code for Sustainable Homes minimum rating of level 3. Prior to the occupation of this part of the development evidence shall be provided to the Local Authority 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. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

14) The development in relation to the new extra care accommodation units created within the main house shall achieve a BREEAM standard of "Very Good". Prior to the occupation of this part of the development evidence shall be provided to the Local Authority that the development has achieved a BREEAM Post Construction Certificate minimum standard of "Very Good" 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. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

15) 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 protect the amenity of the area and nearby residents as supported by policies EN1

and EN2 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

16) Notwithstanding the information submitted, no new development shall be carried out on the land until full details of the proposed hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:-hard landscaping plans (identifying existing hard standing to be retained and proposed hard standing to be laid);-planting plans (identifying existing planting, plants to be retained and new planting);-a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); and-a programme of implementation.

To safeguard the visual appearance of the area as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

17) Hard and soft landscape works shall be carried out before first occupation of any part of the development. The landscape works shall be carried out in accordance with the approved details.

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

18) If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

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

19) Notwithstanding the information submitted, no new development shall be carried out on the land until full details of the proposed location of new services to the development, particularly in relation to the root protection areas of retained trees, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

To secure the retention of the trees and to safeguard their long-term health as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

20) Notwithstanding the information submitted, no new development shall be carried out on the land until full details of the position of the new access driveway, particularly in relation to the root protection areas of retained trees, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

To secure the retention of the trees and to safeguard their long-term health as supported

by Policy EN1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

21) No development shall be carried out on the land until a Construction Management Plan, which should include (i) permitted routes for construction traffic including lorries, (ii) details of car parking for construction personnel, (iii) undertaking that no vehicles will be permitted to reverse into or out of the site except under the supervision of a banksman, (iv) details of wheel washing facilities and procedures, and (v) proposed times for construction work to be carried out, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out fully in accordance with the approved Construction Management Plan.

In the interests of highway safety and visual amenity as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

22) With the exception of the three C3 dwellings approved in outline (to which no part of this condition shall apply) the development hereby approved shall be used and managed only as a scheme of leasehold accommodation with integrated services and facilities for older people (sui generis). No unit of accommodation shall be occupied at any time other than by a person aged 60+ together with their spouse, partner or companion as appropriate, except that where a person aged less than 60 years is predeceased having resided within the development as a spouse, partner or companion, that person may continue to reside within the development. The operator of the development shall at all times, following occupation of the development, provide a range of well being services and facilities as described in the Planning, Design and Access Statement (SD1), submitted in support of the planning application including procuring an agency registered for the provision of on site personal care to provide services to residents.

To ensure the retention of the approved use of the site.

23) The existing buildings as shown on the approved plan drawing number A211-A-Z0-(00)P101 shall be demolished and all materials resulting therefrom shall be removed from the land before development commences, or within such period as shall have been agreed in writing by the Council.

To prevent inappropriate development in the Green Belt as supported by the National Planning Policy Framework.

24) The development shall be carried out in accordance with the Landscape Statement and the Strategic Landscape Management Plan submitted as part of the planning application.

To safeguard the visual appearance of the area as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

25) The development shall be carried out in accordance with the Ecological and Biodiversity Report submitted as part of the planning application.

To ensure the long term retention of species on the site and in the surrounding area as supported by policy SP11 of the Sevenoaks District Core Strategy. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

26) Notwithstanding the information submitted, no development shall be carried out on the land in relation to the new build works until a detailed ecological management plan and mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

To ensure the long term retention of species on the site and in the surrounding area as supported by policy SP11 of the Sevenoaks District Core Strategy. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

27) No development shall be carried out on the land in relation to the new build development until a detailed contamination investigation has been submitted to and approved in writing by the Local Planning Authority. The investigation shall comprise the following:1) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.2) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. Prior to any remediation commencing on site, approval shall be obtained from the Local Planning Authority of any such remedial works required. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.3) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance (ref 3). If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.4) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include details of the proposed remediation works and the quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. This shall include photographic evidence. Details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report, together with the necessary documentation detailing what waste materials have been removed from the site and evidence of the final point of disposal of any contaminated material, i.e. Waste Transfer Notes.

To ensure that risks from land contamination to both future users or the land and adjoining land are minimised as supported by the National Planning Policy Framework. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this

safeguard planning permission should not be granted.

28) If any infill material is to be brought onto the site, only naturally occurring rocks, sub-soils and soils (including those containing <20% organic matter) and recycled construction and/or demolition materials (but excluding those containing bricks and concrete >70mm, metal, plasterboard, asbestos cement or other contaminated materials) shall be used. This shall be from a certified source to ensure that it is not contaminated in terms of its intended end use. The relevant Certification Documents shall be sent to the Local Planning Authority (LPA) prior to any development commencing on the site. No development shall commence until the LPA has given written approval of the documents. No sludges or slurries may be used. Analytical evidence shall be provided to verify imported soils are suitable for the proposed end use. This will require characterisation of the source and target sites in accordance with BS ISO 15176:2002 and subsequent relevant soil analyses. The sampling protocols and soil guideline values to be used for assessment of suitability will be dependant on the source of the soil and the proposed use of the target site and this shall be agreed with the LPA prior to any development commencing on the site. As a minimum, for large volumes of homogenous natural soils for use in non-sensitive areas, such as commercial end uses, sampling frequency shall be at least one per thousand cubic metres (1:1000m<sup>3</sup>). Soils for use in sensitive areas, such as domestic gardens, and where imported soils are less homogenous, the sampling frequency shall be greater (i.e. up to one per hundred and fifty cubic metres (1:150m<sup>3</sup>

To ensure that risks from land contamination to both future users or the land and adjoining land are minimised as supported by the National Planning Policy Framework. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

29) The development shall utilise white sound/broad band health and safety directional reversing warning sounders to plant and equipment.

In the interests of protecting the amenity of adjoining and nearby residential properties as supported by policy EN2 of the Sevenoaks District Allocations and Development Management Plan.

### **Informatives**

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

### **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.aspx](http://www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.aspx)),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the 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.
- 2) The applicant was provided the opportunity to submit amendments to the scheme/address issues.

### Description of Proposal

- 1 The application is formed of two main parts. The first is a detailed planning permission for the conversion of the majority of the site to an extra care use (sui generis) including Wildernesse House, the extension and alteration of Wildernesse House, the erection of extra care accommodation in the form of six detached buildings, the creation of a new vehicular access onto Park Lane, the erection of associated structures and alterations to hard and soft landscaping to provide parking for 118 vehicles and a comprehensive landscaping of the site.
- 2 The elements of the main house to be demolished include a single storey projection to the western elevation, a single storey projection to the south-east corner of the building, the existing swimming pool projection to the eastern elevation, a canopy to the northern elevation and two roof projections to the eastern section of the building.
- 3 The proposed extension would be mainly single storey in design and would have a modern appearance. The extension would be located in a similar location to that of the existing swimming pool projection, would be L-shaped in layout creating a courtyard area between the extension and the main house.
- 4 Fenestration alterations would generally be required as a result of the removal of elements of the existing building. Openings are designed to replicate the original openings as much as is possible with new openings introduced to an upper floor of the northern elevation of the building.

- 5 Internal alterations generally comprise the removal of interventions carried out during the previous school use and the creation of the layout for the proposed new use. The building would provide 23 extra care units, staff accommodation and communal facilities, including a kitchen, restaurant/bar, a gym and treatment rooms, communal lounge/library and storage facilities.
- 6 The extra care accommodation would also be provided in six main buildings. A mews development would be created directly to the north of the main house, comprising eight units, and five separate blocks would be erected to the south of the main house, comprising up to 9 units in each block and a total of 39 units. A total of 70 units would therefore be provided.
- 7 The mews development would run in parallel with the northern elevation of the main house, between this elevation and Wildernesse Avenue. The buildings would span an overall distance of 60m, have a maximum height of about 10m and would be about 10m deep. The mews development would have a simple design with modest proportions, being mainly two storeys in appearance with a pitched roof, hipped at either end of the span of buildings.
- 8 The five new blocks to the south of the main house would vary in layout but would generally have a rectangular shaped core with projections of different sizes and set at different angles to one another. The blocks would average about 30m in length, about 24m in width and about 10.5m in height. The design of the five blocks has been based upon the idea of arts and craft buildings focusing on materials, detail, an articulated layout and strong massing of the buildings. The buildings would be of a more modern appearance with varying pitches to roof forms, windows breaking through the eaves line, upper floor balconies set into the building and window positions and sizes varying across each block.
- 9 The new vehicular access would be created in the eastern boundary of the site onto Park Lane and would wind its way south and west towards the five new blocks of extra care accommodation. Vehicular access along Dorton Drive would be closed up but pedestrian access would remain from Woodland Rise.
- 10 Vehicle parking would be located across the site where it is required and the hard standing necessary to provide this would be laid in place of much of the existing hard standing which is found on the site.
- 11 The second part of the scheme comprises outline permission, with all matters reserved, for the erection of three detached dwellings proposed to be located within the existing built envelope of the college site, on the opposite side of Wildernesse Avenue to the main house.

#### Description of Site

- 12 Wildernesse House is a large Grade II Listed Building set within landscaped grounds and gardens of the historic Wildernesse Estate. The general landscape is undulating and within the site boundary has been terraced and remodelled over time to create the estate gardens and accommodate the requirements of the late 20th century school.
- 13 The site is currently occupied by Wildernesse House, associated gardens and service buildings, tarmaced car parking areas and driveways and a series of mid to late 20th century buildings including a teaching block, nursery, 3 terraced

dwellings and a detached dwelling, and buildings that make up the college site on the opposite side of Wildernesse Avenue set amid landscaped grounds.

- 14 A large number of historic features survive to varying degrees of legibility within the grounds. These include parkland planting, pathways, ornamental features (fountains, formal gardens, sun dial), structures (ice house, stable block) and boundaries (walls, railings, hedges).

### Constraints

- 15 The site lies within the Metropolitan Green Belt, the Wildernesse Conservation Area, part of the western section of the site lies in a flood zone, a small section of the western section of the site falls within an Area of Archaeological Potential, many protected trees are found on the site and Wildernesse House is a Grade II Listed Building.

### Policies

#### *Sevenoaks District Core Strategy*

- 16 Policies – LO1, LO8, SP1, SP2, SP3, SP5, SP7 and SP11

#### *Sevenoaks District Allocations and Development Management Plan (ADMP)*

- 17 Policies – SC1, EN1, EN2, EN3, EN4, GB7, GB8, CF1 and T2

#### *Other*

- 18 The National Planning Policy Framework (NPPF)
- 19 The National Planning Practice Guidance (NPPG)
- 20 Wildernesse Conservation Area Appraisal and Management Plan
- 21 Green Belt Supplementary Planning Document (SPD)
- 22 Affordable Housing Supplementary Planning Document (SPD)
- 23 Seal Village Design Statement

### Planning History

- 24 Several applications appear on the planning history of the site dating back to 1953 when the building started to be used as a school for the blind. Applications for alterations to the main house and the erection of the various school buildings then follow.
- 25 SE/14/01561 - Planning permission for demolition of existing buildings and structures in a conservation area. Pending consideration.
- SE/14/01563 - The partial demolition of and alterations to the grade II listed Wildernesse House. Pending consideration.

### Consultations

*Seal Parish Council – 07.07.14*

26 'Seal Parish Council Objects to this application

Reasons

27 The Parish Council are in broad agreement with the well presented proposal, and its objections at this juncture are to seek clarification on a number of points:

1) The proposed replacement of the education block buildings is situated within the Metropolitan Green Belt. These buildings were granted exceptional permission at the time, and it would be extremely unlikely that residential development would have been allowed.

2) The scheme encompasses a substantial area of parking, communal facilities footpaths and roadways, within a semi-rural location. The potential impact of scheme lighting could be obtrusive and impact upon the location.

Policy R18 of the Seal Village Design Statement states "Outdoor lighting, and especially illuminated signs and security lights, must be very restrained and must not interfere with neighbours, distract drivers or obstruct long views" It is imperative that the imposition of a suitable lighting scheme is a condition of any application.

3) Seal High Street is an assessed area for Air Management Quality. The proposed scheme can potentially exacerbate the problems of air quality through extra vehicle movements.

4) The Parish Council is cautious in respect of further potential development on the site, and seeks reassurance that this application represents a final scheme for the site.

5) Policies R1, R2, R3, R5, R6, R13, R17 and R21 of the Seal Village Design Statement should also be taken into consideration as they are relevant to this proposal.

6) A valuable contribution to the local community would be the creation of a public right of way across the site allowing access from Wildernesse Avenue to Woodlands Rise. This would allow safe access from Seal to Knole Park and a wide network of footpaths.'

*Seal Parish Council – 26.07.14*

28 'Objection. The Parish Council is in broad agreement with the proposal but wishes to make the following points:

1) No details are given in the plan about the route to be used by construction traffic during this development. The Parish Council understands that a number of alternatives are under consideration, but believes that the only practicable option for entry and exit of construction traffic is the use of Seal Drive. Suitable measures will need to be taken to protect the surface of Seal Drive which is not designed for heavy vehicles. We understand that an option under consideration is the use of Park Lane: the Parish Council would object to such an option in the strongest terms as Park Lane is clearly unsuitable to heavy traffic. It is narrow, and with parked vehicles it is only wide enough for one normal width vehicle, and the junction of Park Lane with the A25 is unsafe for heavy traffic. Furthermore, right turns onto the A25 at this junction are prohibited, so traffic seeking to go

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east on the A25 would need to turn west and then find a way to double back. Seal High Street is an AQMA and should be used as little as possible as a route for construction traffic, particularly if it is required to double back and therefore drive down this high street twice.

2) In this semi-rural area restrictions should be placed on outside lighting to limit the impact on surrounding properties. Policy R18 of the Seal Village Design Statement states that

"Outdoor lighting, and especially illuminated signs and security lights, must be very restrained and must not interfere with neighbours, distract drivers or obstruct long views."

3) Policies R1, R2, R3, R5, R6, R17 and R21 of the Seal Village Design Statement should be considered in assessing this application.'

*Sevenoaks Town Council – 08.07.14*

29 'Sevenoaks Town Council recommended refusal on the following grounds:

- Overdevelopment of the site
- The design of the proposed care accommodation is unsympathetic to Wildernesse House, and inappropriate in the setting of a Grade II listed property
- The proposal would be detrimental to the character of the Conservation Area
- Inappropriate development within the Green Belt
- Concerns with regards to management of construction traffic
- Lack of information on the proposed design of the 3no residential units on the college site.'

*Sevenoaks Town Council – 08.01.15*

30 'Sevenoaks Town Council continued recommended refusal on the following grounds:

- Overdevelopment of the site
- The design of the proposed care accommodation is unsympathetic to Wildernesse House, and inappropriate in the setting of a Grade II listed property
- The proposal would be detrimental to the character of the Conservation Area
- Inappropriate development within the Green Belt
- Concerns with regards to management of construction traffic
- Lack of information on the proposed design of the 3no residential units on the college site.'

*Sevenoaks Town Council – 04.03.15*

- 31 ‘Sevenoaks Town Council, while welcoming the extensive consultation with local residents and local councils, recommended refusal on the ground that the lack of information with regards to the design of the sylvan heritage block could result in harm to the character of the Green Belt, AONB, Grade II listed building, and Conservation Area. The Town Council would welcome the submission of a revised full planning application for the site setting out the revised design of the Sylvan Heritage block demonstrating that the design has been arrived at in consultation with local residents and will not harm the character of the Green Belt, AONB, Grade II listed building, and Conservation Area.’

*English Heritage – 01.07.14*

- 32 ‘Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

Recommendation

- 33 The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.’

*Conservation Officer – 02.04.15*

- 34 ‘The scheme has been the subject of extensive pre-application discussions and as such I do not wish to raise objection to the proposals.
- 35 Any approval of permission should be subject to conditions relating to details of the making good of the main house where demolition works are proposed, samples of external materials for the approved extension to the main house and full details of fenestration of the approved extension.’

*KCC Highways Engineer – 04.03.15*

- 36 ‘As you will recall, Highways-related concerns about the application were set out in our previous response, dated 31st December 2014.
- 37 The most recent update to the application proposes to construct a new access onto Park Lane, in order to serve the southern part of the application site. Traffic from the proposed development would thereafter not need to use the Woodland Rise / Park Lane junction, which has very substandard visibility splays and is not suitable for additional traffic.
- 38 For the record, I should point out that the proposed new access is not at the location that we originally requested, which would have had the benefit of excellent visibility splays, the location shown in the plans is slightly further north with somewhat reduced visibility. The change of location appears to have been influenced by landscaping issues.
- 39 The proposed new access would in principle be acceptable, subject to:-
- 1) agreement on detailed design of the new junction with Park Lane,
  - 2) provision of visibility splays of at least 2.4 metre x 60 metres (preferably greater) to north and south, and

3) provision of forward visibility of at least 60 metres along Park Lane (preferably greater) for traffic turning right from Park Lane into the new access.

40 Notwithstanding the above, the overall proposed development still raises the following highways issues:

1. A Construction Management Plan will be required, including details of lorry routes during construction. I must stress that the previous Construction Management Plans still shown on the Planning website are not acceptable. We have not yet reached agreement with the developers about lorry routes, indeed there are a number of issues which need to be discussed further, such as how to construct the proposed new access road. I have no objection to considering these issues separately from the main application.

2. Seal Drive has substandard visibility at its junction with the A25.

3. There is a “No right turn” at the exit of Park Lane onto A25 High Street.

4. There is restricted visibility of oncoming traffic at the exit of Park Lane onto A25 High Street (although the recent provision of a traffic mirror has made a significant improvement).

5. The northern section of Park Lane is narrow and constricted by parked cars.

6. There is no pedestrian footway or street lighting between the application site and the High Street. It is therefore unlikely that staff would commute to work on foot or by bus especially in winter.

Issues 2 – 5 above would be an issue whatever development was to be proposed for the application site, and indeed were also an issue for traffic from the former Dorton House school.

The applicants estimate that the proposed development would generate slightly less traffic than the former school, however this is based on a number of assumptions that cannot be verified due to the absence of surveys of school traffic. What we can say is that we are not aware of any hard evidence that the proposed development would generate significantly more traffic than the school during the years when it was busiest, and there is no evidence that the issues 2-5 above would become more severe than at that time.

I should also point out the following additional issues regarding the proposed design of the southern part of the site:

7. There appears to be no provision for larger vehicles to turn around within the site if all the car parking bays are in use. A turning head should be provided to allow refuse trucks, delivery lorries and any fire appliances to turn around.

8. The mouth of the proposed junction onto Park Lane should be made slightly wider (5.5m) in order to allow two lorries to pass in the entrance – e.g. refuse truck passing delivery lorry. This is to ensure that no lorries have to reverse out onto Park Lane.

9. I cannot see any plan showing the proposed 2.4m x 60m visibility splays. The applicants should note that when a car is about to leave the new access road and enter Park Lane, when the driver looks to the south, he / she should be able to

see the full length of the nearside edge of the road up to a distance of at least 60 metres. This appears to require the removal of more trees than is shown on the Tree Removal and Tree Retention plans.

10. The applicant's latest Transport Assessment Addendum states that the southern half of the site would be provided with 44 parking spaces. This would not comply with the parking requirements for apartments specified in the Allocations and Development Management Plan (ADMP), if visitor parking requirements are taken into account.

41 However the General Arrangement drawing implies there would be 49 parking places, which would comply with the ADMP. Perhaps the applicants could confirm that 49 places will be provided?

42 Noting the debate for and against the possible use of Seal Drive for some construction traffic, I should point out that:-

i) A number of arguments have been put forward that all construction traffic must use the proposed new access road, however lorries would need access to the development site before the new road is built, to set up construction site facilities etc, and Seal Drive appears to be the shortest route;

ii) Seal Drive is already used by lorries accessing the houses Wildernessee estate, e.g. delivery lorries and builders trucks. Indeed, the entire estate must have been built using lorries accessing via the estate roads, and the trees lining Seal Drive do not appear to have been significantly affected.

iii) If the application site were to be developed for other purposes, such as houses similar to the rest of the Wildernessee estate, then the construction traffic would have to use the existing estate roads including Seal Drive.

iv) All the various issues concerning possible use of Seal Drive, Park Lane or other routes by some proportion of the construction traffic need to be considered very carefully. I agree with the applicants that this subject is probably best covered by a reserved matters application.

43 After consideration of all the above issues, and those set out in our previous responses, I do not consider we would object to the proposed development, however it is essential that any permission granted is subject to the applicants submitting:

A) An acceptable Construction Management Plan, which should include (i) permitted routes for construction traffic including lorries, (ii) details of car parking for construction personnel, (iii) undertaking that no vehicles will be permitted to reverse into or out of the site except under the supervision of a banksman, (iv) details of wheel washing facilities and procedures;

B) Plans of proposed new access onto Park Lane, including dimensions, surface materials, drainage and proposed traffic signs, and also showing acceptable visibility splays to the left, to the right and forwards along Park Lane. These plans should be accompanied by a Stage One safety audit prepared by an independent Safety Auditor.



C) Details of turning areas within the southern part of the site, and details of parking provision compliant with the Allocations and Development Management Plan.

*Natural England – 27.06.14*

44 No objection raised – see full comments online.

*Kent Wildlife Trust – 30.06.14*

- 45 ‘Although not designated as a site of county ecological value, the Wildernesse Estate is at least of very significant local value (as recognised in paragraph 5.2 in the Ecological Appraisal). Of particular note are the property’s extensive areas of lowland dry acid and other semi-improved neutral grassland, together with a valuable portfolio of veteran trees, including some of national importance. The mosaic of habitats is extremely important for the biodiversity of both the north-eastern suburbs of Sevenoaks and the whole of Seal. The estate as a whole acts as an important wildlife corridor bridging the gap between the two settlements linking countryside to the north-west and south-east. The redevelopment of the estate provides an excellent opportunity not only to secure this interest in the foreseeable future but also to deliver significant biodiversity enhancements.
- 46 I acknowledge the sensitivity of the design approach to the redevelopment of the ‘House and Environs’, the ‘Sylvan Heritage’ and the ‘Arcadian Balance’ parts of the site and have no objection in principle to the proposals for these areas ... subject to the imposition of planning conditions and/or agreements to secure implementation of the avoidance, mitigation and compensation measures outlined in the Ecological Appraisal, Arboricultural Report and Strategic Landscape Management Plan.
- 47 However, the treatment of the Agrarian Prospect cause me some concern, largely because I have been unable to understand who will be responsible for the long term management of woodland and grassland to the west of Wildernesse Avenue (and Seal Drive). It is not clear to me whether this land is to remain the responsibility of the Wildernesse House estate or it is to be transferred in separate parcels to each of the three proposed residential properties. Whilst I have no objection to their collective management under a single management and monitoring plan for the whole estate, I am not convinced that the individual owners would have the necessary skill and opportunities (for example, rotational sheep grazing) that would be necessary to enable them to achieve the objectives set out in the strategic landscape management plan.
- 48 I would object to the grant of planning permission on these grounds if the management of this land is to be separated from that of the rest of the estate.’

*Kent Wildlife Trust – 08.04.15*

- 49 ‘I’m reassured by Tibbalds’ letter and can confirm that there’s no change to my position as spelt out in the 30 June 2014 letter ... “I have no objection to their (the meadows at the heart of the ‘Agrarian Prospect’) collective management under a single management and monitoring plan for the whole estate.”’

- 50 'We have reviewed the ecological information submitted with the planning application and we require additional information to be submitted for comments prior to determination of the planning application.

#### Bats

- 51 The bat surveys have identified the following:
- Brown Long Eared Bat – roosting within a terrace cottage
  - Common Pipstrelle – roosting in Richie House
  - Several species of Bats foraging and commuting within the site.

The buildings with bat roosts are proposed to be demolished as part of the proposed development and we acknowledge that mitigation has been suggested but it is not sufficient. The ecological survey states the following:

The creation of robust new bat roosting sites. Bat worker to advise architects on choice of materials, creation of new voids, boxes and features within and/or on structures

We advise that more detailed information must be provided on what mitigation will be incorporated in to the proposed development.

As bats are present a European protected species mitigation licence will be required to derogate from potential offences under the Conservation of Habitats and Species Regulations 2010 (as amended). As such, Sevenoaks District Council must consider the likelihood of a licence being granted, which requires the 'three tests' to be addressed:

- The development activity must be for imperative reasons of overriding public interest or for public health and safety;
- There must be no satisfactory alternative; and
- Favourable conservation status of the species must be maintained.

Until we receive clarification about how the new roosts will be incorporated in to the site we are unable to confirm that the favourable conservation status of the bat species are maintained.

#### Reptiles

- 52 Grass snake has been recorded within the site and the ecological survey has detailed that if they will be impacted they will be trans-located to suitable adjacent habitat. However this information is not sufficient and we would expect the following information to be provided prior to determination:

- A map detailing where the current reptile habitat is located and where the reptiles will be trans-located too.

- Confirmation that the receptor site area will be retained and will be managed appropriately.

#### Management and Enhancement

- 53 The ecological survey has provided recommendations for the proposed management plan. However no confirmation has been provided by the applicant that the site will be managed as detailed within the ecological survey.

Although we do not expect a detailed management plan to be carried out at this stage. We do expect the following to be provided:

- Area to be covered by the Management Plan
- How they envisage the management plan being implemented
- Principles of the proposed management plan.'

#### *Planning Policy Officer – 10.07.14*

- 54 Members should note that these comments were received prior to the adoption of the ADMP –

'The key strategic planning policy issues are considered to be:

- Land use (C2 residential institution)
- Educational / community use
- Need for older person's housing
- The impact of the development on the Green Belt

- 55 The application is described above as predominantly C2 use (residential institution). Although some of the scheme appears to fall within this use class, other elements appear to facilitate independent living (with separate entrances, cooking and washing facilities etc) and therefore would normally be considered to fall within C3 use class (dwelling house). I understand this issue is under further investigation, but will clearly have some bearing on the policies which will apply and the suitability of the site for this use. In addition, affordable housing provision/contributions are sought on C3 schemes, and it is queried whether this scheme provides any form of affordable provision.

- 56 The application site is a sensitive location. It falls within the Metropolitan Green Belt, the Wildernesse Conservation Area, it contains a listed building and an extensive area of trees subject to Tree Preservation Orders. Officers will need to be satisfied that the merits of the scheme outweigh any potential impact on these designations.

- 57 Adopted Core Strategy Policy SP5 (Housing Size and Type) states that 'sheltered housing and extra care housing for people with special needs will be encouraged on suitable sites in areas close to a range of services that provide for the needs of future occupants'. Although the site is in the Green Belt, it is well connected and in close proximity to Sevenoaks town and the village of Seal, and the proposal itself includes a number of facilities and services to be used by the occupants.

58 The Allocations and Development Management Plan (ADMP) is not yet adopted, but is given weight in line with the NPPF, since it has been subject to examination and main modifications, which do not affect this site, have been issued. This document (at 3.19) states that the Council strongly supports the provision of housing to meet the requirements of people in special need of help or supervision where they are fully integrated into existing communities and located in sustainable locations. The development guidance which accompanies the Plan identifies sites that are particularly suitable for this form of housing due to their proximity to facilities or the gentle topography of the area. Examples of inappropriate environments for residential institutions would include those properties that do not have access to garden areas of an adequate size or areas where the topography makes it difficult for pedestrians. Wildernesse House is not one of the sites identified in the Plan as being particularly suitable for this form of housing, because all the housing and mixed use sites fall within the existing settlements in Sevenoaks District (not in the Metropolitan Green Belt).

59 ADMP Policy CF1 (Re-use of redundant school buildings) states that:

*Where school buildings become vacant or redundant and there is no requirement for an alternative educational use, priority should be given to reusing the buildings or site to address local need for community facilities.*

*Proposals for change of use or redevelopment for alternative non community uses will only be considered if it is demonstrated by the applicant that there is no identified community need that can be facilitated through the site, or that community facilities that meet the identified need are incorporated into a wider mixed use scheme. Alternative uses that may be acceptable in this instance, subject being located close to services, include residential care homes or sheltered housing.*

60 The application does not appear to address this draft policy. Although the policy suggests that alternative uses of such sites for residential care homes or sheltered housing may be acceptable, this is conditional upon an assessment of whether the site is needed firstly for educational use and secondly for community uses. Such an assessment should be requested from the applicant to demonstrate compliance with this policy.

61 Saved Local Plan Policy H8 (which will be fully replaced by Core Strategy Policy SP5 and the relevant housing and mixed use allocations in the ADMP, once it is adopted) states that land and buildings should be appropriate, there should be parking, sites should be close to services and transport, and the character of the area should not be affected and there should not be a detrimental impact on the amenity of adjoining residential properties. Although most of these criteria are detailed issues for development management consideration, the principle of the site being located close to services and transport has been carried through into the Core Strategy policy.

62 In relation to the need for older persons housing, this is acknowledged in the Core Strategy and the applicants highlight the Kent Housing Group report (Better Homes; Housing for the Third Age, August 2012), and particularly the growth in numbers of people aged over 75. This information is presented in relation to Kent and Medway, and although there is an acknowledged need for this form of accommodation, in order to justify a development in the Green Belt (rather than on one of the sites within existing settlements as identified in the ADMP), it is

suggested that further Sevenoaks-specific justification is required for the need for these facilities in this location.

- 63 In relation to Green Belt development, NPPF (para 89) states that the redevelopment of previously developed land is appropriate provided it would not have a greater impact on the openness of the Green Belt and the purpose of including land within in, than the existing development. ADMP policies GB4 (replacement dwellings in the Green Belt) and GB8 and 9 (extension and replacement of non-residential buildings in the Green Belt), provide additional clarification that design and volume of the replacement building should not be materially larger than the original building and should not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion. GB4 also states that the proposal should adhere to the original dwelling curtilage and the floorspace should not increase more than 50% beyond the original floorspace. The applicant has set out (at 10.1.42 of the Planning and DAS), an assessment of the impact on the Green Belt. This states that although the overall floorspace will increase (by 865sqm), the footprint, volume and hard-standing area will all decrease, when compared to the existing development on site. It also states that the development will be subservient to the scale of Wildernesse house and less intrusive due to the way the buildings are broken up into smaller components. Buildings have been sited to reduce visual impact and additional screening planting is proposed. Thus the applicants state that the proposed development will have a lesser impact on the openness of the Green Belt compared to the existing development on site. This is clearly a matter of judgement, but the evidence provided by the applicant does make a case for this scheme being complaint with paragraph 89 of the NPPF and the openness test.'

*Planning Policy Officer – 15.01.15*

- 64 'The Planning Policy Team previously commented on this application in July 2014 and the comments remain relevant regarding the aspects of the application which are unchanged.
- 65 These comments are regarding the amended land use from C2/C3 to Sui Generis.
- 66 The original application described the proposed land use as C2 (residential institution), however, it appeared that elements of the scheme fell within the C3 class (dwelling house) and would therefore be liable for affordable housing provision. The amended application now describes the site as Sui Generis (excluding the three C3 units described in part (b) of the description). If this use class is accepted the proposal would not be subject to Core Strategy policy SP3.'

*Tree Officer – 04.08.14*

- 67 'I am pleased to see that generally the applicant has limited their proposal to using the footprints of the existing buildings. To this extent I have no objections to this proposal. The arboricultural report has dealt with the main issues of tree protection fencing and what trees are to be retained.
- 68 The map with the filename 11099/45845 TPP Con 01, shows new services routes. These routes in some instances follow the edges of existing drives which also run parallel with road side trees and in some cases run right through RPA's of trees shown for retention. This causes concern and I would like some feed back on this issue please.

69 I have looked through the proposed tree pruning works and ask, Why these works on the following tree numbers; 369, 370, 372. I also have concerns regarding the proposed 50% thin on the Oak avenue leading up to the frontage of the house, this is excessive.'

*Tree Officer – 30.03.15*

70 'In addition to my comments of the 4th of August 2014, I have the following comments on the proposed new access drive exiting onto Park Lane.

71 I suspect that additional trees will need to be removed to accommodate the egress off of Park Lane other than the trees shown for removal. In addition to this I also suspect that an amount of light pruning will be required. All of this is to ensure good sight lines when exiting. I have no issues with this as the trees involved are generally of poor quality. In order to negate the tree losses, additional planting can be agreed, which can be dealt with under a landscaping scheme.

72 The route of the proposed drive generally follows the base of the slope and the lie of the land. It is proposed to lessen the steep angle of the raised slope by redistributing the soil. This is why the route of the proposed drive is shown to be located away from the base of the existing slope at about its mid point.

73 As the route nears its western point, it will need to be routed through the raised slope and the sides of the slope will need to be battered back to suit. At its most western point, the drive will need to circumnavigate tree number 329 the Sweet Chestnut. This tree is an ancient specimen and is shown on the tree report to require a root protection area (RPA) of 3.6 metres radius. Drawing LL454-150-0053 is showing an RPA of 9 metres. In reality this tree requires the maximum RPA of at least 15 metres. Given the special nature of this tree and the careful protection required to ensure it remains in good order for the future, I do not consider sufficient space has been provided for this tree. As such I suggest that this end of the proposed route is reconsidered to take account of the special management that this tree requires.

74 Landscaping and final surface finish conditions need to apply to any consent provided for this part of the proposed development.'

*Environmental Health Officer – 10.07.14*

75 Before any decision on this application is made, the applicant should submit a contaminated land assessment (in accordance with CLR11 and BS 10175 :2011 + A1 :2013 Investigation of potentially contaminated sites.).

76 The contaminated land assessment shall propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the Local Planning Authority prior to investigations commencing on site (ref1).

77 Dependant upon the results of the assessment, Conditions may be necessary to specify a remedial strategy, together with a timetable of works, to be submitted to the Local Planning Authority for approval. These must be in accordance with the CLEA guidelines and methodology and should include:

1) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology (ref 2).

2) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. Prior to any remediation commencing on site, approval shall be obtained from the Local Planning Authority of any such remedial works required. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

3) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance (ref 3). If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.

4) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include details of the proposed remediation works and the quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. This shall include photographic evidence. Details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report, together with the necessary documentation detailing what waste materials have been removed from the site and evidence of the final point of disposal of any contaminated material, i.e. Waste Transfer Notes. Further information on compliance with this Condition can be obtained from Environmental Health Services.

Ref 1 : Contaminated Land Research Report no. 2, 3 & 4 (DoE)

Ref 2 : Contaminated Land Research Report no. 1 (DoE)

Ref 3 : CIRIA Vols 1-12 Contaminated Land Series and CIRIA 'Building on Derelict Land'

"If any infill material is to be brought onto the site, only naturally occurring rocks, sub-soils and soils (including those containing <20% organic matter) and recycled construction and/or demolition materials (but excluding those containing bricks and concrete >70mm, metal, plasterboard, asbestos cement or other contaminated materials) shall be used. This shall be from a certified source to ensure that it is not contaminated in terms of its intended end use. The relevant Certification Documents shall be sent to the Local Planning Authority (LPA) prior to any development commencing on the site. No development shall commence until the LPA has given written approval of the documents. No sludges or slurries may be used.

78 Analytical evidence shall be provided to verify imported soils are suitable for the proposed end use. This will require characterisation of the source and target sites in accordance with BS ISO 15176:2002 and subsequent relevant soil analyses. The sampling protocols and soil guideline values to be used for assessment of suitability will be dependant on the source of the soil and the proposed use of the target site and this shall be agreed with the LPA prior to any development commencing on the site. As a minimum, for large volumes of homogenous natural soils for use in non-sensitive areas, such as commercial end uses, sampling frequency shall be at least one per thousand cubic metres (1:1000m<sup>3</sup>). Soils for use in sensitive areas, such as domestic gardens, and where imported soils are less homogenous, the sampling frequency shall be greater (i.e. up to one per hundred and fifty cubic metres (1:150m<sup>3</sup>)).

79 A closure report shall be submitted once remediation works have been completed. This shall include results of all sampling undertaken and certification of imported soils. This condition shall not be discharged until a closure report has been submitted to and approved by the LPA.

Ref 1. R&D Publication CLR8 (2002) 'Potential contaminants for the assessment of land' (DEFRA and the Environment Agency)

Ref 2. BS ISO 15176:2002 'Soil quality ' characterisation of excavated soil and other materials intended for re-use.'

Reason: To ensure that risks from land contamination to both future users or the land and adjoining land are minimised.

2. Due to the potential for noise disturbance in the locality, I would request that the applicant be required to utilise white sound/ broad band health and safety directional reversing warning sounders to plant and equipment.

Reason: In the interests of protecting the amenity of adjoining/nearby residential properties

### Representations

80 One hundred and eight letters of representation have been received raising the following concerns to the proposal –

- Layout, scale and density of the proposed development;
- Traffic generation;
- Impact of construction traffic;
- Highways safety;
- Design;
- Structure of the surrounding roads;
- Impact on trees and hedges;
- Change to access route to main house;
- Proposed change of use;
- Overdevelopment;



- Violation of laws, historic agreements and covenants;
- Disruption of construction period;
- Impact on the Green Belt;
- Impact on the conservation area;
- Impact on the general character of the area;
- Parking provision;
- Overlooking;
- Light pollution;
- Impact on the listed building;
- Pollution and noise;
- Proposed new dwellings;
- Hours of construction work;
- Area of Archaeological Potential;
- Impact on the adjacent Area of Outstanding Natural Beauty (AONB);
- Access through the site;
- Damage to road surfaces;
- Method of community involvement prior to the submission of the application;
- Prematurity in the context of the proposed neighbourhood plan; and
- Piecemeal development.

### **Chief Planning Officer's Appraisal**

81 The main issues in the consideration of the application are the principle of the development, the potential impact on the Green Belt, the potential harm to the listed building, the potential harm to the character and appearance of the area, parking provision and highways safety, the potential impact on residential amenities.

#### Main Issue

##### *Principle of the development –*

- 82 Policy CF1 of the ADMP states that where school buildings become vacant or redundant and there is no requirement for an alternative educational use, priority should be given to reusing the buildings or site to address local need for community facilities.
- 83 Proposals for change of use or redevelopment for alternative non community uses will only be considered if it is demonstrated by the applicant that there is no identified community need that can be facilitated through the site, or that community facilities that meet the identified need are incorporated into a wider mixed use scheme. Alternative uses that may be acceptable in this instance,

subject being located close to services, include residential care homes or sheltered housing.

- 84 The applicant has confirmed that three parties looked into purchasing the site for the purposes of continuing an educational use on the site. Each party was, however, only interested in taking on parts of the site and not the site as a whole.
- 85 Additional enquiries were also received from one sports academy, one nursery provider and one educational establishment catering for disabled children. However, none of these parties pursued their initial enquiry.
- 86 Prior to the applicant purchasing the site it was on the market for some time and no educational organisation saw it as an appropriate site to continue the existing use. The applicant has confirmed that some educational organisations made enquiries about the site but none of these enquiries were followed up by any offer to purchase the site. It is also the case that the Knole Academy East site was available at a similar time, which is very close to the application site on Seal Hollow Road. This site will continue to provide an educational use.
- 87 Finally, no approaches were made to the Council at a pre-application stage for the use of the site for a continued educational use.
- 88 Turning to the local need for community facilities, Wildernesse House is a Grade II Listed building and so there are significant cost implications with the maintenance and up keep of the building. This would likely be enough to put off a number of community based organisations occupying the site.
- 89 Clearly the demolition of the building as part of a potential redevelopment of the site for a community use is out of the question. It is also the case that other possible uses including a recreational use and community centre could have implications in terms of impact on the setting of the main house and the character and appearance of the conservation area. This would be mainly due to the demand for parking for such a use, the large parking provision that would be required and the impact on the setting of the listed building and the character and appearance of the area that this extensive level of hard standing would have.
- 90 I would therefore conclude that the site does not lend itself to being a community facility since no interest was taken up. An alternative use as an extra care facility would fall within the category of a residential care home and so I believe that given the above the proposal complies with policy CF1 of the ADMP and the principle of the development is therefore acceptable.

*Impact on the Metropolitan Green Belt and the principle of the development –*

- 91 The NPPF states that the Government attaches great importance to Green Belts. The 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 (para.79).
- 92 The NPPF also states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development,

and extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building (para. 89).

- 93 Paragraph 90 of the NPPF states that certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These include the re-use of buildings provided that the buildings are of permanent and substantial construction.
- 94 Policy LO1 of the Core Strategy states that development will only take place where it is compatible with policies protecting the Green Belt.
- 95 Policy GB7 of the ADMP states that proposals for the re-use of a building in the Green Belt which would meet the following criteria will be permitted:
- a) the proposed new use, along with any associated use of land surrounding the building, will not have a materially greater impact than the present use on the openness of the Green Belt or harm the existing character of the area; and
  - b) the applicant can demonstrate through a detailed structural survey and method statement that the buildings are of permanent and substantial construction and are capable of conversion without major or complete re-construction that would detract from their original character.
- 96 Policy GB8 of the Core Strategy states that proposals to extend an existing non-residential building within the Green Belt which would meet the following criteria will be permitted:
- a) the existing building is lawful and permanent in nature; and
  - b) the design and volume of the proposed extension, taking into consideration the cumulative impact of any previous extensions, would be proportional and subservient to the 'original' building and would not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion.
- 97 I am satisfied that, in general terms, the proposal comprises the redevelopment of a previously developed site as supported by paragraph 89 of the NPPF. Obviously part of the existing development on the site (the main house) would remain and so the re-use of the building and extension to it would also need to be considered. This element of the proposal needs to be considered under paragraph 89 and 90 of the NPPF and policies GB7 and GB8 of the ADMP.
- 98 Since it is the case that the majority of the scheme comprises the redevelopment of the previously developed site it is necessary to assess the potential impact of the proposed development on the openness of the Green Belt and the purpose of including land within it compared with the existing development.
- 99 The applicant has carried out an assessment of the cumulative existing and proposed footprints, floor areas, volumes and hard standing of the development. This shows an increase in floor area but a large decrease in footprint, volume as well as hard standing on the site. The overall totals from this assessment are shown in the table below and exclude the floor area, footprint and volume of the retained main house –

	Existing	Proposed	Difference
Total floor area/m <sup>2</sup>	8341	9240	899
Total footprint/m <sup>2</sup>	6301	4964	-1337
Total volume/m <sup>3</sup>	40,290	34,295	-5995
Total hardstanding/m <sup>2</sup>	14,849	11,535	-3314

- 100 Taking this information and assessing the cross-sections of the existing and proposed development I am satisfied that the scheme would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. I would acknowledge that a significant amount of bulk, form and scale of building would be added to the southern section of the site in the form of the new blocks that would provide accommodation. However, the removal of the five college buildings from the western section of the site and the replacement with three detached dwellings would serve to significantly open up the western part of the site. This would, in my view, balance the overall openness of the site.
- 101 It is also the case that the amount of hard standing on the site would be significantly reduced. This, when weighed up against the introduction of the new access driveway, would balance out with any harm that the new driveway would create since the applicant has proposed to site the driveway so as to minimise visual impact and this can be further softened as necessary by new planting.
- 102 The proposal therefore complies with the NPPF in this respect.
- 103 In terms of the re-use of the main house, I am satisfied that the building is of a permanent and substantial construction and is capable of conversion without major or complete re-construction that would detract from its original character.
- 104 In addition, the proposed new extra care facility use would have no greater impact on the openness of the Green Belt or harm the existing character of the area compared with the existing C2 use when run at full capacity.
- 105 The proposal is therefore in accordance with the NPPF and policy GB7 of the ADMP in this respect.
- 106 The existing building is lawful and permanent in nature and the design and volume of the proposed extension to the main house, taking into consideration the cumulative impact of any previous extensions, would be proportional and subservient to the 'original' building and would not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion.
- 107 The proposal therefore complies with the NPPF and policy GB8 of the ADMP in this respect.
- 108 Overall, the proposal comprises appropriate development in the Green Belt that would preserve the openness of the Green Belt and does not conflict with the purposes of including land in Green Belt.

*Impact on the listed building –*

- 109 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.
- 110 The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (para. 132).
- 111 The NPPF also states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (para.133).
- 112 Policy SP1 of the Core Strategy states that the District's heritage assets and their settings, including listed buildings, will be protected and enhanced.
- 113 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.
- 114 The applicant has submitted a detailed heritage impact assessment, which includes an extensive assessment of the significance of the main house and the harm that the proposed works would have on this significance.
- 115 The assessment categorises the historic and aesthetic value of the main building as being high, identifies many elements that have significance and also some that detract from the significance.
- 116 The assessment concludes that the proposed works including the demolition of several elements of the main building and the curtilage listed buildings to the north of the main house, the erection of a new extension to the eastern elevation of the main building, alterations to fenestration, internal alterations and the erection of several new buildings around the main house would result in less than substantial harm to the listed building.
- 117 Modern additions to the building would be removed and the detail of how the existing building would be returned to how it once was can be controlled by way of condition. I also believe that the proposed extension is acceptable since it would be subservient to the main house in all aspects. In addition, the modern design of the addition would provide historic contrast to the main house in that there would be a clear differentiation between the old and the new.
- 118 Other alterations to the interior and exterior of the building would be minor in nature. This is the case when taking account of the overall scale of the building and the unsympathetic manner in which previous interventions have been carried out.
- 119 The curtilage listed buildings to the north of the main house possess significance only in terms of the historic link to the main house. No important historic fabric would be lost through the demolition of the buildings and they possess no historic

character. However, there would be some harm associated with the removal of these buildings.

- 120 The erection of new buildings within the curtilage of the main house would have moderate harm to the setting of the listed building, while there would be benefits to the setting of the building through the removal of the existing unsympathetic buildings. The realignment of the driveway which approaches the main house would represent a slight impact to the setting of the main house but a moderately beneficial impact given the fact that the driveway would be returned to that which existed in the 18th Century and the associated landscape style.
- 121 However, I would concur with the conclusion reached by the submitted heritage impact assessment that the harm to the listed building would be less than substantial since the overall harm that would result from the proposed works would not be significant.
- 122 Since this conclusion has been reached the NPPF requires that the public benefits of the proposal are assessed. I would argue that the proposed works would serve to enhance the significance of the listed building and would support its long term conservation. The works would also ensure the retention of interest in a heritage asset that possesses a great deal of significance within the Wildernesse Estate. These public benefits would, in my mind outweigh the less than substantial harm that the works represent.
- 123 Finally, the Council's Conservation Officer has raised no objection to the proposed works. The Conservation Officer's view is subject to conditions, which can be included on any grant of consent.
- 124 In conclusion, I believe that the proposed works would result in less than substantial harm to the listed building, which is outweighed by public benefits. In terms of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it follows that the proposal would preserve the significance of the listed buildings. It is therefore the case that the proposed works would be in accordance with the NPPF, policy SP1 of the Core Strategy and policy EN4 of the ADMP.

*Impact on the character and appearance of the area –*

- 125 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development in a conservation area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 126 The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (para. 132).
- 127 The NPPF also states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (para.133).
- 128 Policy SP1 of the Core Strategy states that the District's heritage assets and their settings, including conservation areas, will be protected and enhanced.

- 129 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.
- 130 Wildernesse House is widely referred to in the conservation area appraisal, being the first building erected within the established conservation area. The building is described in the conservation area appraisal as being the most visible and distinguished building in the conservation area, and remains the focal point of the northern part of the estate. Its stone walling, classical composition, prominent setting and open aspect contrasts with the surrounding area.
- 131 The area to the south of the site, between the more modern school building and dwellings, is identified as a detractor and described as bland and stark with little planting reflecting the character of the historic area. Inappropriate concrete kerbs are also noted, where there is a prevalent character and lack of kerbs throughout much of the conservation area.
- 132 The NPPF also states that the Government ‘attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.’ (para. 56)
- 133 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.
- 134 Policy EN1 of the ADMP states that the form of proposed development should respond to the scale, height, materials and site coverage of the area. This policy also states that the layout of proposed development should respect the topography and character of the site and the surrounding area.
- 135 The applicant has submitted a detailed heritage impact assessment, which includes an extensive assessment of the significance of the conservation area and the harm that the proposed works would have on this significance.
- 136 The assessment categorises the historic and aesthetic value of the area as being high, identifies many elements of the area that have significance and also some that detract from the significance of the area. However, the assessment does not conclude on the question of harm to the conservation area as a result of the demolition works.
- 137 Views of the existing buildings to the north of the main house are readily available from Wildernesse Avenue, which is adjacent to these buildings, and fleeting views of the buildings to the south are available along Dorton Drive from Woodlands Rise. The same would therefore be true of the new buildings proposed to be erected in similar areas of the site.
- 138 Although the existing buildings and structures reflect the recent use of the site, and therefore clearly indicated part of the evolution of the site and this part of the conservation area, the buildings are generally unsympathetic to the character and appearance of the area and hold little significance in the conservation area. Indeed, the conservation area appraisal highlights the area in between the main buildings to the south of the site as a detractor to the significance of the conservation area.

- 139 This is with the exception of the curtilage listed buildings to the north of the main house, which possess significance in terms of the historic link to the main house. It is therefore the case that there would be some harm associated with this element of the scheme. However, the significance of these buildings is not great as the buildings possess no historic fabric or character.
- 140 The proposed residential blocks proposed to the north and south of the main house are of a more proportionate scale, massing and density reminiscent of an Arts and Crafts style. These would have a positive impact on the character and appearance of the area due to them being more appropriate in design compared with the existing former school buildings.
- 141 Since the proposal would result in the loss of curtilage listed buildings visible from within the conservation area, and the erection of new buildings that would also be visible, I would conclude that the proposal represents less than substantial harm since the overall harm that would result from the proposed works would not be significant.
- 142 Given this conclusion and the content of paragraph 133 of the NPPF, it is necessary to assess the public benefits of the proposal. I would argue that the proposed works would serve to enhance the significance of the conservation area by removing a number of buildings that currently detract from it. This in turn would support the long term conservation of the area. The works would also ensure the retention of interest in the conservation area. These public benefits would, in my mind outweigh the less than substantial harm that the works represent.
- 143 I also believe that in general terms the development would preserve the character and appearance of the area and not represent an overdevelopment of the site given the size and scale of the existing buildings on the site proposed to be replaced.
- 144 Finally, the Council's Conservation Officer has raised no objection to the proposed development.
- 145 In conclusion, I believe that the proposed development would result in less than substantial harm to the conservation area, which is outweighed by public benefits, and would preserve the character and appearance of the area generally. It is therefore the case that the proposed works would be in accordance with the NPPF, policy SP1 of the Core Strategy and policies EN1 and EN4 of the ADMP.

*Parking provision and highways safety –*

- 146 Policy EN1 of the ADMP states that proposal should ensure satisfactory means of access for vehicles and pedestrians and provide adequate parking and refuse facilities.
- 147 Policy T2 of the ADMP states that vehicle parking provision, including cycle parking, in new residential developments should be made in accordance with the current KCC vehicle parking standards in Interim Guidance Note 3 to the Kent Design Guide (or any subsequent replacement). In addition, vehicle parking provision, including cycle parking, in new non-residential developments should be made in accordance with advice by Kent County Council as Local Highway Authority or until such time as non-residential standards are adopted.



- 148 The Highways Engineer has provided detailed comments in terms of his assessment of the scheme and has raised no objection to the proposal subject to a number of conditions being included on any approval of consent, which is something that can be done.
- 149 The conditions include the requirement of an acceptable construction management plan, detailed plans of the proposed new access onto Park Lane, and details of turning areas within the southern part of the site and details of parking provision compliant with the ADMP.
- 150 I would acknowledge that the matter of the construction management plan is one that has featured in the comments made by the Parish Council and has featured significantly in the representations made. However, this is a matter that is not required to be dealt with during the course of the consideration of a planning application and so it is a matter that is dealt with by way of condition.
- 151 This being the case I am of the view that, although the applicant has submitted a construction management plan as part of the planning application, it would be appropriate to consider this matter in further detail prior to the approval of any planning permission by way of condition.
- 152 The additional information regarding the new access onto Park Lane and adjustments required to the layout of the turning areas and parking provision would not have a material impact on the overall assessment of the proposal and so again I am satisfied that conditions requiring further information on these matters would be appropriate.
- 153 Finally, the site would retain open access for pedestrians wishing to pass through the site between Wildernesse Avenue and Woodland Rise. This would be achieved by closing the southern access to the site, Dorton Drive, to vehicles but retaining an open access to pedestrians. This also serves to benefit highways safety by reducing the amount of traffic using the access from Woodlands Rise onto Park Lane.
- 154 In conclusion, the development would ensure satisfactory means of access for vehicles and pedestrians and provide adequate parking and refuse facilities in accordance with policies EN1 and T2 of the ADMP.

*Impact on residential amenity –*

- 155 Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 156 Policy EN2 of the ADMP states that proposals will be permitted where they would provide adequate residential amenities for existing and future occupiers of the development and would safeguard the amenities of existing and future occupants of nearby properties by ensuring that development does not result in excessive noise, vibration, odour, air pollution, activity or vehicle movements, overlooking or visual intrusion and where the built form would not result in an unacceptable loss of privacy, or light enjoyed by the occupiers of nearby properties.
- 157 The residential properties potentially most affected by the proposed development would be those that surround the southern section of the site. Other properties

would remain sufficient distance away not to be significantly impacted upon by the proposed development.

- 158 Distances of separation to those properties that do surround the southern section of the site are generous ranging from 32m to almost 100m. The closest relationship would be between the most southern of the new blocks and Witham on Woodland Rise. However, at a distance of 32m the development would not result in excessive noise, vibration, odour, air pollution, light pollution, activity or vehicle movements, overlooking, loss of privacy or loss of light enjoyed by the occupiers of Witham. The amenities currently enjoyed by the occupiers of those properties further away would also not be significantly impacted upon by way of the above factors.
- 159 The relationship between the new residential dwellings means that the future occupiers of these properties would enjoy a good level of amenity. There would be an element of occupier beware of the new extra care units, with some of the units being in fairly close proximity to one another. However, overall it would again be the case that a good level of amenity would be provided.
- 160 In conclusion, the development would provide adequate residential amenities for future occupiers of the development and would safeguard the amenities of existing and future occupants of nearby properties. This is in accordance with the NPPF and policy EN2 of the ADMP.

#### Impact on biodiversity –

- 161 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.
- 162 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.
- 163 Kent Wildlife Trust has confirmed withdrawal of its original objection to the proposal. However, at the time of writing this report this matter remains outstanding, with the applicant required to submit further information. However, once this has been done and further consideration is given to the proposal this will be reported to Members through late observations on the day of the meeting.
- 164 A condition relating to ecological management and mitigation has been suggested at this stage in acknowledgment of the potential for further information to be submitted.

#### Impact on trees –

- 165 Policy EN1 of the ADMP states that the layout of the proposed development should respect the topography and character of the site and the surrounding area and sensitively incorporate natural features such as trees and hedges.
- 166 The Tree Officer has raised a number of points regarding the development requiring further information to be submitted by way of condition including details of hard and soft landscaping, the location of proposed services and the location of the proposed new driveway access and its proximity to a particular Sweet Chestnut tree within the site.

- 167 At the time of writing this report other matters remain outstanding, with the applicant required to submit further information. However, once this has been done and further consideration is given to the proposal this will be reported to Members through late observations on the day of the meeting.

#### Consideration of the Seal Village Design Statement –

- 168 The policies of the Village Design Statement referred to by Seal Parish Council relate to new construction, new business developments, new housing, development outside the built confines of the village, all new buildings, visual context, adverts and signs, outdoor lighting and landscaping.
- 169 Each of these relevant matters has been considered in detail above and so the development complies with each of them. No adverts or signs are proposed and external lighting can be controlled by way of condition on any approval of planning permission.

#### Other Issues

##### *Impact on the adjacent Area of Outstanding Natural Beauty (AONB) –*

- 170 Paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty.
- 171 Policy L08 of the Core Strategy states that the distinctive character of the Kent Downs Area of Outstanding Natural Beauty and its setting, will be conserved and enhanced.
- 172 Policy EN5 of the ADMP states that the Kent Downs Area of Outstanding Natural Beauty and its setting will be given the highest status of protection in relation to landscape and scenic beauty.
- 173 The site falls outside of the AONB and so would not impact upon the landscape character of the adjacent AONB. I am also satisfied that the development would preserve the setting of the AONB since, although additional buildings would be introduced to the southern section of the site, the proposed landscaping of the site as a whole would significantly improve the landscape quality of the site.
- 174 The proposal would therefore comply with the NPPF, policy L08 of the Core Strategy and policy EN5 of the ADMP.

##### *Affordable housing provision –*

- 175 Policy SP3 of the Core Strategy requires that proposals involving the provision of new housing should also make provision for affordable housing. In the case of residential development of less than 5 units, that involve a net gain in the number of units, a financial contribution based on the equivalent of 10% affordable housing will be required towards improving affordable housing provision off-site.
- 176 Paragraph 21 of the section of the NPPG titled ‘Planning obligations’ states that national policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any

affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.

- 177 Paragraph 22 of the same section of the NPPG goes on to explain that where there is an overall increase in floorspace in the proposed development, the local planning authority should calculate the amount of affordable housing contributions required from the development as set out in their Local Plan. A 'credit' should then be applied which is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation.
- 178 This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution is being provided. The existing floorspace of a vacant building should be credited against the floorspace of the new development.
- 179 The proposal benefits from vacant building credit in that the main house is proposed to be brought back into use. As noted above the NPPG does not specify that the particular floor area from a specific element of a scheme can be considered when assessing vacant building credit.
- 180 Since the floor area of the main house (approximately 6000m<sup>2</sup>) is significantly greater than that of the three proposed new dwellings (1950m<sup>2</sup>), applying the vacant building credit, there is no requirement on the applicant to make an affordable housing provision in this instance.

#### *Sustainable construction –*

- 181 Policy SP2 of the Core Strategy states that new homes will be required to achieve at least Level 3 of the Code for Sustainable Homes and all new institutional development, including conversions, will be required to achieve BREEAM "Very Good" standards.
- 182 The applicant has provided a Code for Sustainable Homes preliminary assessment stating that the new units could achieve Code Level 3. It is therefore possible to require that a final certificate be submitted on completion of the new units by way of a condition attached to any approval of planning permission.
- 183 Since the sui generis extra care use would comprise a change over time for each occupant from a C3 to a C2 use it is deemed appropriate to require the applicant to achieve BREEAM "Very Good" standards for the conversion of the main house. This can also be required by way of condition.
- 184 The development is therefore in accordance with policy SP2 of the Core Strategy.

#### *Flood risk –*

- 185 The applicant has prepared a Flood Risk Assessment, which concludes that all of the site is located within Flood Zone 1 'low probability', the proposals are classified as 'more vulnerable' development under the NPPF, which is appropriate for Flood Zone 1, it is proposed to set the finished ground floor level of the proposed living accommodation at a suitable freeboard above the external ground levels to mitigate against the residual risk of surface water flooding, and a surface water drainage strategy has been prepared for the site, which incorporates SUDS

techniques and demonstrates that the proposed development will not increase flood risk at the site or to third parties.

- 186 The development is therefore wholly appropriate in terms of the potential flood risk the site.

*Area of Archaeological Potential –*

- 187 The area where development is proposed to take place is well away from the Area of Archaeological Potential and so there is no issue with the development affecting artefacts potentially contained within the Area of Archaeological Potential.

*Contamination –*

- 188 The Council's Environmental Health Officer has commented on the scheme but the response does not appear to acknowledge the information submitted as part of the application.

- 189 At the time of writing this report this matter therefore remains outstanding, with the Environmental Health Officer requested to further consider the information submitted. However, once this has been done and further consideration is given to the proposal this will be reported to Members through late observations on the day of the meeting.

*Impact of construction works –*

- 190 This is not a matter material to the consideration of planning permission but is controlled by other legislation.

- 191 However, given the size of the development and the possible impacts construction works could have I believe that, in this instance, it would be appropriate to require details of the method in which construction works would be carried out to be submitted as part of the necessary construction management plan. This would ensure that the developer takes into account all aspects of the works that have the potential to impact upon the occupants of neighbouring properties and would deal with each aspect appropriately.

*Method of community involvement prior to the submission of the application –*

- 192 Following meetings with several local groups and neighbours to the site the applicant held a public exhibition to gain further feedback on the proposed development. These steps are entirely satisfactory in terms of the method of community involvement carried out by the applicant.

*Air quality –*

- 193 The site falls outside of any designated air quality management area. In addition, it is not anticipated that the proposed use of the site, particularly the comparative number of vehicle movements, would significantly affect the air quality of the site or the surrounding area when compared against the current use. The development is therefore acceptable in this respect.

*Prematurity in the context of the proposed neighbourhood plan –*

- 194 Under the heading of ‘Determining a planning application’ paragraph 14 of the NPPG states that in the context of the NPPF and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the NPPF and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:
- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Neighbourhood Planning; and
  - b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.
- 195 Refusal of planning permission on grounds of prematurity will seldom be justified before the end of the local planning authority publicity period of the adoption of a Neighbourhood Plan.
- 196 In the case of any Neighbourhood Plan that includes the application site, no draft document has been received by the Council and so no publicity period has occurred.
- 197 I would therefore conclude that, in this instance, the grant of permission for the development concerned would not prejudice the outcome of the plan-making process and so no justifiable grounds exist to refuse the application on grounds of prematurity.

*Piecemeal development –*

- 198 I would acknowledge that the use of the resulting site would be mixed, that is a sui generis use for the extra care facility and a C3 use for the new dwellings. However, the application site comprises the entire Wildernesse House site and the redevelopment of the entire site. For this reason I would disagree that the development could be considered to be piecemeal.

*Violation of laws, historic agreements and covenants –*

- 199 These are not matters that can be considered as part of a planning application since they are civil matters that need to be dealt with between the relevant interested parties.

*Potential impact to surrounding private road network –*

- 200 This is again a matter that is not material to the consideration of this planning application. Any maintenance that may be required to the private roads would need to be dealt with as a civil matter between the relevant interested parties.

### *Outdoor lighting –*

- 201 To ensure that outdoor lighting is properly controlled so as to not impact the character of the area or residential amenity a condition can be imposed on any approval of planning permission requiring further details.

### *Sustainable development –*

- 202 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking (para. 14). For decision-taking this means approving development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies out of date, granting of permission unless:-

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;
- specific policies in this framework indicate development should be restricted; or
- material considerations indicate otherwise.

- 203 In my opinion, the proposed scheme fully accords with the development plan, and I have explained this in detail above. It follows that the development is appropriate and there would be no adverse impact in granting planning permission for the development.

### **Conclusion**

- 204 The proposal would be appropriate development in the Green Belt, would result in less than substantial harm to the heritage assets (which is outweighed by public benefits), would preserve the significance of the heritage assets, would preserve the character and appearance of the area, would preserve highways safety, would provide sufficient parking and would preserve residential amenity. Consequently the proposal is in accordance with the development plan and therefore the Officer's recommendation is to approve.

### **Background Papers**

Site and Block plans

Contact Officer(s): Mr M Holmes Extension: 7406

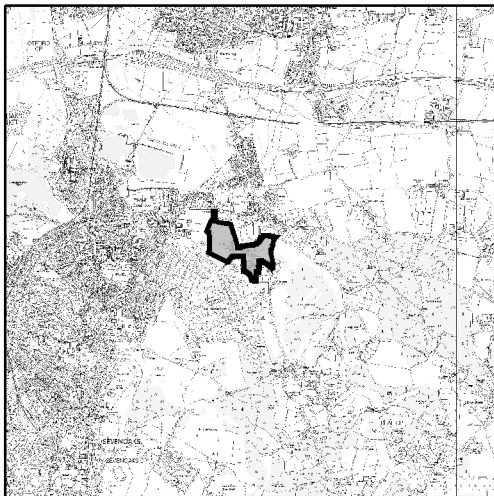
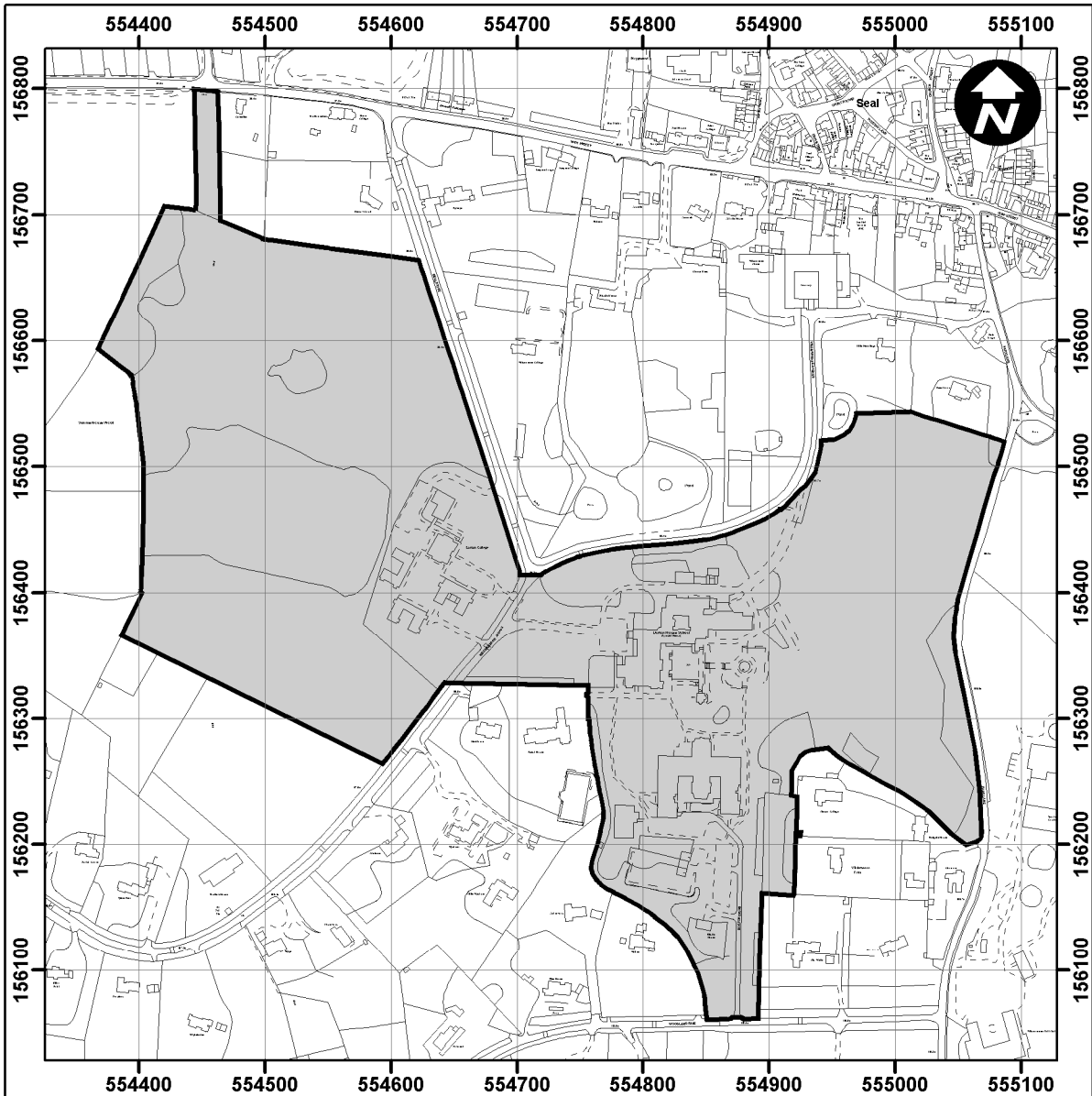
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N5VFZ1BK0L000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N5VFZ1BK0L000>



# Site Plan

**Scale** 1:5,500

**Date** 14/04/2015



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