

4.3 - SE/16/02931/FUL Revised expiry date 9 December 2016

PROPOSAL: Construction of a new 4/5 bedroom detached chalet bungalow with integral garage.

LOCATION: Land South Of 162, Hever Avenue, West Kingsdown
TN15 6DU

WARD(S): Fawkham & West Kingsdown

ITEM FOR DECISION

This application is referred to the Development Control Committee as the Council is both the applicant and the landowner of the application site.

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

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

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 5335-PD-01/B; 02, Acoustic Assessment (by Able Acoustics, dated August 2016), Reptile Survey Report (dated 21 April 2016 / Ref. 2016/02/09), Preliminary Ecological Appraisal (dated 20 October 2015 / Ref. 2015/10/03), Arboricultural Method Statement (dated 22 October 2015), Tree Protection Plan, Design and Access Statement.

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

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

To ensure that the appearance of the development is in harmony with the existing character 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.

4) Notwithstanding the details shown on the hereby approved plans a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details: a) soft plantings, including trees, grass and turf areas, shrub and herbaceous areas; their location, species (use of native species where possible) and size; b) enclosures: including types, dimensions and treatments of boundaries (including a more appropriate

boundary treatment to the front of the approved dwellings), walls, fences, pedestrian and vehicular gates, screen walls, barriers, rails, retaining walls and location, species and size of hedges; c) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, steps and if applicable synthetic surfaces; and d) any other landscaping feature(s) forming part of the scheme. All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

To enhance 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.

5) No development shall be carried out on the land until full details of appropriate measures to enhance the biodiversity and nature conservation value of the site have been submitted to and approved in writing by the Local Planning Authority. The details may include, but not be limited to the recommendations set out in section 4.10 of the Preliminary Ecological Appraisal (dated 20 October 2015 / Ref. 2015/10/03). No development shall take place other than in accordance with the approved details prior to the first occupation of the development.

In order to enhance the biodiversity value of the site in accordance with policy SP11 of the Core Strategy, policies EN1 and GI1 of the Sevenoaks Allocations and Development Management Plan and 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.

6) Prior to the commencement of development, full details of the noise mitigation measures set out in section 6.5.1 of the hereby approved Acoustic Assessment (by Able Acoustics, dated August 2016), including details of a mechanical ventilation system, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved details prior to the first occupation of the dwelling and the noise mitigation measures shall be retained and maintained as such thereafter.

To ensure the provision of adequate residential amenities for future occupiers in accordance with paragraph 123 of the National Planning Policy Framework and policies EN2 and EN7 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.

7) Before the first occupation of the development hereby permitted, the car parking and turning areas shown on the approved drawing 5335-PD-01/B shall be provided and shall be kept available for the parking of cars at all times.

In the interest of highway safety as supported by policies EN1 and T2 of the Sevenoaks Allocations and Development Management Plan.

8) No development shall be carried out on the land until details for the provision of an electric vehicle charging point for the dwelling has been submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging point shall be installed in accordance with the details so approved prior to the first occupation of the dwelling hereby approved and retained and maintained as such thereafter.

In order to mitigate and adapt to climate change in accordance with policies EN1 and T3 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) The first floor level windows in the side (north and south) elevations of the dwelling shall be obscure glazed and fixed shut below 1.7m from finished floor level and shall be retained and maintained as such thereafter.

In order to safeguard the residential amenities of surrounding occupiers in accordance with policy EN2 of the Sevenoaks Allocations and Development Management Plan.

10) Prior to the commencement of any development on the site, full details regarding the protection of the protected Oak tree to the front of the site and trees located immediately adjacent to the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved. The details shall include: a) Details of the no-dig construction method for the hereby approved access and driveway and timetable for implementation; b) Details of the utility routes, method for installation and timetable for implementation; c) Details of the specification and position of fencing or other measures to create a 'retained tree protected area' for the protection of retained trees from damage before or during the course of development and a timetable for implementation; d) Details of the location and extent of any area on the land to be used during the construction period for storage (including materials, plant and machinery) and/or for siting any temporary ancillary structures, such as a site office. The development shall be carried out in accordance with the details so approved.

To secure the retention and long term health of existing trees 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.

11) Details of any external lighting shall be submitted to and approved in

writing by the Council before the first occupation of the development. Despite any development order, outside lighting shall only be provided in accordance with the approved details.

To mitigate the impact of development on nature conservation and to preserve the visual appearance of the area as supported by policy SP11 of the Core Strategy (2011), policies EN1 and GI1 of the Sevenoaks Allocations and Development Management Plan and 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.

12) No development shall be carried out on the land until a detailed method statement setting out a precautionary mitigation approach in relation to the potential presence of dormice on the site has been submitted to and approved in writing by the Local Planning Authority. The mitigation strategy shall be implemented in accordance with the details so approved.

In order to enhance the protect and enhance the biodiversity value of the site in accordance with policy SP11 of the Core Strategy, policies EN1 and GI1 of the Sevenoaks Allocations and Development Management Plan and 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.

13) The development shall be implemented in accordance with the recommendations for mitigation contained in the hereby approved Preliminary Ecological Appraisal (dated 20 October 2015 / Ref. 2015/10/03).

In order to enhance the protect and enhance the biodiversity value of the site in accordance with policy SP11 of the Core Strategy, policies EN1 and GI1 of the Sevenoaks Allocations and Development Management Plan and 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.

Informatives

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

2) It appears that the proposal involves works that affect the highway and / or its verge. Before commencing such works, you must obtain the separate consent of the Highway Authority. Please contact Kent Highway Services, Network Operations on 01474 544068.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC

works with applicants/agents in a positive and proactive manner, by;

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

Description of Proposal

- 1 Construction of a new 4/5 bedroom detached chalet bungalow with integral garage.

Description of Site

- 2 The application site is rectangular in shape and comprises approximately 0.0962ha of relatively flat land located on the east side of Hever Avenue. The site is located within the built confines of West Kingsdown. The north (side) boundary is shared with 162 Hever Avenue and the south (side) boundary is shared with a 3m wide tract of land which serves as an access to an area of woodland behind the site and the rear of neighbouring properties beyond. The other side of the access is bound by 156 Hever Avenue. The site is partially enclosed to the front by a post and rail fence. As existing the site comprises several mature trees (one of which is subject to a Tree Preservation Order) and scrub. The site and adjacent woodland is owned by Sevenoaks District Council.

Constraints

- 3 Urban confines of West Kingsdown
- 4 Tree Preservation Order (TPO/15/10/SDC)

Policies

Allocations and Development Management Plan -

5 Policies - EN1, EN2, EN6, EN7, GI2, SC1, T2, T3, LT3

Sevenoaks Core Strategy

6 Policies - - L01, L07, SP1, SP2, SP3, SP5, SP7, SP10, SP11

Other

7 National Planning Policy Framework

8 Planning Policy Guidance

Planning History

9 SE/15/02798/FUL: Erection of a new detached chalet bungalow with integral garage and associated works. WITHDRAWN 22.04.2016

SE/86/00815/HIST: Development of District Council land after disposal. Outline application. Erection of detached House. WITHDRAWN

Consultations

West Kingsdown Parish Council:

10 Objection: *'The Parish Council objects to the proposal on the grounds that it is contrary to Policy WK6 of the Saved Policies of the Sevenoaks District Local Plan (or its successor). In view of the site's close proximity to Brands Hatch, even if the proposed dwelling was triple glazed and insulated, the occupants would still be precluded from sitting in their garden due to the level of noise.'*

11 Further comments:

1) Members are concerned that the proposal would detract from the light levels currently enjoyed by the residents of 162 Hever Avenue.

2) The Parish Council have been advised that both 156 and 162 Hever Avenue have been underpinned. Therefore Members are concerned that the removal of large trees could result in heave that would cause further damage to the neighbouring properties as well as harm to the proposed dwelling.

3) The loss of mature landscape trees would detract from the visual amenity of the area.

4) Members would express concern that although the access track has been widened for most of the way, it is still less than 3m at the entrance from Hever Avenue and at the rear where the boundary deviates around a mature oak tree.

5) *The location plan is inaccurate as it includes land at the rear of 162 and 164 Hever Avenue that is owned by the residents of those properties.*

6) *Should SDC be mindful to grant permission in this instance then the Parish Council would wish it to contain a condition requiring protection of the tree and roots of the oak at the front of the site.'*

KCC Ecology (summary)

- 12 Advise sufficient information has been provided. No reptiles recorded and satisfied that reptiles likely to be absent from site, therefore no mitigation required. Potential for dormice to be present, therefore recommend a detailed method statement relating to a precautionary mitigation approach be secured by condition. Trees on site have low potential for roosting bats, therefore recommend that precautionary mitigation implemented if trees felled and any external lighting adheres to the Bat Conservation Trust's Bats and Lighting in the UK guidance. Recommend details of ecological enhancements be secured by condition.

Natural England: (summary)

- 13 Statutory nature conservation sites - no objection.

Protected species - recommend application of Standing Advice.

Biodiversity enhancement - recommend consideration to enhancement measures.

SDC Tree Officer

- 14 *'Prior to this application becoming valid, I was made aware that this land may be disposed of by SDC. My inspection of the site has identified a number of mature trees growing upon it. It is also very overgrown with garden waste dumped upon it at varying locations. Two mature Oak trees are located within the proposed build space and will need to be removed to accommodate the proposed new dwelling. The third mature Oak tree located adjacent to the frontage highway has been afforded protection by TPO 10 2015. I decided not to protect the aforementioned Oak trees as they are less aesthetically pleasing with poorer form. Being set back as they are they are also less visible than the frontage Oak. I am also aware of the closer proximity of these two Oaks to both 156 and 162 Hever Avenue.*
- 15 *With regards to this proposal and the aforementioned in mind. I feel that there is sufficient space for the proposed dwelling to be constructed. The frontage Oak would need to be protected for the duration of the works and such detail would need to be provided either up front or as a condition. The proposal to create a hard landscaped drive would need to be carried out by using a no dig construction method. Unfortunately due to the amount of overgrown vegetation and dumped garden waste near to the Oak tree at the front. I was unable to ascertain the correct ground levels for the no dig construction for the drive to be based upon. This level would link directly to the level of the highway. The level of the land is slightly higher than the highway and as such I need to be sure that a no dig*

operation can be accommodated. Clarification of this aspect would need to be up front as part of the application and not dealt with by way of condition. Other conditions that would need to accompany any consent would be landscaping proposals and tree pruning details.

- 16 *I have since ascertained that the frontage levels from the paved area into the site are acceptable as far as creating a no dig driveway into the site. It has also been made clear that no pruning to the protected Oak tree is proposed. Details of the hard landscaping inclusive of the no dig construction for the driveway needs to be conditioned. Soft landscaping should also be conditioned. All utility roots and method of insertion should also be conditioned.'*

SDC Environmental Health Officer

- 17 *'I had extensive consultation with the acoustic consultant prior to the acoustic assessment being undertaken, also measurements were taken during noisier events at the circuit. I am therefore satisfied that the design and acoustic protection of both internal and external areas are the best that could reasonably be expected to be achieved. However, it is clear that during some track use the upper guideline value of 55 dB LAeq,T will be exceeded in outdoor amenity areas. As all reasonable attenuation methods for the outdoor amenity space were considered and found to be unable to achieve the desired upper guideline value we can refer to the design criteria for external noise in section 7.7.3.2 of BS 8233:2014 allowing development in higher noise areas if the property is designed to achieve the lowest practicable levels in the external amenity spaces. The levels used for the evaluation were not the absolute measured values but enhanced levels to take account of the potential intrusiveness of the perceived level, this is a very high bar that has been met for the internal space of the property and used to ensure that if noise track activity is taking place residents will be well protected from intrusive noise within the dwelling. I therefore have no adverse comments regarding this application.'*

Environment Agency:

- 18 No comments.

Thames Water: (summary)

- 19 Advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Representations

- 20 Notification letters were sent to the occupiers of 7 properties surrounding the site. Site notice and press notice displayed. The statutory consultation period ended on 13.11.2016.

1 objection received raising the following concerns:

- Right of Way to woodland needs to be retained;
- Proposed gate would reduce width and restrict use of right of way;

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- Loss of mature trees;
- Concerns regarding adequacy of tree protection measures;
- Concerns regarding bias of submitted Open Space Assessment;
- Request recommendations of submitted Ecological Appraisal are secured;
- Loss of footpath bisecting site;
- Loss of daylight, sunlight, overshadowing and outlook to 162 Hever Avenue;
- Layout and density;
- Blocking of satellite dish and telephone cable;
- Excessive noise levels contrary to planning policy;
- Inaccurate site location plan.

Chief Planning Officer's Appraisal

- 21 The main issues requiring assessment relate to the principle of development in this location, including the acceptability of any loss of open space, design and impact on the street scene, impact on trees and ecology, impact on neighbouring amenities, proposed standard of accommodation for future occupiers (particularly in respect of noise) and CIL (Community Infrastructure Levy).

Principle of development

- 22 The NPPF has a general presumption in favour of sustainable development, and amongst other things encourages the delivery of homes of a high quality design and a good standard of amenity for all. Whilst the NPPF places an emphasis on development of previously developed land, it does not preclude other land, including garden land, from being developed for residential use, provided such development is in suitable locations and relates well to its surroundings.
- 23 At a local level, policies L01 and L07 of the Core Strategy requires development to be focussed within the built confines of existing settlements and identifies West Kingsdown as a settlement suitable for small scale infilling and redevelopment where appropriate taking account of the limited range of service and facilities available.

Loss of Open Space

- 24 Paragraph 74 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- *An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
 - *The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a sustainable location; or*
 - *The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

- 25 Policy SP10 of the Core Strategy states that a Green Infrastructure Network will be developed of accessible multi-functional green space, primarily based on maintaining and linking existing areas of open space. Open space, sport and recreation facilities, including indoor sports facilities of value to the local community will be retained. Development may exceptionally be allowed where replacement provision of at least equivalent value to the local community is provided. For the purposes of policy SP10 open space is defined as including ‘amenity open space, parks and formal gardens, natural and semi-natural open space, children’s play areas, outdoor sports facilities, churchyards and allotments’.
- 26 Policy GI2 of the ADMP relates to the loss of open space and states that the change of use or redevelopment of Green Infrastructure, Open Space, Sport or Recreation sites within the urban confines of towns and villages will not be permitted unless the applicant demonstrates that:
- *The open space is surplus to requirements and that there is no need for an appropriate alternative community, sports or recreational use, or*
 - *The loss will be mitigated by equivalent replacement provision (in terms of quality, quantity and accessibility) or*
 - *The development is for alternative sports/recreational use.*
- 27 There should be no significant adverse impact on the character of the local environment and any potential loss of biodiversity interests should be mitigated.
- 28 Paragraph 6.19 of the ADMP states that open space can be amenity space and ‘includes both public and private spaces and covers any open space which contributes to the character of the locality and is important to the local community’.
- 29 Appendix 9 of the ADMP sets out the schedule of Open Space Allocations in the District (over 0.2ha in area). There are three areas of allocated open space within West Kingsdown (Hever Avenue Recreation Ground and Western Amenity Green Space and Millfield Road Amenity Green Space). By reason of its size the application site is not allocated Open Space. Notwithstanding this, local residents are known to use the land and in particular a strip adjacent to the southern boundary which provides pedestrian access to the woodland at the rear. Although the application site is currently overgrown and poorly maintained I am satisfied that it constitutes open space for the purposes of policies SP10 and GI2.
- 30 The application is accompanied by an Open Space Assessment which amongst other things cites the Sevenoaks Open Space, Sport and Recreation Study (2009). This study surveyed all types of open space across the District and was used as an evidence base in the preparation of the ADMP. Of relevance to this application are the findings in relation to natural and semi-natural green space and amenity green space. The study identified 170 natural and semi-natural sites, of which 81 are located in the north of the District and 223 amenity green spaces encompassing an area of 81ha. Whilst the study identified no future need for either natural or semi-natural or amenity green spaces in the north of the District it did identify a shortfall of parks and gardens. For the purposes of the study, parks and gardens are

defined as urban parks, formal gardens and country parks that provide opportunities for informal recreation and community events. I concur with the findings of the assessment that the application site would be too small to be appropriate for such a use and that the loss of 0.1ha of existing poor quality open space would not result in a deficiency of open space in this area thereby satisfying the first criterion of policies SP10 and GI2.

- 31 It is noted that the Sevenoaks Open Space, Sport and Recreation Study recommends a focus on accessibility and quality improvements to existing sites rather than new provision. The development includes the retention and enhancement of a dedicated public access to the woodland at the rear of the site (principally through the formal delineation of the land) and in this regard would comply with the recommendations of the Sevenoaks Open Space, Sport and Recreation Study.
- 32 In summary the development would result in the loss of existing open space; however it has been identified that it is surplus to requirements and by reason of its limited size and poor quality does not make any positive contribution to open space in the area. Hever Avenue and the surrounding area is predominantly residential in character. The erection of a detached dwelling would reflect the general pattern of development in the area and is considered to be acceptable in land use terms provided the scheme complies with all other relevant development plan policies.

Design and impact on the street scene

- 33 Paragraph 56 of the NPPF 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’. Policies SP1 and L07 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. Policy EN1 of the ADMP state that the form of proposed development should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.
- 34 Policy SP7 of the Core Strategy is relevant to density and states that all new housing will be developed at a density consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. Subject to this overriding consideration new residential development will be expected to achieve a density of 30 dwellings per hectare. Without prejudice to an assessment of the development against relevant design policies the proposal would equate to a density of approximately 10dph (dwellings per hectare) and would not represent overdevelopment of the land.
- 35 The application site is located within a ribbon of predominantly detached dwellings fronting Hever Avenue. The prevailing character of the road is of closely spaced bungalows and chalet bungalows (with accommodation in the roof) of differing architectural styles and materials. The majority of dwellings are located within similar sized plots and set back from the road

behind verdant front gardens and off-street parking. There are a number of mature trees within the area that contribute to a pleasant sylvan character. The application site is comparable in terms of size and shape with other plots in the road and the erection of a detached dwelling in this infill location would be consistent with the general character of the area.

- 36 The proposed dwelling would be set back in excess of 13m from the pavement such that the single storey front building line would be aligned with that of 162 Hever Avenue to the north and stepped back towards the front building line of 156 Hever Avenue to the south. The rear building line would extend approximately 2.2m beyond the rear of 162 Hever Avenue and align with the rear building line of 156 Hever Avenue. The dwelling would be located 1m from the north boundary of the site and 1.2m from the southern boundary adjacent to the woodland access. The development would allow for the retention of the protected tree and a generous area of soft landscaping to the front. In this respect the proposed layout and site coverage would be consistent with the established character of Hever Avenue.
- 37 Although described as a chalet-bungalow, the bulk of the proposed dwelling would comprise two-storeys. First floor accommodation would be provided within the purpose built roof space and incorporate front and rear dormer windows. In terms of height the proposed dwelling would be equivalent to the height of 156 Hever Avenue and marginally higher than the adjacent dwelling, 162 Hever Avenue, however by reason of the set back and hipped roof design this height differential would not be prominent in the street scene.
- 38 The east side of Hever Avenue is characterised by detached dwellings, including chalet bungalows with dormer windows. Whilst the buildings are modestly scaled as viewed from the street, many have been significantly extended at the rear, including at roof level. In this context the incorporation of a single storey gabled projection to the front and a larger two-storey gabled extension to the rear is considered to be in keeping with the general scale and massing of surrounding development.
- 39 In terms of detailed design and materials the dwelling would incorporate traditional fenestration with brick elevations and feature gables clad in plain tile hanging. The design and materials would reflect the architectural styles and use of materials in surrounding buildings and help integrate the development into its setting.
- 40 In summary it is considered that the proposals would result in a sympathetic development that would contribute to the local character of the area consistent with national and local planning policy and guidance.

Neighbouring amenities

- 41 Paragraph 17 of the NPPF identifies a set of core land use planning principles that should underpin decision making. 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. Policy EN2 of the ADMP requires that any development should not have an adverse impact on

the amenities of neighbours and also ensures a satisfactory environment for future occupants.

- 42 The proposed dwelling would be located over 5m to the north of 156 Hever Avenue and separated by the retained woodland access. By reason of the orientation and separation distance the proposed dwelling would have no harmful impact on the daylight or outlook from the windows in the side elevation of no. 156 (the ground floor of which is obscure glazed). It is recommended that a condition be imposed to ensure the non-habitable and secondary windows in the first floor flank elevation of the proposed dwelling be obscure glazed (and fixed shut) to protect the privacy of neighbouring occupiers.
- 43 The dwelling would be located closer to 162 Hever Avenue to the north. The part of the proposed building adjacent to the boundary would project beyond the rear of no.162 by approximately 2.2m; however this part would be single storey with a pitch roof. It would be located approximately 1m beyond the boundary and would comply with the 45 degree daylight test set out in the Council's Residential Extensions SPD. The proposed two-storey rear projection would extend further beyond the rear of no.162 however by reason of its set back would also comply with the 45 degree daylight test. No part of the development would result in an unacceptable loss of daylight. The development would not result in any loss of sunlight to habitable room windows. There is potential for some overshadowing of the adjacent garden although this would be limited by reason of the proposed siting and modest height of the dwelling.
- 44 Whilst the introduction of built form where none currently exists will inevitably be noticeable to the occupiers of no.162, the form and design of the development, including the location of the greatest bulk approximately 6m from the shared boundary would ensure the development would not appear unacceptably intrusive or overbearing and would not be harmful to outlook.
- 45 The proposed dwelling would incorporate ground and first floor windows in the flank (side) elevation adjacent to no.162. Notwithstanding the absence of windows in the flank elevation of the neighbouring dwelling it is recommended that a condition be imposed to ensure the non-habitable and secondary windows in the first floor flank elevation of the proposed dwelling be obscure glazed (and fixed shut) to prevent views into the glazed roof of the lean-to extension and thereby protect the privacy of neighbouring occupiers. By reason of the height of the roof light in the side roof of the rear extension no outward views that could compromise privacy would be permissible.
- 46 The development would also include a dormer window on the rear roof slope which would be located within approximately 3m of the boundary with no.162. Hever Avenue is a residential road where many dwellings are closely spaced and as previously noted the resultant gap between the buildings would not be out of character. The dormer window would be orientated to the rear garden and woodland beyond the application site and although some views of the rear garden of no.162 would be available these views would be towards the centre of the garden. By reason of the rear projection

of the proposed dwelling relative to its neighbour, the part of the garden closest to the rear of no.162 (defined in the Residential Extensions SPD as the private amenity area within a depth of 5m from the back of the property) would be screened by the building itself. In coming to this conclusion I am mindful that the site is located within the built confines of West Kingsdown and it is not unusual in suburban settings such as this for some views of neighbours' gardens to be available from upper rooms. Taking all of the above into account I conclude that the development would not result in unacceptable harm to the living conditions of the occupants of surrounding buildings and that there would be no breaches of policy EN2 of *the ADMP or the Residential Extensions SPD*.

Standard of accommodation

- 47 Policy EN2 of the ADMP requires that any development should ensure a satisfactory environment for future occupants. In terms of size, layout, daylight and outlook the proposed dwelling would provide an adequate living environment for future occupiers. The site is however located within approximately 150m of Brands Hatch motor racing circuit and has the potential to be affected by noise from motorsport events. Brands Hatch holds events for both two and four wheeled vehicles across two operational race circuits known as the GP circuit and Indy circuit. The application site is located closest to the GP circuit.
- 48 Paragraph 123 of the NPPF is relevant and advises that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. The NPPF refers to The Noise Policy Statement for England (NPSE) which sets out the long term vision for government noise policy and aims to: *'avoid significant adverse impacts on health and quality of life; mitigate and minimise adverse impacts on health and quality of life; and where possible, contribute to the improvement of health and quality of life'*.
- 49 The NPSE identifies 3 tiers of Observed Effect Levels; No Observed Effect Level, Lowest Observed Effect Level and Significant Observed Adverse Effect Level. A Significant Observed Adverse Effect is defined in the NPSE as the level above which significant adverse effects on health and quality of life occur. The NPSE confirms it is not possible to have a single objective noise-based measure that defines a significant adverse effect level that is applicable to all sources of noise in all situations. Consequently, the significant adverse effect level is likely to be different for different noise sources, for different receptors and at different times.
- 50 The PPG advises that, in determining noise impact, decision-takers should take into account the acoustic environment and consider whether or not a significant adverse effect or an adverse effect is occurring or likely to occur and whether or not a good standard of amenity can be achieved.
- 51 At a local level, policy EN7 of the ADMP states that development will be permitted where it would not have an unacceptable impact when considered against the indoor and outdoor acoustic environment including existing and future occupiers of the development and the amenities of existing and future occupants of nearby properties; and where development

would not result in unacceptable noise levels from existing noise sources that cannot be adequately mitigated. Similarly, policy EN2 of the ADMP requires the provision of adequate residential amenities for existing and future occupiers by ensuring that development is not located in areas where occupiers of the development would be subject to, amongst other criteria, excessive noise.

- 52 To assess the level and likely impact of motorsport noise affecting the site, a noise impact assessment has been submitted. Noise recordings were taken when the GP circuit was in use and the Environmental Health Officer is satisfied that the technical data represents a likely worst case noise scenario at the site.
- 53 The assessment identifies that subject to an appropriate glazing specification and installation of a mechanical ventilation system the dwelling would be capable of providing an internal living environment that complies with relevant standards as set out in British Standard BS8233: 2014. The provision of mechanical ventilation is commonly accepted as an appropriate means of achieving a satisfactory living environment when external noise conditions would preclude the opening of windows for natural ventilation. In my view the achievable internal noise levels would be below the Lowest Observed Adverse Effect Level thereby satisfying the requirements of national and local planning policy and I concur with the Environmental Health Officer that future occupiers of the dwelling would have an acceptable standard of amenity.
- 54 Turning to the external amenity space, the WHO guidelines are relevant. Specifically the guidance states that *“During the daytime, few people are seriously annoyed by activities with LAeq levels below 55 dB; or moderately annoyed with LAeq levels below 50 dB”*. BS2833:2014 states that it is ‘desirable’ that the external noise does not exceed this level and acknowledges that whilst in some situations development should be designed to achieve the lowest practicable levels in external amenity spaces, they should not be prohibited.
- 55 It is important to note that BS8233: 2014 and WHO guidance on noise use a daytime 16 hour continuous equivalent noise level, that is if all the noise energy in the 16 hours between 07:00 hrs and 23:00 hrs were to be expressed as a continuous unchanging level and uses the expression LAeq,16hr. The purpose is to protect sensitive receptors (including residents) from harm through prolonged exposure to noise above levels that have been found to have adverse effects in some of the population.
- 56 The noise assessment concludes that measured external levels during non-event days are below the upper guideline limits set in the WHO guidelines; however on some event days would exceed these thresholds.
- 57 Paragraph 006 of the Noise section of the NPPG states that *“If external amenity spaces are an intrinsic part of the overall design, the acoustic environment of those spaces should be considered so that they can be enjoyed as intended”*. The proposed development comprises a 4/5 bedroom dwelling and includes a generous sized private rear garden which would include patio areas directly adjacent to the rear of the building. The patios

would be capable of being accessed by full-width glazed doors on three elevations to provide direct access from a large kitchen/dining room and playroom/family room; the Design and Access Statement refers to a *'patio area which seamlessly connects the main family living spaces with the garden'*. In my view the garden forms an integral part of the development and the size and layout of the dwelling would be likely to appeal to families. For this reason I consider that providing an acceptable standard of external amenity space is necessary to enable the garden to be enjoyed as intended.

- 58 Whilst I am mindful that noise is a subjective term I consider that the highest recorded levels are loud and that this would constitute a Significant Observed Adverse Effect for the purposes of NPSE. The Noise Exposure Hierarchy in the NPPG states that this level of noise would be noticeable and disruptive and cause a material change in behaviour and/or attitude e.g. avoiding certain activities during periods of intrusion. The NPPG recommended response is to avoid such situations. Nevertheless in assessing noise impact it is also necessary to consider the nature and frequency of the noise. The noise from Brands Hatch is intermittent and of limited duration; the noisiest events at the circuit are restricted to 5 days in any calendar year through the noise management plan for the venue and the circuit adjacent to this location is only used by race vehicles on 24 occasions in any year. On the vast majority of occasions when track activity would be heard in the garden of the proposed dwelling the 16hr LAeq will be below 55 dB.
- 59 Whilst I am mindful that it would not be possible to eliminate noise for future residents I am satisfied that taking all of the above into account, including the limited nature of the most significant noise impacts, the adverse effects on the quality of the external amenity space would not be unacceptable. In this respect the development would comply with policies EN2 and EN7 of the ADMP.

Highways and parking

- 60 Policy T2 of the ADMP requires that proposed development should ensure the satisfactory means of access for vehicles and provides parking facilities in accordance with the relevant standards. Policy T3 requires the provision of electric vehicle charging infrastructure.
- 61 Vehicular and pedestrian access to the site would be provided adjacent to the access to the woodland. Hever Avenue is subject to a 30mph speed limit and the site benefits from good visibility in both directions. The development would include the erection of set back access gates and ample turning space and does not raise any highway safety concerns in this regard. The parking standards as set out in the Kent Design Guide: Interim Guidance Note 3 require 2 spaces per 4-bed house. The proposals include the provision of at least 2 independently accessible off-street car parking spaces and a garage and would comply with policy T2 of the ADMP.
- 62 Policy T3 seek to ensure provision of new charging facilities to be provided within new residential development for electric cars. This can be secured by the imposition of an appropriate condition.

Trees and landscaping

- 63 Policy EN1 of the ADMP requires the layout of new development to respect the topography of the site and to retain important features including trees, hedgerows and shrubs. New landscaping and boundary treatment will be required in appropriate cases.
- 64 There are 3 notable oak trees on the site, the most prominent of which is located towards the front of the site and protected by a Tree Preservation Order. The proposals would necessitate the removal of two oak trees. At the time of serving the preservation order on the single oak at the front, the two other oak trees located towards the centre of the site were also assessed; however were found to be of inadequate aesthetic quality to warrant protection. The reasons for this relate in part to their less prominent location and contribution to the visual amenity of Hever Avenue and in part to their lesser quality and poorer form arising from pruning works. The pruning works were carried out in a response to a subsidence claim made to the owner, Sevenoaks District Council. Notwithstanding the objections received I concur with the Tree Officer's view that the removal of the two unprotected oak trees would not detract from the wider visual amenity of the area and is considered acceptable.
- 65 The Tree Officer is satisfied that there is sufficient space for the proposed dwelling to be constructed and subject to implementation of appropriate tree protection measures for the duration of works the protected tree is capable of being retained. Whilst the hard landscaped drive would be located within the Root Protection Area (RPA) of the protected tree, the Tree Officer is satisfied this could be achieved using a no dig construction method without compromising the health or stability of the tree.
- 66 The mature trees to the front of nos. 156 and 162 Hever Avenue adjacent to the site also need to be taken into account as parts of the proposed development would encroach into the RPA of these trees. Subject to implementation of a no dig construction method the Tree Officer is satisfied that the trees on neighbouring land would also be adequately protected.
- 67 Subject to appropriate conditions to secure the above tree protection measures and details of quality soft and hard landscaping (including appropriate means of enclosure) the development would comply with policy EN1 of the ADMP.

Biodiversity and ecology

- 68 Section 11 of the NPPF relates to conserving and enhancing the natural environment and includes discussion relating to biodiversity. Paragraph 118 explains that the planning system should protect and enhance valued landscapes, minimise impacts on biodiversity and provide net gains in biodiversity where possible. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity and if significant harm resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. At a local level, policies SP11 of the Core Strategy and G11 of the ADMP state that the biodiversity of the District will

be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity.

- 69 As existing the application site comprises mature trees and shrubs and shares its east boundary with an area of woodland. The application is accompanied by an Ecological Appraisal and Reptile Survey. KCC Ecologists are satisfied that sufficient information has been submitted.
- 70 The Ecological Appraisal identifies potential for Hazel Dormice to be present on site and it is therefore recommended that a detailed method statement requiring a precautionary mitigation approach be secured by condition. There is also potential for breeding birds and hedgehogs and a low potential for roosting bats. It is recommended that precautionary mitigation be implemented if trees are felled.
- 71 KCC Ecology recommended that any external lighting adheres to the Bat Conservation Trust's Bats and Lighting in the UK guidance; it is recommended this and details of wider ecological enhancements be secured by appropriate condition. On this basis I am satisfied that the proposed development would appropriately mitigate ecological impacts and provide for net gains in biodiversity value consistent with relevant national and local planning policy and Natural England's Standing Advice.

Affordable housing

- 72 In relation to affordable housing, on 28 November 2014 the Government issued a Written Ministerial Statement that amended National Planning Practice Guidance (PPG) to restrict the circumstances where contributions for affordable housing should be sought. Under that guidance, other than in designated rural areas, contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. This is a material consideration that should be taken into account when determining planning applications and must be weighed against Policy SP3 of the Core Strategy. It is noteworthy that the material consideration post dates the Core Strategy and was confirmed by the Court of Appeal in 2015 and thus afforded weight. Since the development size is below the threshold introduced in the Written Ministerial Statement a strict adherence to the edicts of Policy SP3 is unlikely to be substantiated at appeal as such a contribution to affordable housing would not therefore be sought on a development of this size.

Other issues

- 73 Concerns raised by the Parish Council regarding the stability of the land are not material to the planning application and would be subject to control under the relevant Building Regulations.
- 74 The proposals would by their nature preclude public access across the site itself, however in the absence of any evidence that such rights of way exist I can afford this no weight. The proposals include the retention of the adjacent access to the woodland over which there are established rights of way, including for neighbouring occupiers. This access would be enhanced by the introduction of appropriate boundary treatment to the curtilage of

the new dwelling. Whilst the installation of gates to the woodland access do not form part of this planning application it is likely that they would in any case constitute permitted development.

- 75 Notwithstanding that concerns relating to the potential interruption of television signals are rarely a material planning consideration, the modest scale of the development is such that this could be mitigated in the event that the development proceeds.
- 76 The site location plan was amended during the course of the planning application and relevant parties notified.

Community Infrastructure Levy

- 77 The application is accompanied by a CIL Additional Information Form and Assumption of Liability Form which identifies that the development would be CIL liable. There is no application for an Exemption or Relief.

Conclusion

- 78 The principle of the development of the site is considered to be acceptable in land use terms. The development would be appropriate in terms of height, scale, form and design and would respect the character and appearance of the area. It would not be harmful to neighbour amenity and would provide for adequate parking and ecological mitigation and enhancement. I have found that the dwelling is capable of providing an adequate internal living environment and although the external amenity space would be subject to episodes of high noise impact this would not be harmful to the living conditions of future occupiers. There are no other issues that could not be addressed by appropriate condition.

Recommendation: Grant planning permission subject to conditions

Contact Officer(s): Matthew Durling Extension: 7448

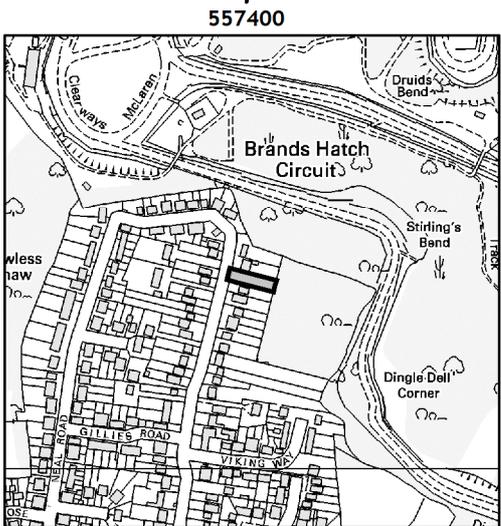
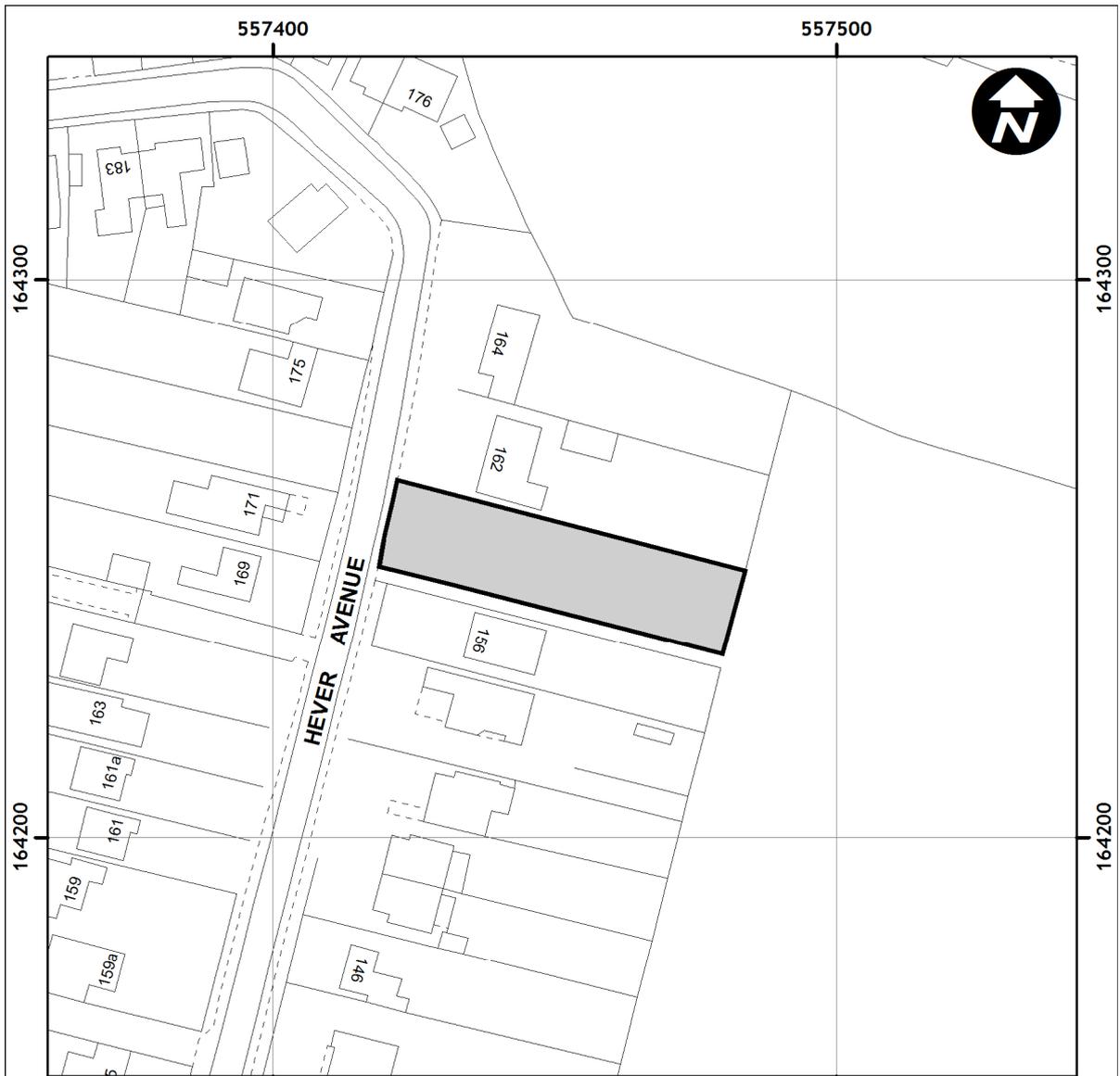
Richard Morris
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OE4CJUBKM3F00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OE4CJUBKM3F00>



Site Plan

Scale 1:1,250

Date 18/11/2016



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Block Plan

