

4.6 - SE/16/02010/FUL Date expired 9 November 2016

PROPOSAL: Full planning application for 9no. 3-bedroom dwellings, parking and access from Croft Road; including the retention of the existing footpath connecting Croft Road and Croydon Road.

LOCATION: Field North Of Junction With Farley Lane, Croft Road, Westerham

WARD(S): Westerham & Crockham Hill

ITEM FOR DECISION

This application is referred to Development Control Committee as the land is owned by the District Council.

RECOMMENDATION: That planning permission be GRANTED subject to the completion of a satisfactory legal agreement to secure the provision of an affordable housing contribution and 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) No development shall take place until details of all proposed engineering works including: - existing and proposed levels, including proposed slab levels, - the proposed extent of any cut and fill; and - existing and proposed site sections have been submitted to and approved in writing by the Council. The works shall be carried out in their entirety and in accordance with the approved details before the land is first brought into use for the development hereby permitted.

To safeguard the visual appearance of the area and the amenities of neighbouring occupiers as supported by policies SP1 of the Council's Core Strategy and policies EN1 and EN2 of the 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.

3) No development shall commence until a Construction Management Plan providing details of parking for construction operatives, parking, unloading and turning space for delivery vehicles, and wheel washing facilities have been submitted to and approved by the District Planning Authority. The approved statement shall be adhered to throughout the construction period.

In the interests of protecting the amenity of adjoining/nearby residential properties in particular and safeguarding the amenities of the surrounding area in general as supported by policy EN2 of the 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) 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 dwellings 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.

5) Before any equipment, machinery or materials are brought on to the land for the purposes of the development, the means of protection for any retained tree as indicated on the Tree Protection Plan F589TPP shall be undertaken in accordance with the details set out in the BS5837 Tree Report (Site No.2 (North) dated June 2016. In this condition a "retained tree" means an existing tree which is to be retained in accordance with the plan referred to above. Also: A) The means of protection shall be maintained until all equipment, machinery and surplus materials have been removed from the land. B) Within a retained tree protected area, unless strictly in accordance with details set out in the report referred to above; -Levels shall not be raised or lowered in relation to the existing ground level; -No roots shall be cut, trenches cut, or soil removed; -No buildings, roads, or other engineering operations shall be constructed or carried out; -No fires shall be lit; -No vehicles shall be driven or parked over the area; -No materials or equipment shall be stored.

To prevent damage to the trees during the construction period and secure their retention afterwards 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

6) Once development has begun to be carried out on the land no retained tree or hedging within the site as indicated on the approved Tree Protection Plan F589TPP as being retained shall be cut down, up-rooted, topped, lopped or destroyed, nor shall any hedge within the site be cut down or grubbed out, without the prior approval in writing of the Council.

To safeguard the character the area and the amenities of neighbouring occupiers as supported by EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan

7) No development shall commence until a landscaping scheme for the site based on the indicative landscaping proposals illustrated on drawing JEC/424/01 have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include the following details:

a) trees and shrubs to be retained; b) soft plantings, grass and turf areas, trees, shrub and herbaceous areas; their location, species (use of native species where

possible) and size, to include enhancement of the eastern boundary adjacent to the flank of Propose Unit 9;c) enclosures: including types, dimensions and treatments of walls, fences, pedestrian and vehicular gates, screen walls, barriers, rails, retaining walls and location, including details of acoustic protection to the northern boundary of the site and species and size of hedges; d) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, steps and if applicable synthetic surfaces; and e) any other landscaping feature(s) forming part of the scheme. f) Incorporation of ecological enhancements as recommended in the Preliminary Ecological Appraisal and also the bat mitigation statement. All landscaping and ecological enhancements 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 safeguard the visual appearance of the area, the amenities of neighbouring occupiers and the ecological interests of the site as supported by EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan and policy SP11 of the Council's 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.

8) This proposal could involve the importation of soil. Before any imported soil (the term 'soil' includes subsoil and any similar material) and / or any re-used soil is distributed or finally placed on the land, any such soil shall be certified by a 'competent person' to provide: A) Confirmation as to the soil's origin; B) Evidence that the source is of a homogenous nature and quality;(Both the above to be determined via sampling of the soil at source and as it is imported.) C) The sampling to take place at appropriate intervals during the importation (minimum number of samples to be agreed per quantity imported); D) A laboratory certificate shall be provided to demonstrate that the soil is not contaminated and is fit for the proposed end use. No part of the condition shall be discharged and no properties shall be occupied or first brought into use until the certification for the import of soil for the development or each phase of it, has been completed. No dwelling shall be occupied until a certificate has been provided to the Council, by an appropriately qualified environment specialist, certifying that the development and the land is suitable for the permitted end use. The wording of the certificate shall be agreed in advance as part of the details required to be approved under (B) above. For the purposes of this condition, an "appropriately qualified environment specialist" is a person who has a recognised qualification and / or appropriate experience in environmental chemistry and risk assessment. This will be the person(s) who has designed and specified the remediation works, unless otherwise agreed in writing by the Council.

To ensure that risks from land contamination to the future users of the land and

adjoining land are minimised as supported by policy SP1 of the Council's Core Strategy and policy EN2 of the 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 scheme of acoustic protection to each dwelling shall be provided in accordance with Noise Impact Assessment AC102513-1R0 dated October 2016 prior to occupation of that dwelling.

To ensure a satisfactory standard of accommodation for future occupiers of the properties as supported by policy EN2 of the Allocations and Development Management Plan.

10) The garages, forecourt parking spaces and communal/visitor parking spaces shown on the approved Site Layout Plan no.: 051506:N-FER-02 A (Information Layout) shall be provided concurrently with the development and shall be kept available for such use at all times and no permanent development shall be carried out on the land so shown or in such a position as to preclude vehicular access to the garages and parking spaces.

To ensure permanent retention of vehicle parking for the properties as supported by policy EN1 of the Allocations and Development Management Plan.

11) Prior to occupation of the development details of the size, design and materials of cycle stores for all dwellings and bin storage to the rear of the car port to units 8 and 9 shall be submitted to the District Planning Authority for approval in writing. The development shall be carried out in accordance with the approved details.

To ensure the provision satisfactory cycle and refuse stores as supported by policy EN1 of the Allocations and Development Management Plan

12) The development hereby permitted shall not be occupied until visibility splays have been provided in accordance with drawings 8090/303A (Visibility Splay). Thereafter the visibility plays shall be maintained free from obstruction at all times at a height not exceeding 0.6m above the level of the adjacent carriageway.

In the interests of road safety as supported by policy EN1 and T1 the Sevenoaks Allocations and Development Management Plan.

13) No part of the development shall be occupied until all off-site highway works to be subject of agreement under s278 of the Highways Act have been completed. Such works to include the new pedestrian and vehicular access to the public highway and section of pedestrian footway to the eastern end of the site to provide a link between the new vehicular access and the existing public footway immediately to the east as indicated on drawing 051506:N-FER-02 B.

In the interests of highway safety and the convenience of occupiers of the site as supported by policy T1 of the Allocations and Development Management Plan.

14) The sustainable urban drainage proposals set out in the Monson Drainage

Strategy and Sustainable Drainage Maintenance and Management Plan shall be implemented prior to the occupation of the dwellings hereby approved.

To minimise the risk of flooding and ensure the satisfactory means of surface water disposal using sustainable drainage methods for the lifetime of the development in accordance with paragraph 99 of the National Planning Policy Framework.

15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development falling within Classes A, B, D or E of Part 1 of Schedule 2 or within Class A, Part 2 of Schedule 2 of the said Order shall be carried out to the dwellings hereby approved.

To protect the amenities of the occupiers of the site and neighbouring dwellings and to protect the landscaping of the site as supported by Government advice in the form of the National Planning Policy Framework policies EN1 and EN2 of the Council's Core Strategy

16) The first floor flank windows in the flank elevations of the semi-detached units (no.2-9 inclusive) shall be obscure glazed at all times.

To safeguard the privacy of residents as supported by policy EN2 of the Allocations and Development Management Plan.

17) Details of the means of obscured screening to the full depth of the flanks of the rear balconies shall be submitted to the District Planning Authority for approval in writing. The approved means of screening shall be implemented in accordance with the approved details prior to occupation of the dwelling and maintained as approved thereafter.

To safeguard the privacy of neighbouring residents as supported by policy EN2 of the Allocations and Development Management Plan.

18) There shall be no external illumination on the exterior of any building, or within the confines of the application site unless in accordance with details which have been submitted to and approved in writing by the Local Planning Authority giving the precise design including the method and intensity of illumination, including type of bulbs to be used, the angle of any light fittings and associated light spillage.

In the interests of the impact on protected species and residential amenity as supported by Government advice in the form of the National Planning Policy Framework, policy SP11 of the Council's Core Strategy and EN2 of the Allocations and Development Management Plan

19) Prior to commencement of development a scheme to show the provision of electric vehicle charging points, including their proposed locations, type and specifications shall be submitted to and approved by the Local Planning Authority. The charging points shall be installed in accordance with the approved details prior to first occupation of the relevant phase of the development.

To ensure the sustainability of the site in accordance with policy T3 of the 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) Due to the proximity of residential properties to the proposed site the site, working hours should be controlled to protect residential amenity. During the enabling, demolition and construction phase, the hours of working, including deliveries and collections to and from site, shall be restricted to: Monday to Friday 08:00 to 18:00; Saturday 08:00 to 13:00; No work on Sundays or Public Holidays.

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

21) For the avoidance of doubt the information to which this decision relates is as follows: 051506:N-FER-01 B (Planning Layout), 051506:N-FER-01 B (coloured), 051506:N-FER-02 B, 051506:N-FER-03 051506:N-FER-E-E1, , 051506:N-FER-E-E2, 051506:N-FER-E-P1, 051506:N-FER-F-E1, 051506:N-FER-F-E2, 051506:N-FER-F-P1, 051506:N-FER-G-E1, 051506:N-FER-G-E2, 051506:N-FER-G-P1 051506:N-FER-PER01, 051506:N-FER-PER02, 051506:N-FER-SS01, 051506:N-FER-SEC01 051506:N-CP01-E1, 051506:N-CP01-P1, 051506:N-CP02-E1, 051506:N-CP02-P1, 051506:N-CP03-E1, 051506:N-CP03-P1 JB15_11_FH1_B, F589TCP, F589TPP, 8090-300B, 8090-301B, 8090-302B, 8090-303A, JEC/424/01 (Landscape Proposals) Also:- Planning Statement and Design and Access Statement.- KB Ecology Preliminary Ecological Appraisal dated July 2015, Bat Surveys 5th October 2015 and Bat Mitigation Strategy October 2016.- Noise Impact Assessment AC102513-1R0 dated October 2016.- Tree Ventures BS5837 Tree Report (Site No.2 (North) dated June 2016 (including Arboricultural Impact Assessment and Method Statement).- DHA Transport Assessment for Croft Road Westerham dated June 2016.- Landscape and Visual Assessment June 2016.- Southern Testing Desk Study and Site Assessment Report June 2016.- Monsoon Drainage Strategy and Sustainable Drainage Maintenance and Management Plan June 2016.

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

Informatives

1) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is

therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

2) Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Thames Water recommend the following informative be attached to any planning permission: There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact

Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.

3) The applicant is advised to have regard to the following Ecological advice:

Bats and Lighting in the UK

Bat Conservation Trust and Institution of Lighting Engineers

Summary of requirements

The two most important features of street and security lighting with respect to bats are:

1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.

2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

UV characteristics:

Low

- Low pressure Sodium Lamps (SOX) emit a minimal UV component.
- High pressure Sodium Lamps (SON) emit a small UV component.
- White SON, though low in UV, emit more than regular SON.

High

- Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps
- Mercury lamps (MBF) emit a high UV component.
- Tungsten Halogen, if unfiltered, emit a high UV component
- Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

Variable

- Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output.

Glass glazing and UV filtering lenses are recommended to reduce UV output.

Street lighting

Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels.

Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided.

If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

Security and domestic external lighting

The above recommendations concerning UV output and direction apply. In addition:

- Lighting should illuminate only ground floor areas - light should not leak upwards to illuminate first floor and higher levels;
- Lamps of greater than 2000 lumens (150 W) must not be used;
- Movement or similar sensors must be used - they must be carefully installed and aimed, to reduce the amount of time a light is on each night;
- Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;
- Light must not be directed at or close to bat roost access points or flight paths from the roost - a shield or hood can be used to control or restrict the area to be lit;
- Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;
- Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

4) You are advised of the need to enter into an Agreement under Section 278 of the Highways Act 1980 with Kent County Council and for the approval of plans for the works to the highway before commencement of any works on the land. Please contact Kent Highways, West Kent Area Office, Block I, St. Michael's Close, Aylesford, Kent ME20 7TZ (Tel. 01622 605980).

5) 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.

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) The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Background

- 1 This application site is allocated for housing development under policy H1(n) of the Allocations and Development Management Plan. Though the site across the road to the north is also allocated under the same policy, it is physically separated by Croft Road and both sites are self-contained.
- 2 The northern site is subject to a concurrent application. However, as the 2 sites are physically separated by Croft Road and are both essentially self-contained, the applicant has chosen to submit 2 separate applications; one relating to each site and the applicant is perfectly entitled to do this. In the circumstances, each site falls to be considered on their own individual merits. However, for the sake of consistency, both applications have been considered concurrently.

Description of site & location

- 3 Croft Road is located towards the extreme north-western edge of Westerham Town. The main built form of Westerham extends to the east

with land to the north, west and south-west of the site being largely open and only sporadically developed. The site is situated to the south of the B2024 and is set some 400m south of the M25 motorway.

- 4 This application site itself, which fronts Croft Road, comprises an open grassed plot located on the northern side of Croft Road, at the western end of the road. The western boundary of the site is formed by a dense, established foliated belt of trees. The northern boundary of the site abuts a steep, densely foliated embankment, which drops steeply down towards the B2042 Croydon Road. The eastern edge of the site includes a wide strip of land which contains a steep public footpath linking Croydon Road with Croft Road. This is flanked by planted verges. The frontage of the site contains a number of more modestly sized trees and bushes. There is an existing access to Croft Road from the south-eastern front corner of the site.
- 5 The land slopes south to north, more gently at first and more steeply to the rear. The level change is approximately 2.5m. beyond the site boundary to the north, the foliated embankment drops a further 1.5-2m or so to the level of Croydon Road. The front and eastern boundary of the site are formed by open railings/fencing.
- 6 Opposite the site is an open field. The land here rises steeply towards the south. At higher level along the southern boundary of this site is a dense tree belt, beyond which is the residential development of Marwell and Farleycroft.
- 7 These roads comprise more modern, larger, detached houses, set within gardens. Directly to the east of the site Croft Road is characterised by pairs of modest semi-detached dwellings, which are staggered in the street, with gaps between the individual blocks. As the houses continue slightly further into Granville Road eastwards, the gaps become considerably reduced and comprise regular rows of semi-detached houses.
- 8 The site is located within the built confines of Westerham. However, the Green Belt boundary runs along part of the road in front of the site and abuts the site to the north and west. However, the field to the south and land beyond all within the built confines, as is all residential development to the east.
- 9 There is a concurrent planning application for 9 houses on the field on the opposite (southern) side of the road (ref: SE/16/02196/FUL).
- 10 Both the application site and the one opposite across the road are allocated in the Council's Allocations and Development Management Plan for housing development.

Proposal

- 11 The application proposes the erection of 4 pairs of 3 bed (or 4 bed if study included as bedroom) semi-detached houses, with a further detached house on the western end. The houses would be set back some 17m from the Croft Road frontage, orientated to face the road. Access would be from Croft Road, towards the eastern end of the frontage. This would lead into an

access road containing forecourt and single storey carport parking with bin enclosures. Two of the garage blocks would be orientated side on to the road, two blocks would have a rear elevation to the road. However, they would be set comfortably within the site, separated from the road frontage by a deep verge (approx. 2.5m). The eastern-most house would be set in 2m from the existing boundary with the verge adjacent to the public footpath; thus approximately 4.5m from the footpath itself and 9m from the flank of no.12 Croft Road to the east, which itself is staggered slightly forward in the street scene and closer to the road. The houses would be set between approximately 10-15m from the rear boundary with Unit 1 approximately 14m from the western boundary.

- 12 The proposals would provide 18 allocated parking spaces (forecourt and car barns) and 3 visitor spaces. Cycle storage is also provided for each unit.
- 13 The houses are designed to reflect the ground level which falls approximately 2.5m from the front of the site to the rear and would be split level. The front elevations are designed to be 2 storey, with the rear incorporating a lower ground floor, providing 3 storeys, though the upper floor would be partially contained within the roof. The rear elevations include a small covered ground floor area with small balcony above. The balconies are indicated as including screening to the flanks. Some properties would contain flank windows, with those above ground floor indicated as obscure glazed. The detached Unit 1 would appear smaller scale as the roof would be lower than the semi-detached houses.
- 14 The existing metal railings are to be retained, together with the majority of the landscaping around the site. However, some trees/bushes are to be removed from the frontage, with replacement tree and hedging proposed along the southern and eastern boundaries.
- 15 Materials are to comprise brick with elements of render and weatherboard under a tiled roof, but are not specified. The design includes a variety of form, including a number of projecting first floor gables, dormers, with balconies and an articulated roof form with the main roof hipped, but in a more contemporary form.

Planning History

- 16 None

Constraints:

- 17 The site is within the built confines of Westerham.
- 18 Kent Downs Area of Outstanding Natural Beauty.
- 19 Adjacent to Green Belt

Policies

Sevenoaks Core Strategy:

- 20 Policies - L01, L07, SP1, SP2, SP3, SP5, SP7, SP11

Allocations and Development Management Plan (ADMP):

21 Policies - EN1, EN2, EN5, EN7, H1(n), T1, T2, T3

Other:

22 NPPF

23 Sevenoaks Countryside Assessment

24 The Westerham and Crockham Hill Village Design Statement (2000)

Consultations

Westerham Town Council (in summary):

25 “WTC believes that this site and the field opposite (Planning Reference SE/16/02196/FUL) should be considered as one application as shown in the Local Plan and therefore must be considered together.

WTC’s concern with this development is the cumulative affect of the built form on the street scene. This is a fringe of town development where the rural landscape merges with the residential buildings, these are mainly detached and semi detached giving a more open appearance. If we then have rows of terrace housing on both sides of the road this could create a dominant and discordant appearance. We have no design view of the two schemes to show the effect of this.

As the sites fall within an Area of Outstanding Natural Beauty, current planning policy requires the provision of an off-site contribution towards affordable housing. Given the need for affordable homes in Westerham WTC would be very interested to know how the contribution would be spent given the lack of development sites in the local plan.

26 WTC further comments are:

- There is no reference to street lighting on the plan
- Is there a planning requirement for street lighting to be provided on new developments?
- Does the shared circulation space have an adequate turning circle, particularly for emergency service and refuse vehicles
- a possible additional vehicular entrance/exit into the development via the existing footpath on the western end of the site
- No pavements are shown on the plan.

KCC Ecology (in summary):

27 “We have reviewed the documents submitted in support of this application and advise that further information is needed prior to determination of any planning application.

Protected Species

- 28 A bat activity survey has been carried out and recorded three species of bats using the site for foraging and commuting. As the development will result in the loss of habitat, connectivity and an increase in disturbance, mitigation measures will need to be provided. This has not been included in the *Bat survey report* due to the development plans not being known; therefore we advise that as new updated plans have been provided, a bat mitigation statement is submitted to ensure there will be no detrimental effects to bats.
- 29 As the development site has habitat suitable for reptiles, a full reptile survey has been carried out. No reptiles were recorded and therefore no mitigation measures are necessary.

Enhancements

- 30 One of the principles of the National Planning Policy Framework is that “*opportunities to incorporate biodiversity in and around developments should be encouraged*”.
- 31 The ecological report has provided many suggestions of ecological enhancements which could be incorporated into the proposed development. We advise that details of site specific ecological enhancements which will be incorporated into the proposed development are provided for comment.”

Comments on additional information:

- 32 “A bat mitigation statement has been submitted in support of this application to address previous comments in regards to how the proposed development will affect the local bat population. Whilst the plans include the limited loss of foraging habitats, the majority of habitat will be retained and enhanced and consequently, there will be limited impact on the on-site bat population. Therefore, we require no additional information prior to determination of any planning application.”
- 33 The proposed mitigation and enhancement measures include:
- Sensitive lighting regime;
 - Protective measures for the retained trees in accordance with arboriculture best practice (BS 5837 2012).
 - Planting of species-rich hedgerows along western and southern boundaries.
 - Installation of 5 x Schwegler Type: 1FF bat boxes
- 34 We advise that the protective measures as well as the scheme to increase the quality and quantity of biodiversity should be secured as a condition of any planning application. Enhancement measures should include the measures outlined in both the submitted *ecological appraisal* and the *bat mitigation statement*.”

Natural England (in summary):

- 35 No objection with regard to the impact on statutory nature conservation sites.
- 36 It is noted that the site is within or close to a nationally designated landscape - the Kent Downs AONB and the LPA should use national and local policies and may local Landscape Character Assessment to determine the proposal.
- 37 They have not assessed the impact on protected species, Biodiversity enhancements are recommended.

Arboricultural Officer:

- 38 These proposals to develop this site are shown to be mainly within the central area, with the important trees and hedgerows growing upon the boundaries of the site.
- 39 Appendix 4 of the tree report does however specify certain works to accommodate various works. G1 is shown to be removed to allow the construction process. I am unaware of why the construction process needs this space and as such I suggest that consideration is given to this line of trees being pruned back harshly in order to form a ready made future hedgerow. It may also be possible to pick out any existing suitable tree species to be left to form a standard within the hedgerow. It has all of the required species expected of a native hedgerow and is already in place. G6 specifies the removal of end trees to again allow the construction process. I again suggest that these trees could be pruned back away from the construction process to form a hedge. Such a ready made hedge would then grow forming a suitable amount of screening for any future resident from the adjacent footpath. A landscaping condition should be applied to any consent given to show all existing and proposed soft landscaping for the site.

Environmental Health (In summary):

- 40 I now have sufficient clarification of the impact of the M25 and the adjacent road, I am now satisfied that sufficient attenuation can be afforded to habitable rooms on the ground, first floor and amenity space from the proposed attenuation measures.

Kent Highways:

- 41 "There is no highway safety concerns with the principles of this development proposal, although there are a couple of detail issues that need addressing (listed below) which, provided they are satisfactorily addressed, would result in no highway objection being raised by the HA.
- a. The existing footway along the northern side of Croft Road should be extended to reach the new access point, with a dropped kerb to provide pedestrian access off the access road.

b. The footpath link opposite Plot 1 between the access road and Croft Road should be deleted and the space fronting Croft Road planted to close the gap. This is to discourage vehicles (especially delivery vans) parking on Croft Road whilst accessing the houses.

c. The junction of the access road and Croft Road should either be formed with a bellmouth (as shown on Drawing ref. 8090/303A or with 45 degree splays (2.0m x 2.0m).”

- 42 Several conditions are recommended including retention of parking and provision of vehicular sightlines.

KCC Public Rights of Way Officer (in summary):

- 43 The site is adjacent to a Public Right of Way, but it is not anticipated that this would be directly affected.

- 44 It is suggested that to mitigate the visual impact of the development and cater for potential increased usage the footpath should be overlaid or reconstructed.

KCC - Lead Local Flood Authority (Sustainable Drainage)(In summary):

- 45 The site falls outside the definition of a major development and falls outside KCC’s remit as a statutory consultee. It is noted that the site lies within a Source Protection Zone and may require consultation with the Environment Agency.

Thames Water (in summary):

- 46 Surface water drainage is the responsibility of the developer. Storm flows should be attenuated into the public network through on or off-site storage. There is no objection with regards to the impact on sewerage infrastructure or on water capacity grounds.

Environment Agency:

- 47 No response to date.

Representations

- 48 A letter with 9 signatories has been submitted raising the following concerns:

- Loss of light and overshadowing to neighbouring properties.
- Overlooking of neighbouring properties.
- Proposals not in keeping with area.
- Lack of parking and increased traffic generation
- General noise and disturbance.
- Too many properties proposed on site.
- Lack of footpath along site frontage to Farley Lane junction.
- Lack of affordable housing.
- Concern inadequate drainage may lead to flooding.

- 49 A further petition comprising a letter with 27 signatories has been received raising objections on the following grounds:
- Noise.
 - Increased traffic.
 - Loss of open land.
 - Adverse impact on ecology.
 - Adverse impact on highway safety.
- 50 Non planning matters are also raised.

Chief Planning Officer's Appraisal

Principle issues

- Introduction
- Relevant Planning Policy Background
- Consideration against Policy Background
- Principle of Development
- Layout, scale, design and highway considerations
- Impact on landscape/AONB/setting of adjacent Green Belt
- Impact on residential amenity
- Ecological/Tree implications
- Affordable Housing
- CIL
- Other Matters
- Conclusion

Introduction

- 51 Key Government guidance is provided in the form of the National Planning Policy Framework (NPPF), which forms part of the material considerations relevant to the present application. As set out in paragraph 12, it introduces a presumption in favour of sustainable development but the guidance states that this should not be the case where the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate development should be restricted. Whilst this document does not change the statutory status of the development plan as the starting point for decision making, this now only applies where the existing Sevenoaks District Local Plan policies do not conflict with the NPPF.
- 52 Paragraph 14 of the NPPF also advises that for decision-taking, development proposals that accord with the development plan should be approved and where the development plan is absent, silent or out of date, granting permission unless:

“- any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or-specific policies in this framework indicate development should be restricted.”

53 Paragraph 17 of the NPPF sets out a number of core planning principles to be followed. In summary, these principles include, amongst other things;

- Be genuinely plan-led to provide a framework which within which decisions can be made with a high degree of predictability and efficiency;
- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- To always seek to secure high quality design and good standard of amenity;
- Take account of the difference roles and character of difference areas, including protecting the Green Belt and recognising the intrinsic character and beauty of the countryside;
- Contribute to conserving and enhancing the natural environment and reducing pollution;
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land), providing that it is not of high environmental value;
- Promote use of public transport and focus significant development in locations which are or can be made sustainable.

54 Significant weight must also be given to the Councils adopted Core Strategy Development Plan (CS) Document (2011). This is the key document in the Local Development Framework. It draws together the objectives of a wide range of plans, programmes and strategies and provides the overarching principles that will deliver the essential development needs of the District.

55 Significant weight must also be given to the Allocations and Development Management Plan (ADMP).

Relevant Planning Policy Background

56 The relevant policy background is the same as the site across the road which is subject to the concurrent planning application.

57 The application site is within the built confines of Westerham.

58 Policy L01 of the Council’s Core Strategy seeks to focus development within the built confines of existing settlements. Westerham is designated a Rural Settlement and is thus covered by policy L07. Within such areas development of an appropriate scale and nature will be permitted where it can take place in an acceptable manner consistent with local character.

59 In summary, Policy SP1 of the Sevenoaks District Core Strategy Development Plan Document (CS) 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 **SP2** of the CS seeks Sustainable Construction and Low-Carbon Energy Generation.

- 60 Policy **SP3** of the Core Strategy, relates to the provision of affordable housing. It explains that in order to meet the needs of people who are not able to complete in the general housing market, the Council will expect the provision of affordable housing in all types of residential development. In residential developments of 5-9 units gross 20% of the total numbers of units should be affordable.
- 61 Policy **SP5** requires a mix of housing types and size, taking into account the existing pattern of housing in the area.
- 62 Policy **SP7** relates to the density of housing development, which should be consistent with achieving good design and does not compromise the distinctive character of the area in which it is located. The supporting text to this policy explains that the ADMP and Development Briefs will give guidance on the density of development for identified sites. The application site is identified as an allocated housing site in the ADMP.
- 63 Policy **SP11** states that the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity.
- 64 Policy **EN1** of the ADMP sets out the general Design Principles which should apply to all development. In summary, the policy states that proposals which would create high quality design and meet the following criteria will be permitted where the form of the proposed development would respond to the scale, height, materials and site coverage of the area, respect the topography and character of the site and preserve the character of the area. The design of new development should be permeable and provide connectivity with neighbouring areas and should ensure satisfactory means of access for vehicles and pedestrians and provide adequate parking.
- 65 Policy **EN2** of the ADMP states that proposals will be permitted where they would safeguard the amenities of existing and future occupants of nearby properties. Of particular relevance here is the impact in terms of visual intrusion, potential overlooking and loss of privacy and the impact of associated vehicular movements.
- 66 Policy **EN7** of the ADMP relates to Noise Pollution and seeks to safeguard both the locality and potential occupiers from unacceptable noise levels.
- 67 Most significantly, policy **H1(n)** of the ADMP allocates the application site for housing (together with the site to the north). Appendix 3 provides amplification. It states, in summary, that development of this site should protect and enhance the landscape features. The site should reflect the layout and scale of adjacent attached and detached housing. Existing tree screening should be maintained and enhanced with access from Croft Road. The footpath to the east of the northern site should be retained.
- 68 Policies **T1** and **T2** explain that new development would mitigate any adverse travel impacts and should meet the required parking standards.

- 69 The Westerham and Crockham Hill Village Design Statement helps set the context for development proposals. Broad criteria include ensuring that the height and scale of houses respond to the locality and is designed to reflect levels across the site; roofscape should be well articulated and reflect local character and landscape proposals should retain existing planting and provide enhancements.
- 70 The site lies within the Kent Downs Area of Outstanding Natural Beauty. The Countryside and Rights of Way Act 2000 states that the Local Planning Authority should conserve and enhance Areas of Outstanding Natural Beauty. Designating an Area of Outstanding Natural Beauty protects its distinctive character and natural beauty and can include human settlement and development.
- 71 Section 85 of that Act requires decision-makers in public bodies, in performing any function affecting land in an Area of Outstanding Natural Beauty, to have regard to the purpose of conserving and enhancing the natural beauty of that area.
- 72 Policy EN5 of the ADMP relates to Landscape. The policy states that the highest level of protection shall be given to the protection of the landscape and scenic beauty in AONBs. Development proposals will be permitted where they conserve the landscape and secure enhancements. Policy SP1 of the CS is relevant and has been referred to above. It states that account should be taken of guidance including the Sevenoaks Countryside Assessment.

Consideration against Planning Policy

Principle of development

- 73 Policies L01, L07, SP7 and H1(n) are relevant to the consideration of the principle of development on this site. These policies have been summarised above.
- 74 The policy H1(n) allocation identifies the application site in its entirety (southern and northern portions) as suitable for an approximate density of 25 dwellings per hectare (dph), with an approximate net capacity of 15 dwellings.
- 75 The present application relates to the northern portion of the allocation only. This has a site area of approximately 0.33 hectares. The present application seeks 9 units. In isolation, the density of development proposed on this site equates to approximately 27 dph. This is slightly above that suggested in the policy allocation.
- 76 If combined with the southern site (also 9 units), the number of dwellings would total 18 units. This is above the approximate net capacity of 15 units recommended in the H1(n) allocation, but equates to a density of some 23 dwellings per hectare (dph) when both sites are combined. Though the housing in Marwell is lower density, that in Croft Road/Granville Road is higher. For example, nos. 2-12 Croft Road together with the adjoining houses of 34-52 Granville Road have a density of approximately 28 dwellings

per hectare. The development of Marwell is lower density (approximately 18 dph). In this context, I do not consider the proposed density to be inconsistent with that of the locality.

77 Furthermore, I would note that the accompanying text to Policy SP7 states that;

“Densities, as proposed in Core Strategy Policy SP7, are generally sought in order to achieve sustainable forms of development, and reduce unnecessary use of greenfield land (I note SP7 would recommend a minimum density of 30 dph on sites such as this). However, to ensure that new development integrates well within the local character of established areas, some allocations have been subject to densities below those set out in Policy SP7. It must be emphasised that the yields are approximate and the actual dwelling yield that might be achieved on each site could vary from that indicated. It will be for planning applications to demonstrate how high quality sustainable designs can achieve an appropriate density for each site.” (my italics).

78 In light of the above, I do not consider density alone can be used to determine the development form on site. In the circumstances, subject to the proposals representing an acceptable balance between the requirement to make efficient use of this allocated site whilst providing an acceptable layout and design which would preserving the character of the area, I consider the proposals would be acceptable in principle.

Layout, scale, design and highway considerations:

79 Policies SP1, SP2, SP5, EN1, T1 and T2 and the Westerham and Crockham Hill Village Design Statement are relevant to the consideration of the layout, scale, design and highway implications. These have been summarised above.

80 Linked to the impact on the character of the area generally is the impact on the character of the adjacent Green Belt.

81 In my view, the reasoning for the relatively modest density of development set out in the ADMP allocation is that the site should provide a “buffer” between the built up area and the open Green Belt beyond. The open character of the Green Belt is readily apparent to the north and west of the site and thus, in my view, it is not desirable to encourage a form of development on the site which is either excessively dense, cramped or which would result in an unduly “hard edge”, adjacent to these boundaries.

82 Furthermore, whilst low density development of the site may be desirable adjacent to the Green Belt boundary, there is also a need to make the most efficient use of the land for housing. The balance between these competing issues is likely to be a delicate one.

83 The fact that the principle of housing development on the site is already established by the policy allocation is a material consideration of weight.

- 84 In this instance, as discussed above I consider the density of the application site itself generally reflects that of the locality, although I note it is slightly above that proposed in the housing allocation when considered in isolation to the southern site. However, in my view, it is the layout and scale of the development which will ultimately determine whether the proposals preserve the character of the area.
- 85 In this regard, the context of the site reflects a varied character. Clearly land to the north and west is predominantly open and undeveloped. Housing immediately to the east is generally of modest scale. Those immediately adjacent in Croft Road are staggered, which contributes to the sense of separation and provides a more spacious character. However, the compact nature of the built form increases rapidly towards the Town centre. Housing beyond the field to the south comprises a more modern estate of larger detached houses, which share a number of similarities with the proposals, including use of split levels I note that the housing to the south is, in plan form, slightly more spacious.
- 86 Turning to the proposed development, despite the fact that the site presently comprises an open parcel of grassland, the development of the site would “read” as a natural extension to the built form of Granville Road/Croft Road in my view. The site is very contained by dense, established planting along the northern and western boundaries. This provides a significant physical barrier to the land beyond. Approached from the west or east the proposals would be seen in the context of nos. 10-12 Croft Road which lie adjacent to the site on the same side of the road and also nos.1-3 Croft Road, though at a greater distance. However, because of the generous set back of the houses within the site, the intervening garages and potential landscaping, I do not consider they would appear prominent within the street scene and I note that their front building line would be set slightly behind that of no.12 Croft Road. I consider there would be clear gaps between the individual blocks and the space between them would be emphasised by their design, particularly the hipped roof form, which would create a greater physical gap at higher level.
- 87 Though the garage blocks would be adjacent to the road, they would be set back from the edge of the highway by a deep verge. They would be single storey structures with modest hipped roofs. I consider their impact could be considerably softened by strategic planting. Furthermore the garages would comprise a number of individual blocks with generous gaps between. Consequently I do not consider the garages would appear unduly dominant within the street scene. Furthermore, they would also provide an element of screening to the houses themselves, which together with enhancement landscaping along the frontage would help filter views of the site and soften the visual impact of the proposals. For these reasons, I consider the general layout and siting of the houses, together with the access road and forecourt and carport parking to be acceptable.
- 88 There is no question that the proposed houses would be of substantial scale. However, I consider the 2 storey appearance of the front elevations would be entirely compatible with other development in the locality. In my view, it is the significant depth of the buildings and the rear elevations which include third floor accommodation which significantly increase the visual

bulk and scale of these houses. When viewed from the street, I consider this unlikely to be readily apparent. The impact would be most likely to impact views of the rear and flanks. However, in this regard, the western and rear boundaries comprise dense, established tree screen. There is no intention to remove the foliage within the site along these boundaries, and indeed much of it lies outside the site. Consequently, viewed from Croydon Road or Farley Lane, I consider the proposals would be significantly screened and any views of the site from these directions (north and west) would be heavily filtered. Thus despite the considerable scale of these particular elevations, I consider the visual impact would be limited outside the confines of the site.

- 89 In my view the most prominent elevation is likely to be that to the east, adjacent to the footpath. However, assuming the level of the land were to remain much as existing along the eastern flank boundary adjacent to the house on Plot 9 and be subject to landscaping, which could be covered by condition (I note that landscape proposals include new hedging and tree planting), the lower ground floor would not be readily apparent and I do not consider the flank would appear unduly overbearing.
- 90 In the particular circumstances, whilst I have some reservations over the scale of the buildings indicated, I consider that because of the peculiarities of the site, I consider the impact outside the confines of the site would be acceptable.
- 91 I consider the houses generally would be well articulated and would incorporate a variety of design features including modest projecting bays with gabled roofs, modestly sized dormers and a variety of materials, which could be subject to condition.
- 92 In light of the above, I consider the proposed houses would sit comfortably within this extensive site, with sufficient space between and around the dwellings to ensure that the development does not appear cramped. Notwithstanding the scale and height of the houses, because of their set-back within the site, 2 storey front elevations, the fact that the impact of the rear and flank elevations would be limited, in my view, and the opportunity for landscaping, I do not consider the scale, design or layout of the dwellings would appear so at odds as to seriously harm the established character of the area. Furthermore, both the landscaping proposed and that existing along the northern and western boundaries would considerably screen the proposals from the open Green Belt land beyond, such that any visual impact would be very limited in my view.
- 93 With regard to the highway implications, the proposals have been examined in detail by the Highway Authority who has raised no objections to the proposals. The proposals have been amended to include a new pedestrian footpath link from the vehicular access into the site to the existing public footway immediately to the east. I have confirmed with the Highway Authority that this amendment addresses their outstanding concern and that when considered both on its own merits and in conjunction with the site opposite, the proposals would not have a significant impact on highway conditions. Parking (2 spaces per dwelling plus 3 visitor spaces) and turning on site are considered acceptable and to meet the relevant standards and,

subject to conditions, the proposals represent an acceptable form of development.

- 94 In light of the above, I consider the proposals to be acceptable in highway terms.
- 95 In the event that permission were to be granted for the proposals, I would anticipate conditions requiring details of materials, hard and soft landscaping, means of enclosure, retention of parking as well as those requested by the highway Authority relating to visibility splays, amongst others.
- 96 Bearing in mind the Green Belt constraints of the district, the fact that site is allocated for housing at a similar density, is considered to occupy a sustainable location close to the urban centre and the fact that there would be sufficient parking and amenity space for the housing. I consider the strong presumption in favour of sustainable development set out in the NPPF would outweigh any modest harm to the visual amenities and character of the adjacent Green Belt.
- 97 In light of the above it is my view that the proposals would have an acceptable visual impact on the character of the adjacent Green Belt and would be compatible with the local character which forms the context of the site. I therefore consider the proposals comply with the policies set out above.

Impact on landscape/Area of Outstanding Natural Beauty:

- 98 The site lies within the Kent Downs Area of Outstanding Natural Beauty. The relevant policy background has been summarised above.
- 99 Within the Sevenoaks Countryside Assessment, the site is identified as being within the Darent Valley - Westerham and Brasted Character Area. The general landscape character for the area is assessed as being in good condition, with a moderate degree of sensitivity. Landscape actions seek to conserve and reinforce distinctiveness including conserving the positive impact of the historic built form on the area: ensure that vernacular styles are interpreted for use in new building and that the existing building groups and their landscape setting are conserved.
- 100 The wider visual impact of application site is limited by its precise location. The northern and western boundaries are contained by dense, well established tree cover. This landscaping provides a very significant screen when viewed from land well beyond the site to the north, west and south. In any event longer distance views from the north would clearly set the site in the context of the built form of Westerham Town. Thus the site is not widely visible in the landscape and views are restricted to close distance views immediately on approach from the adjacent roads. To the east the site is relatively open and it is thus set visually within the context of the adjacent housing. In my view the site is clearly set in the context of the built form of Westerham and indeed the external boundaries provide a clear visual break and a physical barrier from the wider open landscape beyond.

- 102 The AONB designation includes not only the application site and open landscape beyond, but also the built villages and towns within it, including Westerham Town in its entirety. The purpose of the AONB is not to prohibit development, but to preserve, enhance and reinforce its distinctiveness. I do not consider the immediate locality a remote or unsettled landscape and the development would represent a very small incremental extension to the town of Westerham.
- 103 In light of the above, whilst I have noted that the site acts as a “buffer” between the dense urban form of Westerham and the Green Belt/open countryside to the north, west and south-west of the site, because of the very limited wider visual impact I do not consider the proposals would visually erode the open character of the land to the north. I consider the proposals would be comfortably set within the context of the wider built form of Westerham and am satisfied that the proposals would help provide a distinct edge to the urban form which would serve to positively preserve this part of the AONB and enhance the open, rural and pastoral character of the landscape beyond.

Impact on residential amenity:

- 104 Policy EN2 of the ADMP is particularly relevant when considering the impact on residential amenity. This thrust of this policy has been summarised above.
- 105 There are few properties that would be directly affected by the proposals. No.3 Croft Road has a flank elevation facing the site, but views would be partly screened by existing intervening trees and there would be a good distance between the proposed buildings.
- 106 Nos. 10 and 12 Croft Road are located directly to the east of the site, on the opposite side of the public footpath, with the flank to no.12 facing the site. No. 12 has a garage to its western side, which contains no flank windows. The flank wall to the house would be set approximately 11.5m from the flank of the closest house on site. Whilst there are first floor windows facing the proposals, 2 are obscure glazed with one to the front clear. However, the outlook would be towards the front corner of Plot 9/access road. Bearing in mind the precise relationship and distance between these properties, I do not consider the height, scale or appearance of the proposed Unit 9 would appear unduly overbearing or to result in loss of light or privacy (proposed flank windows would be obscure glazed). Viewed from the rear amenity space of no.12 Croft Road, because of the orientation of the garden and intervening screening, I consider the impact would be limited.
- 107 In light of the above, I consider the proposals would have an acceptable relationship with the neighbouring properties and would not have an overbearing or unneighbourly impact or result in an unacceptable degree of overlooking or loss of privacy and to comply with policy EN2 of the ADMP.

Ecological/Tree implications:

- 108 In summary, there is legislation which requires the Local Planning Authority to have regard to conserving biodiversity and to consider the potential ecological impacts of a proposed development and provide enhancement where possible. Policy SP11, which relates to biodiversity has been summarised above.
- 109 Various Ecological reports have been submitted following an initial Preliminary Ecological Appraisal, comprising a Reptile Survey and a Bat Survey.
- 110 KCC Ecology initially requested additional information regarding the impact on bats and proposed mitigation. Further information was subsequently submitted and on the basis that habitat removal would be limited and enhancement planting proposed, the impact on bats would be acceptable.
- 111 With regard to the impact on trees, a detailed existing survey and tree protection plan has been submitted together with a landscape proposals drawing. A detailed Tree Report accompanies the plans. This includes an arboricultural impact assessment and proposed mitigation measures and a method statement.
- 112 The proposed landscaping works include some works to existing trees and also some removal of existing planting. However, this is generally to allow other existing trees to develop. Along the western edge of the site it is also proposed to remove a preserved oak as this is in poor condition. This would be replaced by a new oak in a similar position together with further enhancement planting. I would note that it is proposed to remove some planting from the frontage (western portion) and adjacent to the proposed rear corner of the proposed house Plot 9. The Council's Arboricultural Officer has queried why the removal of these are necessary, as they could possibly be retained by significantly cut back, rather than removed and replanted. However, no objections are raised in principle and I consider the details could be adequately covered by conditions. New hedge planting along the frontage and eastern edge of the development proposals adjacent to the public footpath are also proposed and can be covered by condition.
- 113 I am therefore satisfied that subject to suitable conditions, the proposals would preserve the ecological and Arboricultural interests of the area and provide suitable replacement (and new) planting to enhance that to be retained. In time, I consider the landscaping will soften the impact of the proposals and help assimilate them into the wider landscape.

Affordable Housing:

- 114 Policy SP3 of the Core Strategy, which relates to the provision of affordable housing, has been summarised above.
- 115 On 28 November 2014 the Government issued a Written Ministerial Statement (WMS) that amended National Planning Practice Guidance (PPG) to restrict the circumstances where contributions for affordable housing should be sought. In summary, on sites within an Areas of Outstanding

Natural Beauty, as this site is, proposals between 5 to 9 units would attract a financial contribution towards the off-site provision of affordable housing.

116 It is noteworthy that the WMS is a material consideration which post dates the Core Strategy and was confirmed by the Court of Appeal in 2015 and thus afforded weight. Since the development size meets the threshold introduced in the Written Ministerial Statement a strict adherence to the edicts of Policy SP3 requiring on site provision of affordable housing is unlikely to be substantiated at appeal. As such it is appropriate to seek a financial contribution equivalent of 20% affordable housing.

117 The offer of a contribution of £522,054.00 meets this requirement and a S106 legal agreement has been submitted to secure this provision.

118 I therefore consider the proposals to comply with the thrust of policy SP3 of the CS and current Government guidance.

CIL

119 The 9 residential units proposed would be liable for the Community Infrastructure Levy in full.

Other matters

120 Paragraph 120 of the NPPF explains that due regard must be given to the risks of pollution on health and the natural environment or general amenity and the potential sensitivity of the area or proposed development to adverse effects from pollution should be taken into account. Where a site is affected by contamination...responsibility for securing a safe development rests with the developer and/or landowner.

121 Policy SP2, which relates to sustainable construction of the CS and policy EN7 (noise) has been summarised above.

122 Notwithstanding the fact that the site does not fall to be considered by the Sustainable Drainage Officer, a preliminary drainage strategy has been provided as part of the proposals. This advises that surface water shall be disposed of by means of sustainable urban drainage systems (SUDS) prior to occupation of the dwellings. It is proposed that the new driveway and parking areas shall be designed as semi-permeable pavements with run-off to a large soakaway to the north of the dwellings. The design accounts for a 1 in 100 year + 30% annual probability storm event, allowing for climate change. Account has been taken of the Zone 3 Groundwater Source Protection designation. I am satisfied that the drainage proposals would represent a sustainable form of development.

123 A Desk Study and Site Assessment Report has been submitted. This concludes that there is no evidence of contamination and no remediation is necessary. There are no planning records to indicate that the site has ever been developed and appears to have remained open since the Council's records began and I consider it highly unlikely that the site would be contaminated.

- 124 A Noise Impact Assessment has also been submitted. This has identified the roads immediately adjacent to the site as the key noise sources that would impact upon the amenities of occupiers of the proposals. The assessment concludes recommends that alternative ventilation should be provided for certain habitable rooms with a line of sight to the roads as an alternative to opening windows in order to provide fresh air flow and background ventilation. Also an acoustic barrier is proposed to the rear gardens of unit 1-9. With mitigation in place, the No Observable Adverse Effect Level would be achieved for all external and internal areas that would adversely impact occupiers of the development. The Ventilation for habitable rooms can be achieved by utilising a through-frame window mounted trickle vent or through wall trickle ventilator. Environmental Health are satisfied that the measure proposed would be satisfactorily addressed by the measures proposed. This would ensure that the amenity of potential occupiers would be satisfactorily protected. These measures can be controlled by suitable conditions. I consider the acoustic barrier would be contained within the site and could be screened by landscaping to limit any impact outside the site.

Conclusion

- 125 In terms of planning policy, the application site is located within the built confines of Westerham. It is allocated for housing in the Allocations and Development Management Plan. It is therefore considered a suitable and sustainable location for housing development in principle. Notwithstanding the layout or design of the scheme, the 9 houses proposed would be set comfortably within a generously sized plot.
- 126 Though when taken in isolation from the southern site the density on this northern site would be slightly higher than that suggested in the ADMP allocation, when combined it would meet the policy guidance. Furthermore, I consider the proposals would be comparable with adjoining development to the east. However, in determining whether the present proposals are acceptable, they must also be assessed in terms of the impact on the character of the area. This will largely be dependent on their layout, scale and design and associated landscaping.
- 127 In terms of siting and layout, the site is very comprehensively screened to the north and west. From Croft Road itself, the proposed houses would be seen in the context of nos.10-12 Croft Road, but at some 17m from the highway edge, they would be set considerably further back on the plot than the other houses in the road. I do not consider the single store garage structures would flaw this approach. Much of the established landscaping would be retained with some replacement and enhancement, including new hedge and tree planting adjacent to the frontage and eastern flank. In light of the above, I do not consider the proposals would appear unduly dominant in the street scene. The considerable set back, combined with the gaps between the blocks, articulated design and hipped roof form would help to reduce the apparent bulk and massing and I do not consider the proposals would represent a cramped form of development. The 2 storey front elevations would be entirely compatible with development in the locality.

The larger 2½-3 storey rear elevations would essentially be screened from view by dense, established foliage. In light of the above, I consider the proposals would have an acceptable impact on the street scene and the character of the area. Similarly, I consider the proposals would have an acceptable impact on the visual amenities and wider character of the Green Belt beyond the site.

- 128 The site is also within the AONB. However, as explained above, the site is very well contained by established foliage, such that there would be only a very limited impact outside the immediate context of the site. This is especially the case when viewed from a distance from the open land to the north and west, from which vantage points the site would be clearly set within the built context of Westerham Town Centre. The proposals would help reinforce the edge of the built confines, whilst retaining the foliated borders which act as a physical buffer to the open land beyond. In this way I consider the proposals would protect and enhance the character of this particular part of the AONB.
- 129 There are no highway objections to the proposals subject to conditions. In terms of impact on residential amenity, I am satisfied that the relationship with neighbouring dwellings, particularly nos.10-12 Croft Road, would be an acceptable one and the proposals would not appear unduly overbearing or result in loss of privacy of light.
- 130 Subject to suitable conditions relating to ecological mitigation and enhancement and landscaping, I consider the impact on ecology and trees to be acceptable. The proposals would provide the necessary affordable housing contribution as required by policy. The site is considered to be well located, close to the town centre and public transport.
- 131 In light of the above, I consider there to be no substantive material planning objections to warrant refusal of the proposals.
- 132 Bearing in mind the presumption in favour of sustainable development and the need to maximise the potential of urban sites to protect the wider Green Belt. It is my conclusion that, subject to condition, the proposals represent an acceptable form of development.

Background Papers

Site and Block Plan

Contact Officer(s): Mr J Sperryn Extension: 7179

Richard Morris
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=09LDVOBKGN00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=09LDVOBKGN00>



