

4.7 - SE/16/02196/FUL Date expired 19 September 2016

PROPOSAL: Proposed application for 9No houses comprising 7No. 4-bedroom dwellings and 2No. 3-bedroom dwellings, with parking and landscape, and access from Croft Road.

LOCATION: Field South East 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 provision of an affordable housing contribution, to secure appropriate ecological mitigation on an adjacent site 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 F583TPP shall be undertaken in accordance with the details set out in the BS5837 Tree Report (Site No.1 (South) 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 F583TPP 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/424/02 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; g) details of the precise curtilage to the rear of the dwellings to include a protected grassland strip along the southern boundary of the site. 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-R0 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:S-FER-02 (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 and refuse stores for all dwellings 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 8090/313A (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:S-FER-02 A.

In the interests of highway safety and the convenience of occupiers of the site as supported by policy EN2 and 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) 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

17) 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.

18) 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.

19) No development shall take place (including any ground works or site clearance) until the mitigation strategy for reptiles has been implemented in accordance with the approved details. The receptor site shall be actively managed as detailed within the mitigation strategy and in accordance with further details of the initial aftercare and long-term maintenance of the receptor site to be submitted for approval in writing prior to occupation of the development. Such details to include a method and period of monitoring following implementation of the mitigation strategy. The works shall be carried out strictly in accordance with the approved details and shall be maintained as approved thereafter.

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 and policy SP11 of the Council's Core Strategy.

20) Drawing Nos.:051506:S-FER-01 A, 051506:S-FER-02 A, 051506:S-FER-03 A, 051506:S-FER-04 A051506:S-A-E1, 051506:S-A-E2, 051506:S-A-P1, 051506:S-B-E1, 051506:S-B-E2, 051506:S-B-P1, 051506:S-C-E1, 051506:S-C-E2, 051506:S-C-P1, 051506:S-D-E1, 051506:S-D-E2, 051506:S-D-P1, 051506:S-D-P2051506:S-PER01, 051506:S-PER02, 051506:S-SS01, 051506:S-SEC01JB15_11_FH1B, F583TCP, F583TPP, 8090-310A, 8090-311A, 8090-312A, 8090A (Drainage), JEC/424/02 (Landscape Proposals)For the avoidance of doubt the information to which this decision relates is as follows: Also:- Planning Statement and Design and Access Statement.- KB Ecology Preliminary Ecological Appraisal dated July 2015, Reptile Survey dated 30th September 2015 and Bat Surveys 5th October 2015.- Noise Impact Assessment AC102513-R0 dated October 2016.- Tree Ventures BS5837 Tree Report (Site No.1 (South) dated June 2016 (including Arboricultural Impact Assessment and Method Statement).- DHA Transport Assessment for Land South of Croft Road Westerham dated July 2016.- Landscape and Visual Assessment July 2016.- Southern Testing Desk Study and Site Assessment Report June 2016.- Monson Drainage Strategy and Sustainable Drainage Maintenance and Management Plan.

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

Informatives

1) Thames Water recommends the following informative be attached to this planning permission. 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.

2) The applicant is advised that the site is located within Zone 3 Groundwater Source Protection Zone and you are recommended to consultant with the Environment Agency's groundwater protection team regarding the use of infiltration on this site.

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/65)

4.asp),

- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) 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 comprises an open grassed plot, is located at the western end, and southern side, of Croft Road, with the western boundary abutting a densely foliated strip, beyond which is Farley Lane. To the east of the site is Farleycroft (road), which in turn leads southwards into Marwell. These roads comprise more modern, larger, detached houses, set within gardens. The application site rises steeply from the northern boundary adjacent to the road towards the south-western rear corner. The houses directly to the south of the site are set at raised level, but are separated by a densely foliated tree belt. 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 into Granville Road eastwards, the gaps become considerably reduced.

- 5 The site is located within the built confines of Westerham. However, the Green Belt boundary runs along the road adjacent to the frontage of the site and abuts the site to the west and south-west, with land to the south, east and field to the north all within the built confines.
- 6 There is a concurrent planning application for 9 houses on the field on the opposite side of the road (ref: SE/16/02010/FUL).
- 7 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

- 8 The application proposes the erection of 7 detached, 4-bed houses and one pair of 3-bed semi-detached houses, set centrally within the site. The houses are aligned to front Croft road, from which a single vehicular access point would be provided to serve all units, thus retaining an enhanced landscaped strip along the road frontage, with the front boundary retaining open railings. The houses would be set within the central portion of the site with access, hardsurfacing and landscaping to the front. The houses would be set in from the sides and rear of the site, with the intention of retaining and enhancing the majority of existing, established planting.
- 9 The houses are designed to reflect the ground level which rises significantly from front to rear of the site. The front elevations would appear as 2½ storey (or 3 storey with the upper floor within the roof served by dormers), whilst the rear elevations would clearly read as 2 storey. Each detached house would have garage and forecourt parking for 2 cars. The exception would be house type D - the centrally placed semi-detached pair, which would be 3 storeys to the front, though 2 storey to the rear. These 2 units would have no garage but have forecourt parking in front. There would also be 2 visitor parking spaces
- 10 Unit 9, located at the east end of the development, would be orientated to front the junction of Croft Road and Farleycroft and thus set at a slight angle to other units. This house would essentially read as fully 3 storeys to the front and flanks and 2 storey to the rear.
- 11 Materials are to comprise brick with elements of render, weatherboard under a tiled roof, but are not specified. The design includes a variety of form, including a number of projecting gables, dormers, with some balconies and an articulated roof form with the main roof hipped, but in a more contemporary form.
- 12 The proposals include the removal of 2 category "C" trees, together with a modest length of hedging and a small amount of landscaping to the south of the site, but include new hedging along the entire front boundary of the site

together with further tree and shrub planting. All other established tree planting is to be retained and protected.

Planning History

13 None

Constraints

14 The site is within the built confines of Westerham.

15 Kent Downs Area of Outstanding Natural Beauty.

16 Adjacent to Green Belt.

Policies

Sevenoaks Core Strategy

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

Allocations and Development Management Plan (ADMP)

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

Other

18 NPPF

19 Sevenoaks Countryside Assessment

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

Consultations

Westerham Town Council (in summary):

21 WTC believes that this site and the field opposite should be considered as one application as shown in the Local Plan and therefore must be considered together. At this time WTC comments are that the visitor parking is inadequate given the narrowness of Croft Road and therefore lack of street parking. All site construction traffic will need to enter via Croydon Road entrance as New Street is too narrow to take construction traffic.

KCC Ecology (in summary):

22 “We advise that additional information is required prior to the determination of the planning application.

23 The submitted ecological scoping survey, bat survey and reptile survey provide SDC with a generally good understanding of the ecological constraints associated with the proposed development site. The submitted surveys have detailed that at least 3 species of bats are foraging/commuting within the site, there is a low population of grass snake and slow worms

present within the site and Tree 16 (arboricultural report) has suitable features to contain roosting bats.

Reptiles

- 24 The proposed development will result in the loss of reptile habitat and the submitted survey has advised that to facilitate the development the reptiles will have to be translocated to an offsite receptor site. We query whether if the site layout is amended to retain larger areas of suitable reptile habitat if the reptiles could be retained on site - for example is there potential to retain (and actively manage) a grassland strip/buffer along the southern and the western boundaries?
- 25 The creation of the grassland buffer could avoid the need to identify an offsite receptor site and it could also benefit other species present within the site and surrounding area - for example foraging bats and breeding birds.
- 26 If that is not possible details of the proposed off site receptor site and outline Reptile Mitigation Strategy must be provided prior to determination of the planning application.

Bats

- 27 Tree 16 has been assessed as having high potential to be used by roosting bats. The arboricultural survey details that works are proposed to be carried out on the tree so we question why the recommended bat emergence survey was not carried out at the same time as the activity surveys? It is now nearing the end of the bat survey season so there may not be sufficient time to carry out the surveys this year.
- 28 If the bat emergence surveys were carried out (and not submitted) we advise that the reports are submitted prior to determination of the planning application.
- 29 Lighting can be detrimental to roosting, foraging and commuting bats and there is a need to ensure that any lighting proposed avoids impacting bats. The current design of the development means that the gardens are adjacent to the southern boundary and any lighting within these gardens may have a negative impact on bats. The creation of a buffer area (as detailed above) could reduce the amount of light spill on the vegetated boundaries.
- 30 We also advise that the Bat Conservation Trust's Bats and Lighting in the UK Guidance is adhered to in the lighting design (see end of this note for a summary of key requirements).

Enhancements

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

- 32 The ecological report has provided suggestions of ecological enhancements which could be incorporated in to 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 (in summary)

- 33 Further information has been submitted in the form of a detailed Bat Assessment of Oak Tree. This reported included tree climbing examination. The report concludes there is no bat presence on this tree. In addition, the woodland abutting the southern boundary of the site has been identified as a suitable habitat for the translocation of reptiles.
- 34 The County Ecologist raises no objections on bat grounds and recommends control over external lighting on the site. No objection is raised to the detailed Reptile Mitigation Strategy subject to implementation prior to commencement of works. Ecological enhancements should be provided as suggested in the ecological report.

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.

Kent Wildlife Trust (Summary)

- 38 Consider submitted scheme is an overdevelopment which would lead to significant harm to wildlife interests, including protected species. In particular, the bat report concludes that there may be loss of trees and habitat, loss of foraging habitat and increased use of artificial lighting. Buffer space between trees and hedge habitat should be increased with new landscaping and control over lighting. Removal of the access and replacement with individual access points is recommended.

Arboricultural Officer

- 39 “This area of land can be segregated into three separate areas, where the southern boundary strip is mixed species and wooded, the central space is grassed paddock and the northern boundary is sporadic indigenous hedge plants.
- 40 The bulk of the proposed dwellings inclusive of the access drive and parking areas are shown to be located within the central area. The southern wooded strip is an important buffer between this and the existing dwellings to the south of it in Marwell. The main development and the build process required

does not appear to threaten these southern edge trees as adequate space and protection proposals have been included within this application. The rear gardens of the proposed 9 dwellings are shown to reach up to the northern edge of this southern strip. I would assume that at this point a garden boundary fence will be erected to separate the trees from the garden. Had the trees been shown to be located within the proposed gardens, I could foresee future residents of individual properties carrying out their own form of management, which could have been a threat to the trees long term retention.

- 41 An ideal situation would be to carry out a tidy of the wooded strip with smaller poorer specimens removed in favour of better quality trees. The aim being to make these trees a good backdrop for future residents that they can enjoy bearing in mind the proposed change of use. The tree protection and proposed pruning details appear acceptable. I would expect to see landscaping conditioned.”

Kent Highways

- 42 In summary the Highway Authority have commented as follows:

“I have no objection on highway grounds to this application provided the Conditions referred to below are applied to any consent granted.

- 43 The application is accompanied by a comprehensive Transport Assessment which covers the highway issues and is found to be robust and acceptable. The parking provision of 2 independently accessible spaces per dwelling plus 2 visitor spaces (20%) is in accordance with the minimum standard defined in IGN3. Cycle parking (2 spaces per dwelling) is also in accordance with KCC Standards. Adequate turning for service vehicles is provided.
- 44 Junction visibility shown on drawing ref. 8090/313A is in accordance with the KCC standard for a 30mph road (IGN2 - 43 metres) and is acceptable provided it is conditioned to be maintained as such in the future.
- 45 My only concern is pedestrian access to the site which appears to rely on pedestrians walking along Croft Road where the section fronting the development has no footway. I would like to see a pedestrian connection between the site and the existing footways further along Croft Road to the east and alongside Farleycroft. This could be readily achieved by providing a footway link from the shared surface access road to the Croft Road / Farleycroft junction at the eastern end of the site. Also dropped kerb pedestrian crossing points should be provided across Croft Road (existing vehicle dropped kerb on northern side of Croft Road could be utilised). The works within the existing highway should be covered by a Section 278 Agreement with KCC Highways and could possibly be the subject of a Condition whereby details should be submitted and approved prior to first occupation.”
- 46 Several conditions are proposed relating to parking provision, wheel washing and loading/unloading facilities during construction.

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

- 47 The site falls outside the definition of a major development and falls outside KCC's remit as a statutory consultee.

Thames Water (in summary)

- 48 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.

Representations

- 49 Representations have been received from 11 local residents raising the following concerns:
- Insufficient parking will lead to overflow parking in Croft Road and traffic congestion generally.
 - Lack of access for larger vehicles.
 - There is no requirement for additional housing in Westerham.
 - Access into site sub-standard.
 - The proposals should not damage the AONB.
 - Should be a condition regarding wheel cleaning.
 - Increased traffic could be dangerous for children in the locality.
 - Houses should not overlook Marwell.
 - Adverse impact on adjacent common to south of site because of extra traffic.
- 50 A letter with 8 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.
- 51 Non planning matters are also raised.
- 52 One writer requests site vehicles enter via Croydon Road and tree cutting should be kept to a minimum.

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

- 53 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.
- 54 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.”
- 55 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.

56 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.

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

Relevant Planning Policy Background

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

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

60 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.

61 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.

62 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.

63 Policy SP5 requires a mix of housing types and size, taking into account the existing pattern of housing in the area.

- 64 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.
- 65 Policy **SP11** states that the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity.
- 66 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.
- 67 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.
- 68 Policy **EN7** of the ADMP relates to Noise Pollution and seeks to safeguard both the locality and potential occupiers from unacceptable noise levels.
- 69 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.
- 70 Policies **T1** and **T2** explain that new development would mitigate any adverse travel impacts and should meet the required parking standards.
- 71 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.
- 72 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.

- 73 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.
- 74 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

- 75 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.
- 76 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, with an approximate net capacity of 15 dwellings.
- 77 The present application relates to the southern portion of the allocation only. This has a site area of approximately 0.5 hectares. The present application seeks 9 units. In isolation, the density of development proposed on this site equates to approximately 17 dph, according to my calculation. Thus I consider the density entirely compatible with that displayed in the locality.
- 78 However, if combined with the northern 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. This equates to a density of some 23 dwellings per hectare (dph) when both sites are combined. Though the housing in Marwell is lower density than 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).
- 79 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).

- 80 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 preserve the character of the area, I consider the proposals would be acceptable in principle.

Layout, scale, design and highway considerations

- 81 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.
- 82 Linked to the impact on the character of the area generally is the impact on the character of the adjacent Green Belt.
- 83 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, west and south-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 or which would result in a “hard edge”, adjacent to these boundaries.
- 84 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.
- 85 The fact that the principle of housing development on the site is already established by the policy allocation is a material consideration of weight.
- 86 In this instance, I consider the density of the application site itself does closely reflect that of the locality and also that proposed in the housing allocation. 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.
- 87 In this regard, the context of the site reflects a varied character. Clearly land to the north, west and south-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 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 although, because of their relationship with the level of the land this tends to be to their rear elevations rather than the front, which largely read as 2 storey. However, the housing to the south is, in plan form, slightly more spacious.

- 88 Whilst set within the wider built context touched upon above, the application site is somewhat detached visually from the adjacent built form. Though seen in the context of nos.8-12 Croft Road and nos.1 and 3 Croft Road, the proposals would be separated by the road and intervening planting on the corner of Croft Road and Farleycroft. There are no longer distance views on approach from Croft Road. Furthermore, the proposals would be set well back from the frontage. To the rear, houses in Marwell are very well screened by dense foliage, with only glimpses of nos.16 and 17 through the trees. From Croft Road, the site is dominated by a backdrop of dense, mature tree cover set on higher ground as this would provide the backdrop to the development proposals.
- 89 Turning to the development itself, there would clear gaps between the individual blocks and the space between them would be emphasised by a slight stagger in their footprint, their varied design and hipped roof form, which creates a greater physical gap at higher level. Though there would be forecourt parking for each house, which would be balanced by soft landscaping, which would help to separate the individual blocks. The access road would be separated from the public highway by the verge and, in time as landscaping matures, would be likely to be well screened. Two smaller pedestrian accesses are provided within the frontage. However, these would be of limited width and would provide only limited views through to the site. In light of the above, I consider the layout and siting of the houses, together with the access road and forecourt parking to be acceptable.
- 90 There is no question that the proposed houses would be of substantial scale, with a number giving the impression of a full third storey. They would more closely reflect the scale of the modern development to the south, rather than the more modestly scaled older established housing to the east.
- 91 However, in my view, it is important to note that the houses would be set approximately 15-16m back from the frontage of the site. A generous verge is proposed adjacent to the road, with proposals for tree and hedge planting and the opportunity for further planting within garden areas in front of individual houses, set back within the site. Furthermore, the proposals would be seen against the backdrop of the large mature trees set on higher ground to the rear. The creation of a single access point would be highly beneficial in my view, in allowing for a well landscaped belt along the road frontage and restricting views into the site. Because of this, I consider the planting proposals would considerably soften the impact of the new houses. In addition, the houses would be set in from the side boundaries and well away from the wooded rear boundary. This would allow for the retention of the existing trees together with enhancement tree and hedge planting along the flank and rear boundaries. I consider the houses 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 and opportunity for landscaping, I do not consider the significant height and scale 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 western and south-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 have 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 in Farleycroft. I would note that the western pedestrian access has not omitted as it would provide access for refuse collection. I have confirmed with the Highway Authority that the amendments address their outstanding concerns 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. The access and parking and turning arrangements are considered acceptable.
- 94 In light of the above, subject to conditions, the proposals are considered 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. They would provide a mix of 3 and 4 bed houses and would be compatible with the existing pattern of housing in the area. 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 southern and western boundaries are contained by dense, well established tree cover. Beyond the open field opposite, the boundary to the main road (B2024) is defined by a dense established tree line, as is the western boundary to this site. 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.
- 101 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.
- 102 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

- 103 Policy EN2 of the ADMP is particularly relevant when considering the impact on residential amenity. This thrust of this policy has been summarised above.
- 104 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 in any event the view would be a slightly oblique one.
- 105 Nos. 10 and 12 Croft Road are located directly opposite the eastern end of the site roughly opposite Plot 8 and Plot 9 houses. These properties would clearly have a direct view of the application site. However, the separation between these properties would be a minimum of 30m and separated by the intervening road and, as proposed, landscaping in the form of new hedge and tree planting. In the circumstances, notwithstanding the height of the proposed houses and the fact that nos.10 and 12 are set at a slightly lower level than the site, I do not consider the proposals would appear unduly overbearing or dominant or to result in significant loss of amenity to the occupiers of these properties.
- 106 To the rear is a dense tree belt, which screens many of the adjacent properties. The property most likely to be affected would be no.16 Marwell. However, having visited the site, this property is generally well screened from the application site. It is also set at a considerably higher ground level, such that it would look down onto the roofs of the proposed buildings and at a minimum distance of some 30m. Though there would be glimpses through the trees to the proposals, I consider the impact would be a relatively limited one.
- 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 The Reptile Survey found low populations of slow worms and grass snakes. Consequently, the report recommended finding a suitable receptor site to which the reptiles could be translocated. The Bat Survey found that 3 species of bats were using the site(s) (southern and northern site) for

commuting and foraging. Ecological mitigation and enhancement has been recommended and well as a control on lighting on the site.

- 111 Further discussions have taken place with KCC Ecology and further information submitted in the form of a detailed Bat Assessment of an adjacent Oak Tree. It is also proposed to provide reptile mitigation on a parcel of woodland which directly abuts the site to the south. This land, which is also owned by the Council, is also to be transferred to the applicant to provide for a suitable site for translocating reptiles. In the circumstances, I am satisfied that subject to implementation of the Reptile Mitigation Strategy, the land to the south would provide a suitable area for reptiles. Maintenance of this land can be controlled through the legal agreement.
- 112 With regard to the impact on trees, a detailed existing survey and tree protection plan has been submitted together with an indicative landscape proposals drawing. A detailed Tree Report accompanies the plans. This includes an arboricultural impact assessment and proposed mitigation measures and a method statement. 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 frontage of the site it is also proposed to remove some modestly sized trees and hedging. However, to balance this new tree and hedge planting is proposed along the entire frontage of the application site, together with new shrub planting. New tree planting is also proposed within the main body of the site. The Council's Arboricultural Officer has examined the proposals and considers the tree protection and pruning details acceptable. Landscaping details can be controlled through the imposition of a suitable 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 £638,066.00 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.

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...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 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 and also an attenuation tank. 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 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 of Croft Road as an alternative to opening windows in order to provide fresh air flow and background ventilation. 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. This can be achieved by utilising a through-frame window mounted trickle vent or through wall trickle ventilator. In my view, the likely impact of road noise would be limited and readily addressed by the relatively modest measures proposed. This would ensure that the amenity of potential occupiers would be satisfactorily protected.

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 within a large plot. Consequently, the density of development is comparable with that of the locality. 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.
- 126 In this regard, there is no question, in my view, that the proposed houses are of considerable scale. The siting and layout on site is partly constrained by the desire to retain existing established landscaping which forms a dense visual boundary especially to the west and south. This strongly contributes to the character of the locality and for that reason I consider the retention of the majority of the existing landscaping to be important. Despite the 2½ - 3 storey appearance of the front elevation to these houses, they would be set some 15-16m back from the road frontage. This would help reduce their dominance within the street scene and would allow sufficient space for enhancement screening, including trees and a new hedgerow, which in my view would considerably soften the appearance of the houses. There would be sufficient gaps between the houses and sufficient variety and articulation within their design (and slight variation in building line) to ensure, in my view, that the development would not appear cramped or unduly overbearing within the street scene. Though clearly larger than the houses opposite in Croft Road, they would not be dissimilar to development within Farleycroft and Marwell to the rear. In the circumstances, I do not consider the scale and appearance of the proposals would appear so significantly at odds with the character of the area as to be incompatible. In reaching this conclusion, I have also borne in mind the relatively limited visual impact on the amenities and wider character of the adjacent Green Belt, from which (apart from the woodland which abuts the site) the site would remain very well screened.
- 127 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 (viewed from the south

the side would be below the level of houses within Marwell). 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.

- 128 The proposals would have an acceptable relationship with neighbouring houses and because of the physical separation would not appear unduly overbearing or result in loss of light, overshadowing or overlooking. No objections are raised in highway terms to the proposals which are considered to have an acceptable impact on the locality whilst providing acceptable on site parking which meets the required standards. Subject to conditions, the impact on the ecology of the site and trees is also considered 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.
- 129 In light of the above, I consider there to be no substantive material planning objections to warrant refusal of the proposals.
- 130 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.

Recommendation: Grant

Background Papers

Site and Block Plans

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

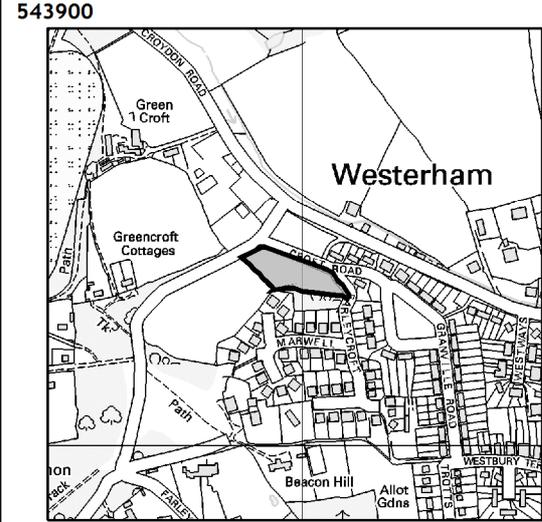
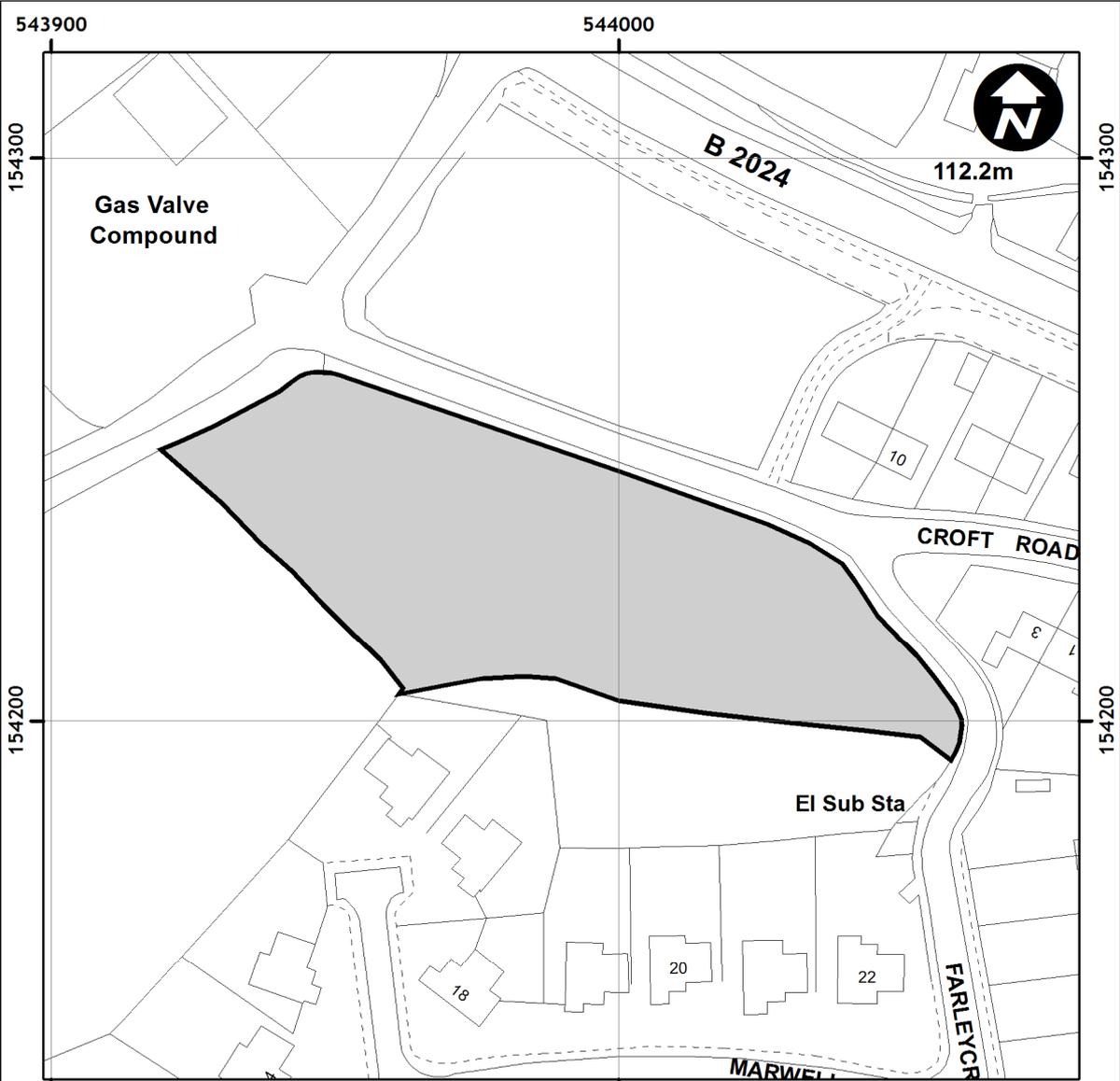
Richard Morris
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OABB84BKJ7600>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OABB84BKJ7600>



Site Plan

Scale 1:1,250
Date 17/11/2016

Sevenoaks
DISTRICT COUNCIL

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Block Plan



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SCHEDULE OF ACCOMMODATION		
House type	Description	Qty
Private		
A	4 Bed House	4
B	4 Bed House	2
C	4 Bed House	1
D	3 Bed House	2
Total		9

