

MAIN REPORT FOR CONSIDERATION

4.1 18/00928/FUL Date expired 28 January 2019

Proposal: Proposed erection of one 1 bedroom bungalow, parking and garden space.

Location: Land South Of Trotts Cottage, Trotts Lane, Westerham, KENT, TN16 1SD

Ward(s): Westerham & Crockham Hill

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

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

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

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: S18/6535/01, 17815PL101 C, 17815PL102 B.

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

- 3) No development shall be carried out above damp proof course level of the hereby approved dwelling until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. 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.

- 4) Prior to the occupation of the dwelling full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. Those details shall include: - planting plans (identifying existing planting and trees, plants and trees to be retained and new planting and trees), -written specifications (including cultivation and other operations associated with tree, plant and grass establishment), - schedules of new plants and trees (noting species, size of stock at time of planting and proposed number/densities where appropriate), - Details of any means of enclosure, and -a programme of implementation. If any part of the approved landscaping scheme is removed, dies, becomes 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 works shall be carried out in accordance with the approved details.

To enhance the visual appearance of the area as supported by EN5 of the Sevenoaks Allocations and Development Management Plan.

- 5) Prior to any works commencing on site (including vegetation clearance) a precautionary ecological method statement and ecological enhancement strategy produce by an experienced ecologist is submitted for written approval by the local planning authority. The works must be implemented as detailed within the approved strategy.

To ensure the protection of any protected species and reptiles in accordance with policy SP11 of the Sevenoaks District Council Core Strategy.

- 6) Prior to the occupation of the approved dwelling details of ecological enhancements across the site shall be submitted to and approved in writing by the local planning authority. The proposed works shall be carried out in accordance with the approved details.

To enhance the ecology of the local area, protected species and reptiles in accordance with policy SP11 of the Sevenoaks District Council Core Strategy.

- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement, improvement or other alteration permitted by Class A, D or E of Part 1 of Schedule 2 or Class A of part 2 of Schedule 2 of the 2015 Order (as amended), shall be carried out or made to the dwelling without the grant of a further planning permission by the local planning authority.

To safeguard the amenities of neighbouring occupiers as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 8) Development shall not begin until details of surface water drainage works have been submitted to and approved in writing by the local planning authority. The dwelling shall not be occupied until the approved works for the disposal of surface water have been provided on the site in accordance with details to be submitted to and approved in writing by the local planning authority.

In the interest of preventing surface water run-off in accordance with policy EN1 of the Sevenoaks District Council Allocation and Development Management Plan.

- 9) The development hereby permitted shall be carried out in accordance with tree protection guidance BS5837:2012 and construction shall follow the following guidance: (a) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012 or otherwise to the satisfaction of the Local Planning Authority. The means of tree protection shall be maintained until all equipment, machinery and surplus materials have been removed from the land; (b) No fires shall be lit within the spread of branches of the trees and other vegetation; (c) No materials or equipment shall be stored within the spread of the branches of the trees and other vegetation; (d) No buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees and other vegetation; (e) No pruning of the existing trees or the spread of the branches shall take place, except as may be otherwise agreed in writing by the Local Planning Authority.

To protect the existing trees and the visual amenity of the area in accordance with policy EN1 of the Sevenoaks District Council Allocation and Development Management Plan.

- 10) Prior to the occupation of the dwelling a scheme to show the provision of electric vehicle charging point, including the proposed location, type and specifications shall be submitted to and approved by the Local Planning Authority. The charging point shall be installed in accordance with the approved details prior to first occupation 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.

Informative

- 1) The granting of any planning application does not override current wildlife legislation.

Background:

- 1 The application was previously appealed to the Planning Inspectorate on the grounds of non-determination. The application was referred to the Development Control Committee and was heard at the meeting held on the 17/01/2019. The Committee resolved that the Planning Inspectorate be informed Committee would have approved the application had they determined the application.

- 2 Since this date, the applicant has withdrawn their appeal for non-determination. Therefore, the decision has reverted to the Council for determination. Members are asked to consider the application afresh, while having regard to the Committee's previous decision. Members should be determining this application on the basis of all the information in front of them at this time.
- 3 Some alterations to original report have been identified, the recommendation has been altered to reflect the withdrawn nature of the appeal, and the paragraph 1 of the report titled Background is no longer relevant and the density figures have been revised, which will be discussed below.
- 4 Representations have also been received from residents nearby that they would have made stronger representations at the previous Committee if they had been aware that the Council would ultimately determine this application.

Land and Site Dispute:

- 5 The site has been subject to disputes over the extent of the red line of the application site. This has included contentions both that the plans do not reflect the actual site layout and that the red line would encroach onto neighbouring properties.
- 6 Neighbours have provided surveys and land registry plans to us as part of the objections submitted.
- 7 The agent has confirmed that all of the land within the red line boundary is within the applicant's ownership. The red line has been amended several times over the course of the application to take account of concerns raised.
- 8 Throughout consideration of this application, Officers have had regard to the documents provided by the applicant and by neighbours. Extensive attempts have been made to confirm whether the application should be invalidated due to any inaccuracies. Significant delays have arisen in trying to resolve these issues and Officers do not consider that further delays would settle these matters. Officers do not consider that it is appropriate for the application to be invalidated in its current form. Officers believe that there is sufficient information to be able to determine the application and note that much of the outstanding dispute now relates to a boundary dispute. It is not within our power to determine land ownership or boundary dispute matters.
- 9 A boundary dispute is not itself a material planning consideration.

Density:

- 10 Neighbours have drawn attention to the interplay between the dispute of the red line boundary and the proposed density of the development, i.e. a reduction in the red line would result in higher density. The density figures included within paragraph 43 of the Officers report should read:
- 11 If the access is excluded from the density calculation the dwellings per hectare (dph) would equate to around 49.58 dph, if the access were included the density would be 42.35 dph. This density is considered acceptable given the NPPF emphasis on the optimisation of such sites.
- 12 The neighbours have highlighted concern over the placement of the eastern boundary and the impact this would have on the density calculations. As such an approximate calculation was carried out adjusting the eastern boundary red line to the point at which the neighbours have indicated they believe the boundary should be located. Approximate density calculations were then undertaken based on this adjustment, which indicate that if the access is included then the density would be approximately 44.72 dph and if the access were excluded the density would be approximately 52.93 dph.
- 13 As highlighted to Members previously, policy SP7 does recommended that in this location new developments would be expected to achieve a density of around 30dph. This policy is however flexible in taking account of the character of the area and is also pre both the 2012, 2018 and 2019 version of the NPPF. In addition to this, the proposal would provide additional housing for the district in a sustainable location, which supports the aspirations of the NPPF. The density of development varies on Trotts Lane, Squerrys Mede and Black Eagle Close.
- 14 The impact of density is not just a consideration of a figure created as result of the size of the plot. It is a boarder consideration of the proposed built forms impact to the character of the area and the provision of amenity space. As noted within the Officers report the development would be in keeping with the residential and varied character of the lane and surrounding area.