

4.3 19/01982/FUL

Revised expiry date 20 January 2020

Proposal: Erection of 3 no. dwellings and amendments to road and parking layout. As amplified by amended site plans and amended Arboricultural Report and ecological assessments.

Location: Land Opposite, 9 - 16 Church Lane, Kemsing KENT TN15 6LU

Ward(s): Kemsing

Item for decision

The application has been referred to Committee as the applicant is Sevenoaks District Council.

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) For the avoidance of doubt the information to which this decision relates is as follows: A983-03-PL-001B, 101E, 002C, 102G, 110B, 130B, 111A, 020, 021, 120B, 121A and 140A. AHP Planning Statement, Preliminary Ecological Appraisal and Bat Survey (November 2018), additional Great Crested Newt assessment (May 2019) and Arboricultural Impact Assessment dated 22/08/2019.

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

3) No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by the LPA. The Statement shall include details of: the parking of vehicles of site operatives and visitors, loading and unloading of plant and materials, storage of plant and materials used in constructing the development, measures to regulate disturbance and disruption to the local community caused by construction activities, the routes for construction traffic arriving at the site, including the management of potential traffic conflicts, the timing of deliveries, temporary traffic management/signage, demolition and construction working hours. The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause inconvenience to other highway users

adjacent to the site in accordance with Policy T1 of the Sevenoaks Allocations and Development Management Plan.

4) No development shall take place until an Arboricultural Method Statement (detailing all aspects of construction and staging of works) and a Tree Location and Tree Protection Plan, including details of ground protection measures, in accordance with British Standard 5837:2012 (or later revision) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until the tree protection measures have been implemented in accordance with the Tree Protection Plan. Within the tree protection area identified with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the local planning authority. The approved protection measures shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

To protect the trees on site which are to be retained in the interests of the visual amenities of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

5) No development shall take place until details of existing and proposed finished site levels, finished floor and ridge levels of the buildings to be erected, and finished external surface levels have been submitted to and approved in writing by the District Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

In order to safeguard the visual amenities of the area and the amenities of the occupiers Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

6) Prior to works commencing on site information must be submitted to the District Planning Authority confirming that the site has entered into the district level licencing scheme.

In order to comply with government advice in the form of the National Planning Policy Framework and policy SP11 of the Sevenoaks District Council Core Strategy Development Plan Document.

7) Immediately prior to the removal of any trees an updated bat scoping survey shall be carried out and if bats are recorded during the survey no trees must be removed until a bat mitigation strategy has been submitted to the District Planning Authority for approval in writing. The mitigation shall be carried out in accordance with the approved details.

In order to comply with government advice in the form of the National Planning Policy Framework and policy SP11 of the Sevenoaks District Council Core Strategy Development Plan Document.

8) Prior to the construction of any of the approved buildings, details and samples of the external materials to be used for the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

9) Prior to construction of any of the approved buildings on site full details of the hard and soft landscaping, means of enclosure and refuse enclosures shall be submitted to and approved in writing by the Council. Those details shall include: details of all hardsurface materials; planting plans, (identifying existing planting, plants to be retained and new planting); written specifications, (including cultivation and other operations associated with plant and grass establishment); schedules of new plants, (noting species, size of stock at time of planting and proposed number/densities where appropriate), all means of boundary treatment and other means of enclosure within the site, and; a programme of implementation. Unless otherwise agreed in writing by the Local Planning Authority prior to commencement of construction as part of the programme of implementation, all planting, seeding and turfing comprising the approved details of landscaping shall be carried out in the first planting and seeding season following first occupation of any of the approved buildings. The means of enclosure and refuse storage shall be implemented in accordance with the approved details prior to first occupation of any of the approved buildings. If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

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

10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting or amending those Orders with or without modification), planning permission shall be required in respect of development falling within Schedule 2, Part 1, Classes A, B, D, or E of that Order.

In the interests of the amenities of neighbouring occupiers and the visual amenities of the street scene as supported by policy SP1 of the Sevenoaks District Council's Core Strategy and policy EN2 of the Allocations and Development Management Plan.

11) The forecourt parking and turning spaces shown on the approved Site Layout Plan no.: A2983-03-PL-102 Rev.G shall be provided prior to first occupation of the dwellings and shall be kept available for use in connection with their 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 parking spaces.

To ensure permanent retention of vehicle parking for the properties as supported by policy T2 of the Allocations and Development Management Plan.

12) Prior to occupation of the dwellings 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.

13) Within six months of works commencing an ecological enhancement plan together with a timetable for implementation shall be submitted to the District Planning Authority for approval in writing. The plan must be implemented as approved.

In order to comply with government advice in the form of the National Planning Policy Framework and policy SP11 of the Sevenoaks District Council Core Strategy Development Plan Document.

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 <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>. 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.

National Planning Policy Framework

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

Description of site

- 1 The application site comprises a presently open, grassed area of amenity land located to the south of properties on Church Lane, abutting Heaverham Road to the south. Church Lane comprises a development of 16 bungalows, occupied by the elderly. Parking for residents is provided by a car park to the north of the development, with a turning head to the east of the application site.
- 2 Land to the north, east and south of the Church Lane is designated Green Belt and land to the west and south of the site is within a Conservation Area. However, the site itself has no such designation and is within the built confines of Kemsing. It is “washed over” by the Kent Downs Area of Outstanding Natural Beauty.
- 3 The site is raised approximately 1.5m above the level of Heaverham Road.

Description of proposal

- 4 The proposals seek to erection of 3no. 2 bedroom, wheelchair accessible bungalows. Each would have a floor area of approximately 80m², with a ridge height of 5m.
- 5 The bungalows would be set directly to the south of nos.13-16 Church Lane. Unit 1 would be set approximately 8.5m to the south of no.16, with Units 2 and 3 set staggered further to the south. They are designed as a more contemporary approach to the existing bungalows. Windows would be confined to the southern western and eastern elevations of each dwelling, with the northern elevations blank.

Relevant planning history

- 6 None

Policies

- 7 National Planning Policy Framework
- 8 Core Strategy
 - L01 Distribution of Development
 - L07 Development in Rural Settlements
 - SP1 Design of New Development and Conservation
 - SP2 Sustainable Development
 - SP3 Provision of Affordable Housing
 - SP5 Housing Size and Type
 - SP7 Density of Housing Development

- SP11 Biodiversity

9 Allocations and Development Management Plan (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- EN4 Heritage Assets
- EN5 Landscape
- EN7 Noise Pollution
- T1 Mitigating Travel Impact
- T2 Vehicle Parking
- T3 Provision of Electrical Vehicle charge points

10 Other:

- Kemsing Conservation Area Appraisal.

Constraints

11 The following Constraints apply:

- Within built confines of Kemsing.
- Area of Outstanding Natural Beauty
- Area of Archaeological Potential

Consultations

12 Kemsing Parish Council:

Objection: “The proposal will result in the loss of a local amenity space which the Parish Council believes is of value to the local community. In accordance with SP10 of the Core Strategy, open spaces should be retained for the local community, however, the applicant has not demonstrated that the loss of this amenity space is (i) surplus to the requirements or (ii) that the loss would be mitigated by providing a replacement which is contrary to Policy G12 of the ADMP.

The location of the proposed six new parking spaces, as shown on the plan, is currently being used as a turning point. The proposed parking spaces will make this impossible. Furthermore, the applicant has not demonstrated how the new parking spaces will be claimed for the exclusive use of the occupants of the three new proposed bungalows.

The construction of the proposed three dwellings will be harmful to the visual amenity of the existing bungalows, directly impacting on the outlook of the living rooms of no's 13 to 16 onto a brick wall. There is also a concern for loss of privacy due to the close proximity of the proposed bungalows to existing properties (no's 13 to 16).

The design of the proposed dwellings will be an incongruous development harmful to existing properties and would detract from the character of the area.

It is the Parish Council's opinion that this proposal lacks taking into consideration the site in its entirety and the harmful impact this proposal will have on the neighbouring dwellings."

13 Arboricultural Officer (summary)

No objection raised to the proposals, but note the trees had been incorrectly identified on the plans.

The tree survey has since been amended to follow the recommendations of the Council's Tree Officer.

Details of tree protection are required by condition.

14 K.C.C Ecology (summary)

Their initial response requested further information relating to the potential for trees to support roosting bats. It was also noted that the site is within 100m of a pond within which Great Crested Newts (GCN) have been recorded. Further information was requested in order to assess whether the proposals would preserve the favourable conservation status of GCN, including details of what mitigation will be implemented if the traditional Licencing option is granted and a copy of the Impact Assessment and Conservation Payment Certificate to demonstrate that the application has been accepted on the DLL licencing scheme.

Following the submission of additional information as requested above, no objection is raised with regard to the impact on bats, subject to a condition. With regard to the impact on GCN, details of an application to the District Level Licencing scheme and KCC Ecology have been submitted. On this basis KCC Ecology are satisfied that the impact on GCN would be acceptable. A condition is requested regarding confirmation that the applicant has been accepted onto the scheme.

Ecological enhancements are also sought by condition.

15 Kent Highways

Does not meet the criteria for them to be consulted.

16 KCC Archaeology

No response received.

Representations

17 Letters have been received from 15 local residents raising the following objections:

- Inadequate parking
- Loss of site which has provided amenity space for residents many years.
- Loss of visual amenity
- Will prevent access to adjacent property
- Loss of trees
- Loss of peace and tranquillity provided by the site

18 Non planning matters relating to construction adversely affecting the health of neighbouring residents.

19 Three letters letter has been received raising support for specialist housing on this site

Chief Planning Officer's appraisal

20 The main planning consideration are:

- 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
- Impact on adjacent Conservation Area and area of Archaeological Potential
- Community Infrastructure Levy (CIL)

Principle of development

- 21 The site is within the built confines of Kemsing. Policies L01, L07, SP5 and SP7 are particularly relevant to the consideration of the principle of development on this site.
- 22 Policy L01 of the Council's Core Strategy seeks to focus development within the built confines of existing settlements. Kemsing 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.
- 23 The proposals would result in the loss of what is presently an open area, informally used as amenity space by residents of Church Lane. I accept that the site presently has amenity value. However, the site is in private ownership and there is no right of public access.
- 24 Unlike the recreation ground and church yard, which abuts the northern portion of Church Lane, the application site is not formally identified as designated "open space" and does not benefit from protection under policy SP10 (Green Infrastructure, Open Space and Recreation provision) or policy GI2 (Loss of Open Space), and there is no requirement to replace the loss of this space elsewhere.
- 25 Whilst the loss of the open space may be unfortunate, the Common Field Recreation Ground, which shares access from Church Lane, is readily available for public use, even if marginally further away from some residents of Church Lane.
- 26 Policy SP5 requires a mix of housing types and size, taking into account the existing pattern of housing in the area. 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 policy states that in this particular area, new development will be expected to achieve a density of 30 dwellings per hectare.
- 27 I estimate the density of Church Lane at present to be approximately 26 dwellings per hectare (16 dwellings on an area including car park and existing amenity/open land). Using the same area, but introducing 3 new dwellings would bring the density to approximately 31 dwellings per hectare.
- 28 I consider the proposals would be acceptable in terms of the mix and density of housing proposed.

- 29 In the circumstances, subject to the proposals representing an acceptable balance between the requirement to make efficient use of this 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

- 30 Policies SP1, SP2, EN1, T1 are relevant to the consideration of the layout, scale, design and highway implications.
- 31 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.
- 32 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.
- 33 Policies T1 and T2 explain that new development would mitigate any adverse travel impacts and should meet the required parking standards.
- 34 Whilst the development of Church Lane is set on raised ground, relative to development to the west and the level of Heaverham Road, which abuts the southern boundary, the site itself is fairly well screened from wider public view by trees adjacent to the western/south-western boundary and dense hedging along the rear (southern) boundary. Church Lane is a distinct development of modestly scaled, semi-detached or terrace bungalows, set within compact gardens.
- 35 The proposed bungalows would be of modest height and scale, would sit comfortably within their plots and would each have satisfactory amenity space. Trees surrounding the site would be retained, as would the hedge along the rear boundary and this would help soften the visual impact of the proposals. It is proposed to enhance the landscaping to be retained. Adequate parking and turning would be provided through adaptation of the existing turning head. Thus, I consider the site readily capable of accommodating 3 bungalows in the layout proposed.
- 36 Whilst of a different design to the more traditional form of the existing bungalows, the contemporary approach proposed would provide an interesting variation on the traditional theme and I consider their form would be compatible with the existing built development.

- 37 The proposals would include 6 parking spaces, 3 of which would provide disabled access. A new turning head would also be provided. The parking would slightly exceed the required standards, but can be satisfactorily accommodated on site. The addition of 3 dwellings is considered to have only a minimal impact on traffic flows and the wider highway network. I therefore consider the proposals to be acceptable in highway terms.
- 38 In light of the above, I consider the proposed houses would sit comfortably within this site, with sufficient space between and around the dwellings to ensure that the development does not appear cramped.
- 39 Therefore, I am satisfied that the site is capable of satisfactorily accommodating the proposed development and associated parking whilst maintaining the prevailing density of development and the character of the area and consider the proposals to be policy compliant in this regard.

Impact on landscape/Area of Outstanding Natural Beauty

- 40 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.
- 41 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.
- 42 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.
- 43 The purpose of the AONB is not to prohibit development, but to preserve, enhance and reinforce its distinctiveness. Because of the rising nature of the scarp slopes to the north of the recreation ground, there are some longer distance views of the site. However, this is limited and from a distance the site is clearly set within the context of the adjacent housing. In this regard, Church Lane presents a distinct boundary between the built form at the eastern edge of Kemsing and the open land beyond. In my view, the 3 dwellings proposed would sit within the existing built envelope and would serve to reinforce the built edge of Kemsing whilst protecting the open nature of the landscape beyond.
- 44 I therefore consider the proposals would conserve and enhance the character of the AONB.

Impact on residential amenity

- 45 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.
- 46 The application comprises a relatively flat parcel of land, but it does drop in level slightly from the footpath in front of nos.13-16 towards the Heaverham Road boundary.
- 47 However, it is significant to note that the internal floor level of the existing bungalows is raised above the level of the footpath. Unit 1 would be sited approximately 8.5m directly to the south of no. 16. However, the floor level of no.16 is raised approximately 0.8m above the level of the footpath. Thus the ground level to unit 1 would be set approximately 0.8m below the floor level to no.16.
- 48 The proposed bungalows would have an “L” shaped footprint. The northern “limb” projecting towards no.16 would be of reduced width (6.2m), with the full width of the bungalow set much further back in the plot. Thus the outlook of no.16 would be of the 6m wide, single storey, hipped end to Unit 1, which would contain no windows. Furthermore, this outlook would be at raised level. Because of the precise siting, height and design of Unit 1, I do not consider it would appear unduly overbearing or result in significant loss of amenity to the occupiers of no.16.
- 49 Units 1, 2 and 3 would be staggered relative to each other and the face-to-face distance to nos.13-15 would be between 12-15m. Again bearing in mind the relatively modest height and scale of the proposed bungalows as well as the separation between them, I do not consider they would appear overbearing or have an unneighbourly impact. No windows are proposed in the northern elevations, thus there would be no overlooking or loss of privacy. I would not anticipate use of the gardens to result in undue noise or disturbance.
- 50 There would also be some activity associated with the new parking spaces and I am mindful of the narrow nature of Church Lane and proximity to neighbouring dwellings. However, I consider use of these spaces by the 3 units proposed would be unlikely to result in significant levels of activity or undue levels noise and disturbance.
- 51 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 overlooking. I therefore consider the proposals to comply with policy EN2 of the ADMP.

Ecological/Tree implications

- 52 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
(Item No 4.3)

where possible. Policy SP11 states that the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity.

- 53 The application is supported by an Arboricultural Impact Assessment and a Preliminary Ecological Appraisal (with Habitat Survey) and Bat Survey as well as further information as set out above.
- 54 The submitted information has detailed that a European Protected Species Mitigation (EPSM) licence would be required to carry out the proposed development due to the impacts upon great crested newts. In situations where an EPSM license is required the LPA need to consider the 3 tests and the likelihood of a licence being granted. The three tests are:
1. Regulation 53(2)(e) states: a licence can be granted for the purposes of “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”.
 2. Regulation 53(9)(a) states: the appropriate authority shall not grant a licence unless they are satisfied “that there is no satisfactory alternative”.
 3. Regulation 53(9)(b) states: the appropriate authority shall not grant a licence unless they are satisfied “that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.”
- 55 KCC Ecology are satisfied that the mitigation would address the third criteria.
- 56 With regard to the first two tests set out above, paragraph 8 of the NPPF explains there are three overarching objectives to achieve sustainable development, an economic objective, a social objective and an environmental objective. The social objective is described as “to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations...”
- 57 Paragraph 59 of the NPPF states that:
- “To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”
- 58 Policy SP5 of the Council’s Core Strategy also seeks an increased proportion of housing designed to lifetime homes standards that can be readily adapted to meet the needs of older people and people with disabilities. The need for lifetime homes and wheelchair accessible accommodation is also evidenced in the Sevenoaks Strategic Housing Market Assessment (September 2015), which identifies a need for 66 such units per year.

- 59 Because of the significant degree of the Green Belt within the District, land available for housing is constrained. The application site lies within the built confines and occupies a relatively sustainable location. I consider there to be a strong presumption in favour of the proposals.
- 60 In addition the proposed dwellings are specifically designed as small, fully wheelchair accessible bungalows. Due to high land prices, specialist bungalow development within the District is severely limited. Such development is usually only brought forward by public institutions. In this instance, it is the District Council who own the site and are promoting these proposals.
- 61 This type of accommodation would not only fulfil a niche market, but one for which there is a clear demand. Furthermore, the site would represent a natural extension of the existing, well-established bungalow development which forms the rest of Church Lane.
- 62 Bearing in mind the thrust of Government guidance set out above, I consider the provision of much needed specialist accommodation on this particular site would represent a significant social benefit on a site for which there is no satisfactory alternative. I therefore consider the first two tests above to be met.
- 63 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.

Impact on adjacent Conservation Area and area of Archaeological Potential

- 64 The boundary to the Kemsing Conservation Area is adjacent to the site to the south and west. The Vicarage to the west on the opposite side of Church Lane is Grade II listed.
- 65 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses. Section 72 of the Act places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 66 The Conservation Area Appraisal notes that the buildings in Mary Burrows Gardens (which is also accessed from Church Lane) are not really worthy of inclusion in the Conservation Area and could perhaps be excluded. No mention is made of the existing housing in Church Lane.
- 67 The proposed dwellings would be sited comfortably on the plot. The proposals would retain the screening along the southern edge with Heaverham Road and that along the western boundary, which considerably screens the site from the west. Enhancement planting is also proposed. In
(Item No 4.3)

the circumstances, I consider the proposals would not appear intrusive in the street scene and they would be physically and visually separated from The Vicarage.

- 68 In the circumstances, I am satisfied that the proposals would preserve the character and appearance of the adjacent Conservation Area and the setting of the adjacent listed buildings.
- 69 Kent County Council's Archaeological Officer has been consulted on the proposals but has not requested that any specific conditions are imposed relating to the impact on potential archaeology.

Community Infrastructure Levy (CIL)

- 70 The proposals would be CIL liable. No exemption is sought.

Conclusion

- 71 The site lies within the village confines. The site is not designated as "open space" and thus there are no policy objections to its development.
- 72 I consider the proposals represent a relatively modest form of development, which would preserve the character and appearance of the area whilst providing for much needed specialist bungalow accommodation.
- 73 I consider the impact on the amenities of neighbouring residents and highway conditions would be acceptable. The impact on trees and on the ecology of the site can be adequately mitigated by conditions. I therefore consider the proposals to represent an acceptable form of development and be policy compliant.

RECOMMENDATION: Grant

Background papers

Site and Block Plan

Contact Officer: Jim Sperryn

Contact: 01732 227000

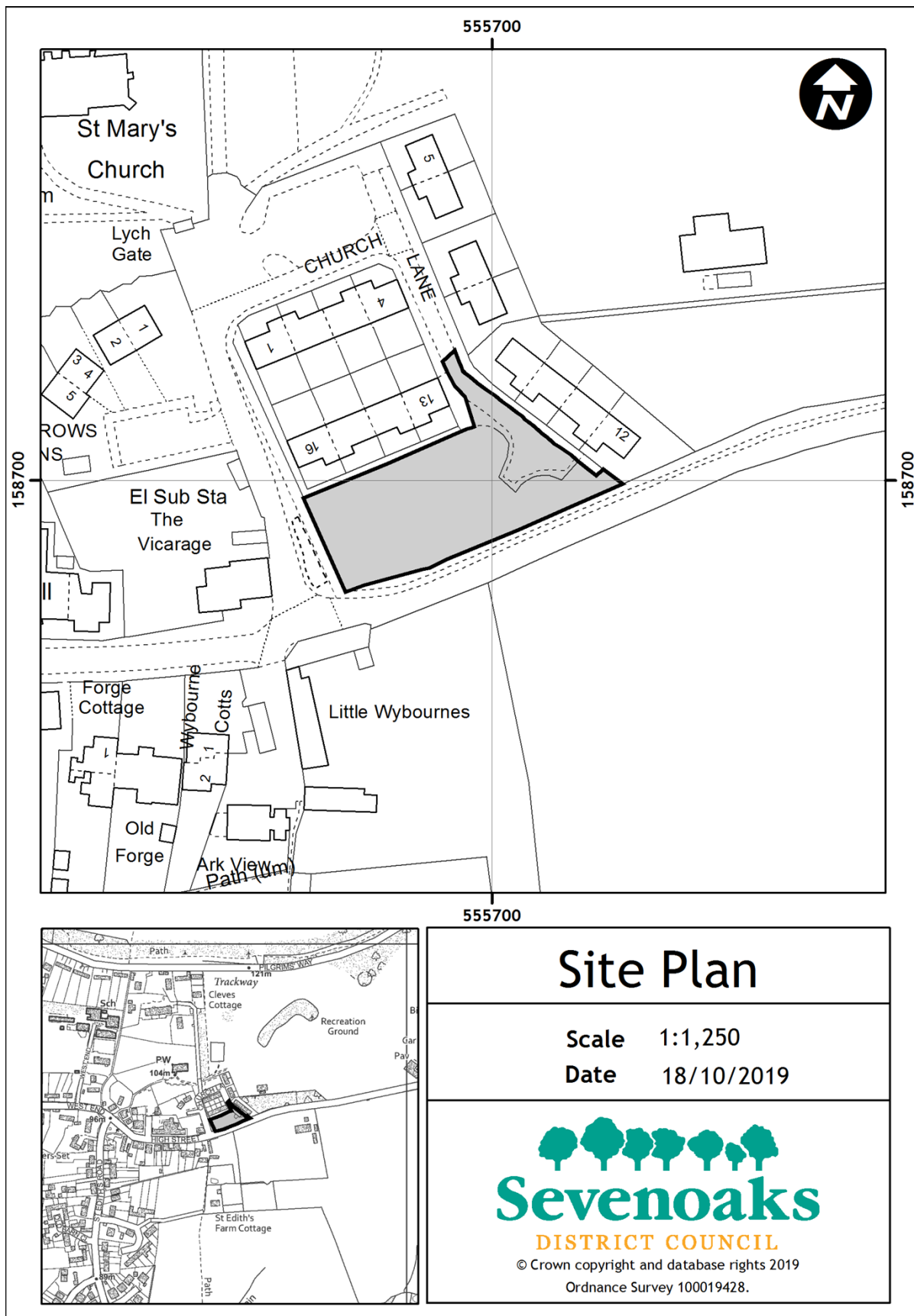
Richard Morris
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PU44YIBK0LO00>



BLOCK PLAN

