

4.2 20/00266/FUL

Date expired 1 April 2020

Proposal:

Erection of single storey detached 4 bedroom dwelling with basement, sedum green roof incorporating excavation of land along with secure bin, cycle storage and bio solar panels, landscaping and vehicle parking.

Location:

Land To The East Of The Cottage, Badgers Road,
Badgers Mount KENT TN14 7AY

Ward(s):

Halstead, Knockholt & Badgers Mount

Item for decision

This application has been called to Committee by Councillor Grint because of the unacceptable impact upon neighbouring amenity.

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) No development shall be carried out above the damp proof course of the hereby approved dwelling until details of the materials to be used in the construction of the external surfaces of the new 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 and EN5 of the Sevenoaks Allocations and Development Management Plan and the NPPF.

3) No development shall be carried out above the damp proof course of the hereby approved dwelling until details of the plant species, size and their frequency within the proposed green roof and a maintenance plan for the green roof 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 ensure the proposal responds to the character of the area, consistent with Policy EN1 and EN5 of the Sevenoaks Allocations and Development Management Plan and the NPPF.

4) No development shall be carried out above the damp proof course of the hereby approved dwelling until full details of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, have been submitted to and approved in writing by the local planning

authority. The proposed parking area will comprise of a porous material. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and thereafter retained.

To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality in accordance with Policy EN1 and EN5 of the Sevenoaks Allocations and Development Management Plan and the NPPF.

5) No development, including any works of demolition or preparation works prior to building operations shall take place on site until a Construction Transport Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall include details of: (a) a photographic survey of Badgers Road from the junction with Highland Road and the entrance to the site; (b) the types of vehicles, their size, load size and purpose within the construction process; (c) parking for vehicles of site personnel, operatives and visitors; (d) loading and unloading of plant and materials; (e) storage of plant and materials used in constructing the development; (f) programme of works, including details of sheet piling installation and measures for traffic management; (g) provision of boundary security hoarding behind any visibility zones; (h) wheel washing facilities; (i) measures to control the emissions of dust and dirt during construction; (j) a scheme for the recycling/disposing of waste resulting from demolition and construction works; and (k) hours of operation.

To mitigate the impact during construction relating to the safety and free flow of the Public Right of Way byway and neighbouring amenities, in accordance with policies EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan and the NPPF.

6) If damage occurs to the Public Right of Way byway it will be made good and reinstated back to that shown within the photographic survey approved under Condition 5 above prior to the first occupation of the new dwelling hereby permitted.

To mitigate the impact during construction relating to the safety and free flow of the Public Right of Way byway and neighbouring amenities, in accordance with policies EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan and the NPPF.

7) Prior to occupation full details of ecological enhancements, including their location within the site, shall be submitted to and approved in writing by the Local Planning Authority. The enhancements shall be carried out prior to the first occupation of the development hereby approved and retained thereafter.

To ensure the biodiversity of the area is maintained, in accordance with Policy SP1 of the Core Strategy and the NPPF.

8) Prior to occupation of the proposed development the POD point electric car charging point as shown on drawing 3087-18-PL102 shall be installed and retained as such thereafter.

In the interests of sustainable transport and climate change in accordance with Policy SP2 of the Sevenoaks Core Strategy, Policy T3 of the Sevenoaks Allocations and Development Management Plan and the NPPF.

9) 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, B, C, D or E of Part 1 of Schedule 2 of the 2015 Order (as amended), shall be carried out to the site or made to the dwelling without the grant of a further planning permission by the local planning authority.

To safeguard the character and appearance of the Kent Downs AONB landscape and to prevent inappropriate development in the Green Belt in accordance with Policy EN5 and GB1 of the Sevenoaks Allocations and Development Management Plan, the Sevenoaks Development in the Green Belt Supplementary Planning Document and the NPPF.

10) The development hereby permitted shall not be used or occupied until the pedestrian visibility splays of 2m by 2m have been provided and anything which obstructs visibility at any height greater than 0.9 metres above the surface of the adjoining carriageway has been removed. Thereafter the visibility splays shall be maintained free from obstruction at all times.

In the interest of highway safety.

11) The development hereby permitted shall be carried out in accordance with the following approved plans: 3087-18-PL101 Rev P8, PL102 Rev P8, PL103 Rev P8, PL104 Rev P10, PL105 Rev P7.

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

Informatives

1) The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. This means that the Public Rights of Way must not be stopped up, diverted, obstructed (this includes any building materials, vehicles or waste generated during the works) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

2) As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We

would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-largesite/Apply-and-pay-for-services/Wastewater-services>

3) 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 site comprises The Cottage and its rear garden, located on the northern side of Badgers Road, a Public Right of Way. The majority of the site is located within the built confines of Badgers Mount, with the eastern part of the rear garden within the Green Belt.
- 2 The site slopes downwards from the west towards the east, following the slope of the road with terraced steps set into the slope. There is a summerhouse located in the north-eastern corner of the site.

Description of proposal

- 3 Erection of single storey detached 4 bedroom dwelling with basement, sedum green roof incorporating excavation of land along with secure bin, cycle storage and bio solar panels, landscaping and vehicle parking.

Relevant planning history

- 4 18/03520/FUL Erection of single storey three bedroom dwelling with sedum green roof incorporating excavation of land along with secure bin, cycle storage, landscaping and vehicle parking. GRANT 04/04/2019

Policies

- 5 National Planning Policy Framework (NPPF)

Para 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-to-date development plan should be approved without delay.

Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be GRANTED unless:

- Application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 6); or
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 6 relates to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

6 Core Strategy (CS)

- LO1 Distribution of Development
- LO7 Development in Rural Settlements
- SP1 Design of New Development and Conservation
- SP2 Sustainable Development
- SP5 Housing Size and Type
- SP7 Density of Housing Development
- SP11 Biodiversity

7 Allocations and Development Management (ADMP)

- SC1 Presumption in Favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- EN5 Landscape
- GB3 Residential Outbuildings within the Green Belt
- T2 Vehicle Parking
- T3 Provision of Electrical Vehicle Charging Points

8 Other

- Sevenoaks Development in the Green Belt Supplementary Planning Document (SPD)
- Sevenoaks Countryside Assessment SPD

Constraints

9 The site lies within the following constraints -

- Area of Outstanding Natural Beauty (AONB) - Kent Downs
- Area of Special Landscape Character
- Area of Special Control of Advertisements
- Biodiversity Opportunity Area
- Metropolitan Green Belt - eastern half of site
- Public Right of Way - SR7
- Tree Preservation Order - within the garden of Charis House and Bowens Folly

Consultations

Badgers Mount Parish Council

10 This proposal raises a number of very significant concerns.

- 11 The addition of the basement which is larger than the previous approved dwelling (SE/18/03520/FUL) will lead to a very large increase in the volume of material to be excavated and removed from the site, together with additional materials delivered for construction of the dwelling. The resultant increase in heavy vehicular movements will have a detrimental effect on the unadopted loads and Public Rights of Way. As there is negligible area within the site for lorries to enter the site and be off the road to be loaded / unloaded this will lead to Badgers Road being blocked for long periods. If you are minded to approve this application, we support the KCC PROW officers request to include the same conditions for vehicle sizes etc. included in the previous consent, together with a Construction and Transport Management Plan. We would request that the Council is consulted on such a plan.
- 12 The drawings suggest that the retaining walls are to be formed by sheet metal piling, although there are no notes to confirm this, rather than the gabions shown in the previous application. This raises concerns about how they can be installed adjacent to the boundaries as drawn without affecting the fences to the neighbouring properties, particularly Charis House to the north, and how the fences can be supported. The piles should be positioned so that they can be installed without any intrusion outside the site boundary (both in the air and ground) and without disturbing the fence of Charis House. Secondly there is no indication of how the piles will be installed. The most common way is to use a heavy pneumatically driven hammer to drive them into the ground which is very noisy and the constant banging will be heard over a wide area. If this is so and you are minded to approve the application, please include a condition restricting the operating hours to a considerably shorter period than the normal site working hours.
- 13 The proposal would represent overdevelopment of the site and is out of character when compared with the surrounding dwellings in Badgers Mount, as can be seen on the site location plan on drawing 3087-18-PL102 rev P8.
- 14 As the section of Badgers Road adjacent to the site has recently been resurfaced at public expense, it is essential that a photographic survey is carried out before any work starts and any damage found at the end is repaired to the same standard. In particular, no tracked plant or machinery should be driven directly on the road.”

KCC Highways:

- 15 “Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration.”

KCC Public Rights of Way Officer:

- 16 “The only route to this property is either along the Public Right of Way Restricted Byway SR7A then Public Right of Way Byway SR7 which is known as Badgers Road or along the Public Right of Way Footpath SR8 then Highland Road and Public Right of Way Byway SR7.
- 17 I anticipate that there will be an adverse impact on these rights of way due to the increase in traffic particularly heavy, large vehicles during the excavation works and delivery of materials. The byway is narrow. A byway is the lowest status of highway to carry public motorised vehicular access rights. Whilst motor vehicle use is lawful the County Council has no obligation to maintain a byway to a standard capable of supporting modern motor vehicles. The use of large, heavy vehicles that the byway may not be able to support or accommodate may further damage the surface and edges of the byway and other rights of way. Any further damage caused to the Public Rights of Way would have to be made good at the developer’s expense. The Public Rights of Way and Access Service has recently repaired this byway following previous damage caused by another development. I enclose a copy of the Public Rights of Way network map showing the lines of these paths for your information.
- 18 I would object unless conditions 5, 6, 11 and 13 given for SE/18/03520/FUL are also applied to this application for the same site.
- 19 The agent in his email of 9th January 2019 stated, ‘I appreciate the concerns that have been expressed regarding an engineering solution that would be used to ensure the byway is stabilised and would suggest this would be able to be dealt with via the Construction Management Plan condition which could adequately secure KCC’s interests. I presume the reference to ‘details of gabion cage construction’ in condition 5 refers to this concern.
- 20 I note that the applicant intends to run drains along the verge of the byway. This is outside his ownership and would require permission from the Rights of Way and Access Service. The plans also appear to show alterations to the slope of the verge, again, outside the applicant’s ownership. This would need the express consent of the Public Rights of Way and Access Service, as the Highways Authority.
- 21 The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way.
- 22 This means that the Public Rights of Way must not be stopped up, diverted, obstructed (this includes any building materials, vehicles or waste generated during the works) or the surface disturbed.

There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.”

SDC Tree Officer:

- 23 “There are no trees of great importance located within the plot of land shown to be developed. There is a mature tree located within the rear garden of The Cottage but this appears to be a sufficient distance away from the nearest excavation proposals. Mature trees are located across the drive to the south but again these are a sufficient distance away. No objection offered, but suggest that a landscaping condition be attached to any consent given.

Thames Water:

Waste Comments:

- 24 As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water’s Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.
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- 26 With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-largesite/Apply-and-pay-for-services/Wastewater-services>

- 27 Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Representations

- 28 Four letters of objection have been received relating to the following issues:
- Overdevelopment of the site;
 - Adverse impact upon local amenities;
 - Inadequate access, turning circle and sightlines;
 - Potential damage to the lane during construction;
 - Adverse impact upon trees on the site;
 - Adverse impact upon neighbouring properties garden from the excavation works;
 - Disruption during the building process;
 - That the soil and vent pipes could impact upon neighbouring amenities;
 - Inadequate parking provision;
 - That the proposal would result in increased traffic;
 - Inappropriate design out of keeping with other properties in the locality;
 - That the proposal would fail to conserve and enhance the AONB and the Special Landscape Area;
 - That a legally binding strategy is imposed if granted to manage construction vehicle movements;
 - That the proposal does not adhere to the building line;
 - That the proposal would reduce the amenity space of The Cottage;
 - Concerns regarding the construction methodology;

Chief Officer Planning and Regulatory Services' appraisal

- 29 In considering this application a material consideration in this case is the previously approved planning application, ref. 18/03520/FUL granted for the erection of a single storey three bedroom dwelling with sedum green roof incorporating excavation of land along with secure bin, cycle storage, landscaping and vehicle parking. The difference between the approved application and the current application now proposed is the inclusion of a basement area.
- 30 The main planning considerations are;
- Impact on the Green Belt
 - Design and impact on the AONB and character of the street scene
 - Impact on neighbouring amenity
 - Access, parking and highways impact
 - Trees, landscaping and biodiversity
 - Other considerations

- 31 Whilst the NPPF places an emphasis on development on previously developed land, it does not preclude other land, including garden land, from being developed for residential use, provided such development is in suitable locations and relates well to its surroundings. Residential gardens outside built up areas' can be previously developed land. Land in built up areas such as private residential gardens is excluded from the definition of previously developed land (Annex 2 NPPF).
- 32 Paragraph 122 of the NPPF (in part) states that planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an areas prevailing character and setting (including residential gardens) or of promoting regeneration and change.
- 33 The site lies partly within the built confines of Badgers Mount, with the eastern part within the Green Belt. It is noted that the development proposes a shed and parking area within the Green Belt eastern portion of the site, however, the proposed new dwelling itself would be located on the western part of the site which lies outside the Green Belt. The new dwelling would be consistent with Policy LO1 of the Core Strategy which states that development should be focused within existing settlements. Therefore, while it does not necessarily meet the definition of previously developed land, there is a presumption in favour of sustainable development on land which is within the built confines of a settlement under Policy LO1, providing the development does not harm the character of the area and is consistent with Policy LO7 of the Core Strategy which permits small scale infilling in smaller villages and hamlets.
- 34 It is therefore considered that the principle of development could be accepted, subject to the impact on the character of the area, and other material planning considerations as assessed below.

Impact on the Green Belt

- 35 As set out in paragraph 145 of the NPPF, new buildings in the Green Belt are inappropriate development. There are some exceptions to this, such as the replacement of a building provided that it does not result in disproportionate additions over and above the size of the original building.
- 36 Paragraph 143 states that where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances.
- 37 Paragraph 144 of the NPPF advises we should give substantial weight to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. Therefore, the harm in principle to the Green Belt remains even if there is no further harm to openness because of the development.

- 38 Openness is an essential characteristic of the Green Belt and is about a freedom from built form. Even if there is absence of harm to openness, there can be harm in principle to the Green Belt from inappropriate development.
- 39 At a local level, Policy GB3 of the ADMP states that outbuildings located more than 5m from the existing dwelling will be permitted where the building, including the cumulative impact of other outbuildings and extension within the curtilage of the dwelling, would be ancillary to the main dwelling in terms of function and design and would not materially harm the openness of the Green Belt through excessive bulk or visual intrusion.

Assessment against policy and impact on openness

- 40 The proposed dwelling would not be located within the Green Belt. The proposal would result in the replacement of an existing summer house with a floor area of 17.2m with a new bicycle storage shed with a floor area of 4.25m resulting in a reduction of floor area of 12.95m. This shed would be in the same use as the summerhouse (ancillary residential) and would result in a reduction in built form in the Green Belt, complying with policy GB3 of the ADMP.
- 41 It is acknowledged that the proposed parking area would be located within the Green Belt. However, the land levels would not be increasing in this area, in fact they would decrease, and the surfacing of this area would not add three-dimensional bulk. The proposal would increase the use of the eastern part of the site but this is already used as part of the previous residential garden use associated with The Cottage. It is therefore considered that there would not be a material change of use of the land and the continued residential use would not materially harm the openness of the Green Belt.
- 42 Due to this, the impact to the openness of the Green Belt as a result of the proposal would result in an increase in openness in the Green Belt, complying with the NPPF. Any grant of permission would remove permitted development rights to ensure that no further outbuildings could be built or any extensions to the dwelling without further careful consideration under the planning permission process.

Design and Impact on the Area of Outstanding Natural Beauty (AONB) and Character of the Street scene

- 43 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. There are two considerations directly related to a site's AONB status when determining a planning application. Firstly, does the application conserve the AONB and secondly, if it does conserve the AONB does it result in an enhancement.

- 44 The NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, with the conservation and enhancement of wildlife and cultural heritage also important considerations (paragraph 172).
- 45 Policy EN5 of the ADMP states that the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings will be given the highest status of protection in relation to landscape and scenic beauty. Proposals within the AONB will be permitted where the form, scale, materials and design will conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance.
- 46 More generally, Policy SP1 of the Core Strategy and Policy EN1 of the ADMP state that all new development should be designed to a high quality and should respond to and respect the character of the area in which it is situated.
- 47 The eastern part of the site is located within the Badgers Mount Character Area of the Sevenoaks District Countryside Appraisal which comprises of a woodland landscape. Due to the proposed location of the dwelling within the side garden of The Cottage, with additional dwellings extending eastward down Badgers Road, the proposal would not have any adverse impact upon this landscape.
- 48 The Badgers Mount area is characterised by a collection of approx. 125 dwellings located to the east of the Orpington by-pass road. It has an increasingly enclosed and rural character to the road when travelling eastwards towards the site along Badgers Road. The dwellings are generally set back from the road with parking and soft landscaping to the frontages with the majority on relatively modest plots. There are only a handful of properties that are located on sizeable plots, most of which are located to the south-east of this area, although some are also directly east of the site (Parish Field, Selworthy and Haresfield). This pattern of development results in an overall density of approx. 7.7dph. The addition of the new dwelling would result in a density of 7.8dph. This is a very minor increase which would not harmfully affect the overall density of built form in the area, particularly considering the design of the dwelling.
- 49 In 2019 planning permission was granted for a single storey three bedroom dwelling with a sedum green roof incorporating excavation of land along with secure bin, cycle storage, landscaping and vehicle parking.
- 50 The current proposal would replicate the previous application other than an additional window within the southern facing elevation of the dwelling, the inclusion of solar panels on the roof and the addition of a basement area incorporating a fourth bedroom, an entertainment and games room, a storage room, laundry room, wine cellar, study/office and pump room.
- 51 The character of the site would change as it would no longer form a grassed rear garden. However, change is not necessarily harmful and the impact of the new dwelling needs to be carefully considered. The proposed dwelling would have a single storey contemporary design which would have modest eaves and overall ridge height of 4.8m. While it would extend across the

width of the site and appears bulky when looking at the roof plan provided, this is deceptive as when considered in elevation form it would have a modest design and character which would not harmfully overwhelm the site.

- 52 Concern has been raised from the Residents' Association that the new dwelling would be sited less than the historic building line of 8m to the road. The new dwelling would be sited closer to the boundary than this, at its closest 2m away. However, it would be orientated at a 90 degree angle to the road so its flank elevation would face the road instead of its front elevation. This would be closer than the building line of The Cottage, however, The Cottage itself sits closer than 8m to the boundary of the road. Even if this were not the case, it is considered that the single storey contemporary design of the dwelling and its orientation means that even when sited 2m from the boundary, it would not have a dominant impact on the character of the street scene. Any grant of planning permission does not necessarily mean that a permission can be lawfully built out, thus if there are covenants in place then the onus is on the applicant to address these under different legislation.
- 53 The use of the green sedum roof is welcome in creating the visual effect of soft landscaping when viewed from the top of the road as it slopes downwards towards the site. The use of this material as well as the timber cladding would respond well to the increasingly vegetated and rural character of Badgers Road when travelling eastwards and it is considered that this design and materials would respond well to the character of the AONB landscape, conserving this character. It is noted that the management of such sedum roofs can be challenging, however, any grant of permission would include a condition ensuring that further details of the type of sedum and its ongoing maintenance is submitted to ensure it continues to contribute to the design of the dwelling and enhances the appearance of the development within the immediate AONB landscape. All proposed materials would also be conditioned upon any grant of permission to ensure the timber cladding responds to the type of timber in the area.
- 54 The proposed roof lights would not be excessive in number or size, and it is not considered that they would harmfully impact on the dark skies character of the AONB landscape, particularly when considering that the new dwelling would be located between two existing properties, rather than in an isolated location. In addition, the roof lights would be set into the roof, rather than protruding and the sunken nature of the property would ensure that any light spillage would not be as excessive as if a two storey dwelling were proposed in the same location. As shown by the drawings the roof lights would not rise above the height of the roof.
- 55 The construction would incorporate the use of steel pilings on three sides of the proposed dwelling. The installation of these pilings would be a Building Control matter however a condition could be imposed restricting the hours of operation to minimise the impact of noise to working hours.
- 56 The layout of the site would provide a sufficiently sized grassed area which would form the amenity space of the dwelling. The hard surfacing for the parking area would be conditioned as part of any grant of permission to

ensure that the materials are permeable and appropriate for the semi-rural character of the area.

- 57 As noted by the Councils Tree Officer there are no trees of great importance within the site and any mature trees beyond were seen to be at such a distance as to be unaffected by the proposal.
- 58 Due to the above, it is therefore considered that the subdivision of the site and addition of the new dwelling with its contemporary design would not detrimentally harm the overall character of the street scene and would result in a dwelling which would enhance the immediate AONB landscape through appropriate design and conserve the wider setting and experience of the landscape consistent with Policy SP1 of the Core Strategy, Policy EN1 and EN4 of the ADMP and the NPPF.

Neighbouring Amenity

- 59 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.

Impact on neighbours

- 60 The nearest neighbours to the site are The Cottage, which would be located 16m away to the west, Charis House located 14-15m away to the north-west and Parish Field located 16-17m away to the east. The Cottage and Charis House are elevated when compared with the site, with Parish Field set at a lower level, but screened from view by a substantial 5m evergreen hedge.
- 61 The new dwelling would be single storey with a cellar, set within the site so that from The Cottage and Charis House all that would be seen is the top of the sedum roof, rather than any direct close view of the elevations and windows. Due to the site level changes there would be no windows from the new dwelling that would harmfully overlook the gardens or habitable rooms of these two dwellings. This is also considered the case for Parish Field as although this sits at a lower level, the hedge between the boundary acts as a natural screen which would ensure there is no harmful overlooking between the two dwellings.
- 62 The distances between the properties would ensure there would not be a harmful loss of light as a result of the development.
- 63 It is noted that concern has been raised regarding the impact from vehicle noise and general construction noise on the amenity of neighbouring properties. In regards to the proposed parking area of the new dwelling this would be located close to the access, and not directly adjacent to any private rear amenity area of the neighbouring dwellings. As such, it is not considered that it would give rise to unacceptable levels of vehicular noise as it would only result in additional vehicles serving one dwelling. In regards to construction noise, there would be some level of disruption as part of the development. However, this is controlled by separate Environmental Health legislation and the applicant would be required to adhere to this throughout the construction phase. There would also be standard hours of working that would need to be adhered to as part of a Construction Management Plan and

this would ensure that there is no working on Saturday afternoons, Sundays or Public Holidays, in line with Environmental Health legislation.

- 64 The proposal would result in a reduction in size of The Cottage's rear garden to a depth of 16m which would provide sufficient amenity space for this property.
- 65 Due to the above, the proposal is not considered to have a detrimentally harmful impact on the amenity of neighbouring properties in accordance with Policy EN2 of the ADMP and the NPPF.

Amenity of future occupiers

- 66 The proposed garden area of the new dwelling itself would be located over 15m away from the rear of Charis House and The Cottage so this proposed private amenity area would not be harmfully overlooked.
- 67 The sunken nature of the property would lead to less light than normal within the dwelling. However, all habitable rooms would have windows and the roof lights would ensure that suitable light levels are experienced throughout the dwelling and circulation spaces.
- 68 The amenity of future occupiers is therefore considered to be acceptable under Policy EN2 of the ADMP and the NPPF.

Parking, Access and Highways Impact

- 69 Policy EN1 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking. Policy T2 of the ADMP states that dwellings in this location with 3 or more bedrooms require 2 independently accessible parking spaces.
- 70 Policy T3 of the ADMP states that electrical vehicle charging points should be provided within new residential developments to promote sustainability and mitigate climate change.
- 71 Badgers Road forms a Public Right of Way Byway. The proposed parking layout would provide 2 vehicle spaces with room to manoeuvre around the site to allow a vehicle to exit in a forward gear. The access is existing, although may require some alteration to the small bank in front of the site which forms part of the byway, although it is noted that the site levels would be lowered which may assist in this access. As confirmed with the last application, the agent has checked the ownership and confirms it is within the control of the application or has been dealt with by serving notice on owners of The Cottage. Any works to this access would therefore be possible to allow vehicular access and a condition could be incorporated to ensure acceptable visibility splays.
- 72 The gates have been removed from the plans so that vehicles would be able to enter and exit the site freely without blocking up the byway. While the road is narrow, the access into the site itself has a width of 3.4m which is 1m more than the KCC minimum requirements, thus allowing more manoeuvrability out of the site. It is therefore considered that the access would be suitable, particularly considering this access would not be

dissimilar to properties added to Badgers Road over the years, such as Charis House which required a new access out onto Badgers Road.

- 73 The Aco drain located at the access would lead to a soakaway within the garden area. This would ensure sufficient drainage at the access point, avoiding excessive water running out into the byway.
- 74 It is acknowledged that there is concern from local residents regarding the upkeep of the byway as this is contributed to by those living with Badgers Road. Unfortunately the planning process cannot safeguard any financial implications a development may have, as this would be a civil matter between those involved.
- 75 However, the impact of the development on the byway is a material planning consideration in regards to highway and pedestrian safety. The Public Rights of Way Officer has indicated a holding objection in relation to the impact of the development on the byway. This is in relation to the impact on the stability of the banks of the byway as a result of the excavation within the site and also the increase in traffic during the construction phases as heavy large vehicles may damage the banks and condition of the byway. This is material consideration in regards to ensuring the development does not harmfully restrict the use of the byway.
- 76 Discussions were had with the Public Rights of Way officer in regards to the effectiveness of a Construction Management Plan upon any grant of permission in restricting the size of vehicles that would access the site, the timing of deliveries, details of the excavation and ensuring that the bank would remain stabilised. The Public Rights of Way officer was satisfied that providing the Construction Management Plan is specifically tailored to the site in ensuring that control can be exercised over the type and weight of vehicles using Badgers Road as part of the construction along with a photographic survey of the bank along the byway then this would overcome their concern in regards to heavy machinery. This is providing any grant of permission is also conditioned to ensure that the byway is made good if any damage were to occur once development is completed.
- 77 It is acknowledged that the extent of excavation within the site would be notable and would extend across the width of the site which may impact on the boundaries. This would be dealt with outside the planning process, under Building Regulations. It is the responsibility of the applicant to ensure that other consents such as Building Regulations are sought and Paragraph 179 of NPPF is clear that securing safe development rests with the developer and/or landowner.
- 78 The concerns from the Parish regarding the siting of the retaining walls and their installation are acknowledged however these issues can be addressed within a Construction Management strategy.
- 79 It is acknowledged that there would be a noticeable increase in traffic as part of the construction process, this is the same for all development and is a short term impact when compared to the built out development. It is considered that in this instance a very specific Construction Management Plan for the development would alleviate the concerns from the Public

Rights of Way team in regards to the impact to the byway. Such a condition upon any grant of permission would provide them with the ability to further comment on the measures proposed and types of vehicles that would be used in the construction phase, thus ensuring that the development minimises the impact to users of the byway as much as possible.

- 80 In regards to the impact to the byway from one additional dwelling once built, it is considered that this would not result in a material increase in vehicle movements along this part of Badgers Road to warrant refusal of an application on highway and pedestrian safety grounds.
- 81 Due to the above careful consideration, the proposal would provide sufficient means of access and parking for the development in line with Policy EN1 and T2 of the ADMP and, subject to a site specific Construction Management Plan, would ensure that the construction phase of the development does not adversely affect the byway and those who use it.

Other issues

- 82 The positioning of soil and vent pipes would be covered by Building Control legislation and would not be a planning matter;
- 83 The inclusion of a condition is an appropriate method to incorporate a Construction Management Strategy.

Community Infrastructure Levy (CIL)

- 84 The proposal is CIL liable and there is no application for an exemption.

Conclusion

- 85 The proposed new dwelling would not be located within the Green Belt. The proposed shed and parking area are within the Green Belt but would not result in harm to the openness of the Green Belt, thus they would represent appropriate development.
- 86 The proposed design, siting and overall form of the new dwelling would have an acceptable impact on the character of the street scene and wider AONB landscape.
- 87 The addition of a new dwelling within Badgers Road would not prejudice highway safety and the imposition of a Construction Management Plan would ensure that appropriate measures are put in place to reduce the impact to the byway to ensure that the development does not harm highway or pedestrian safety.
- 88 It is therefore recommended that this application is GRANTED

Background papers

Site and block plan

Contact Officer(s): Guy Martin

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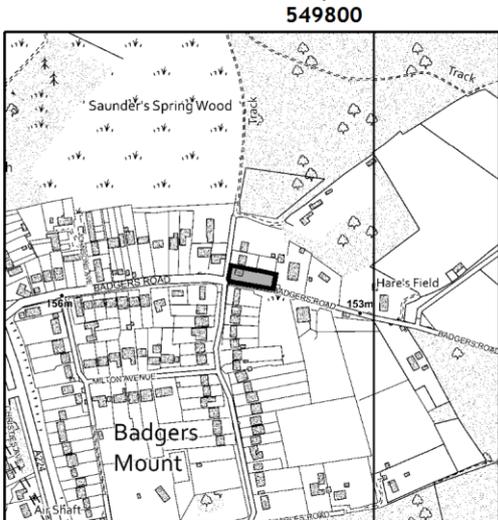
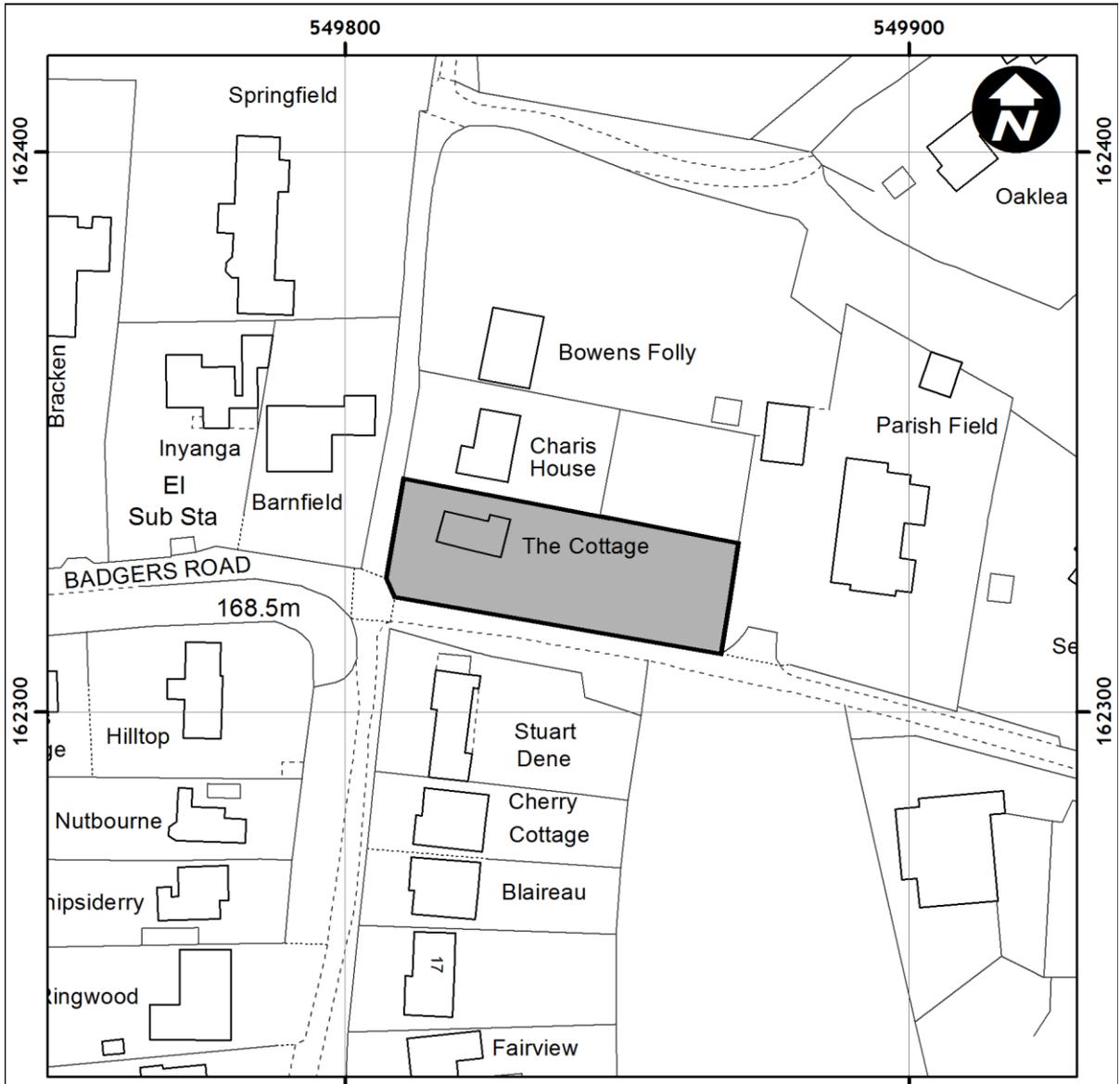
Richard Morris
Chief Officer Planning and Regulatory Services

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=Q4ZDPQBKHVE00>



<h1>Site Plan</h1>	
Scale	1:1,250
Date	28/05/2020
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BLOCK PLAN

