

4.3 SE/12/02540/FUL Date expired 15 January 2013

PROPOSAL: Change of use of land from open land/paddock to overspill car park, laying out of x 8 parking spaces, construction of new access and erection of fence and gate.

LOCATION: Land rear of the Rising Sun, Fawkham Green, Fawkham Longfield DA3 8NL

WARD(S): Fawkham & West Kingsdown

ITEM FOR DECISION

This application has been referred to the Development Control Committee by Councillor Parkin as she would wish the committee to consider whether they could fully support the “special circumstances” as set out in the applicant’s Planning, Design and Access Statement and also whether the proposal would support the rural economy.

RECOMMENDATION: That planning permission be REFUSED for the following reasons:-

The proposed development would be inappropriate development in the Green Belt and would be harmful to its openness. It would change the character of the Green Belt being clearly visible from within the village and accordingly would have a detrimental impact leading to the encroachment upon the countryside. This conflicts with the National Planning Policy Framework.

The proposed development would fail to conserve the countryside and would harm the distinctive character of the landscape. This conflicts with Policy LO8 of Sevenoaks District Councils Core Strategy.

Informatives

1) Working in line with the NPPF, the application was refused as the proposal failed to improve the economic, social or environmental conditions of the area.

Description of Proposal

- 1 Change of use of land from open land/paddock to overspill car park, laying out of x 8 parking spaces, construction of new access and erection of fence and gate.
- 2 The parking area would comprise of a heavy duty thick polyethylene mesh enabling grass to grow up through the mesh and would be set approximately 500mm below the existing ground level. The levels vary across site with the north western corner of the car park being approximately 705mm below the existing ground level. The remainder of the car park is between 460mm to 500mm whilst the new drive up to the car park changes from 640mm to 940mm lower than the existing levels. A mix of existing planting and additional plantings would be placed on the site. A post and rail fence would be placed between the proposed car park and the existing field with lighting for the car park on the fencing and to the south of the site. Access to the car park would be through the existing car park. The proposed car park would be located to the north of the public house on the

western side of the valley. A dwarf wall 700m high will extend from the existing car park to the north and south of the proposed access to the car park.

Description of Site

- 3 The Rising Sun is a public house located within the village of Fawkham with the land to the rear being a field. Fawkham village is a linear village based around a set of cross roads located within a valley. The application site is at the rear of the pub accessed from the existing car park. The site rises away from the pub towards Gabriels to the northwest with Sun Hill road running along the western side of the site.

Constraints

- 4 Area of Archaeological Potential
5 Metropolitan Green Belt

Policies

South East Plan (2009) Regional Plan

- 6 Policies - CC1, CC3, CC4, CC6, M1, SP5, BE6

Sevenoaks District Local Plan

- 7 Policies - EN1 and NR10

SDC Core Strategy

- 8 Policies - SP1 and LO8

Other

- 6 National Planning Policy Framework

Planning History

7	12/01439/FUL	Change of use of land from open land/paddock to overspill car park for staff use, laying out of x 12 parking spaces, construction of new access and erection of fence and gate.	REFUSE	01/08/2012
	04/00490/FUL	Minor revision to approved bar extension (extant-SE/92/1592) and containment of existing patio area at front. Resubmission.	GRANT	20/04/2004
	03/02353/FUL	Minor revisions to approved bar extension (SE/92/1592) conversion of existing stables to private meeting room, contained patio at front.	REFUSE	14/11/2003
	02/02123/FUL	Front terrace with wall, railings, &	REFUSE	12/12/2002

	parking alterations.		
95/01462/HIST	Erection of 2 no. self-catering units at first floor level with store and parking under.	REFUSE	16/11/1995
94/01872/HIST	Details of bricks pursuant to condition 2 of planning permission SE/92/1592.	GRANT	07/11/1994
93/01573/HIST	Construction of external fire escape.	GRANT	05/01/1994
92/01592/HIST	Retention of extension of existing bar area. Extensions to provide kitchen and dining area and 5 no. units for overnight accommodation.	GRANT	20/04/1993
88/01584/HIST	Conservatory extension	GRANT	09/11/1988

Consultations

Fawkham Parish Council

- 8 “No objection. The amended proposal is supported and welcomed by Fawkham Parish Council. Comments: Fawkham Parish Council sees this proposal as helping to reduce street parking, obstruction to local access and vehicle abuse of the village green. A questionnaire sent out in connection with the first application gave a vote of 14:1 in favour of the proposal.”

“Following discussion with Cllr. Faye Parkin I would like to clarify that the words “*The amended proposal is supported....*” Should be take to mean: “*Fawkham Parish Council is satisfied that the applicant has complied with its concerns by reducing the ground levels and by reducing the number of parking spaces from 12 to eight as per previous comments.*”

Kent Highway Services

- 9 ‘I refer to the above planning application and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority.’

Representations

- 10 Five letters received and a request for one letter sent in respect to SE/12/01439 to be considered, object to this proposal due to:

- the land being within the Green Belt;
- impact of noise and light pollution;
- the limitations of the proposed screening;
- the parking limitations around a pub does not represent a very special circumstance;

- that there is not a substantial need for additional planning other than on specific occasions;
- that there is no need for 8 parking spaces for staff;
- that the car parking use cannot be controlled;
- the Parish Council failing to inform previous objectors to 12/01439/FUL of their meeting to discuss this application:
- that an arrangement could be made with the owner of Fawkham Green Garage to enable parking on their forecourt in the evenings;
- that the pub frees up parking spaces by ensuring that another business run by the pub landlord parks elsewhere;
- that through extending the pub historically the number of parking spaces has been reduced which has created the present need;
- that the proposal will lead to an intensification of use with events occurring on the proposed landscaped area;
- that property values of adjacent properties would be affected;
- that the proposal would encourage ribbon development within the locality and;
- that the proposal would lead to further development on the site at a future date.

Group Manager - Planning Services Appraisal

Principal Issues

11 Impact upon the Green Belt and its openness

Impact upon landscape and street scene

Impact upon amenities

Impact upon the Area of Archaeological Potential

Impact upon the Green Belt and its openness

12 The National Planning Policy Framework (NPPF) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open: the essential characteristics of Green Belts are their openness and their permanence.

13 Green Belts serve five purposes:

- To check the unrestricted sprawl of large built up areas;
- To prevent neighbouring towns merging into one another;

- To assist in safeguarding the countryside from encroachment;
 - To preserve the setting and special character of historic towns; and
 - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 14 The NPPF states that, certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:
- Mineral extraction;
 - Engineering operations;
 - Local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - The re-use of buildings provided that the buildings are of permanent and substantial construction; and
 - Development brought forward under a Community Right to Build Order.
- 15 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application Local Planning Authorities should ensure that substantial weight is given 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.
- 16 The proposed development would reduce the level of the land by an average of 500mm although in part of the site up to 940mm and incorporates a polyethylene mesh through which grass can grow. Where the surfacing mesh proposed by the applicant is used, it can provide a low key solution that is compatible with the character of the countryside and the Green Belt. However, this site is exposed and on a sloping site and the formation of the car park involves other works and the parking of vehicles that will also have an impact on the character of the area. In addition to the surfacing proposed, the character of this open field would involve the following changes as part of the proposed change of use:
- Alterations to land levels of parking area and access;
 - New post and rail fencing;
 - New landscaping around boundaries of car park;
 - Low dwarf wall;
 - Parked vehicles (for staff);
 - Lighting;
 - Space for parking of 8 vehicles, access and turning area and passing bay.

- 17 The design and access statement states that this proposal is temporary, although the application form did not clarify this. The agent has subsequently clarified this point stating that the applicant would prefer a permanent permission but that if a trial run was considered necessary that they would be willing to accept a condition granting the application for a temporary period with the suggestion of 5 years.
- 18 The extent of the proposal to facilitate the development and to potentially mitigate the impact of it, such as the landscaping would be beyond what would normally be considered appropriate for a temporary use and I am not convinced that a condition for a temporary period would meet the tests for imposition of conditions in Circular 11/95.
- 19 The Green Belt policy test for this application is whether the proposal preserves the openness of the Green Belt and conflicts with the purposes of including land in the Green Belt.
- 20 In respect to the proposal's impact upon the openness of the Green Belt, the inclusion of eight parking spaces would lead to the parking of vehicles on a regular basis within the Green Belt which through their three dimensional presence and activity associated with their movements would detrimentally impact upon the openness of the Green Belt. These vehicles would be visible from those properties adjacent to the site, Gabriels to the north-west and the dwellings along Valley Road in addition to those properties to the south of the village for example Fawkham Green Road and Small Grains. The site would also be visible from within the wider landscape for example the hillside to the east of the Valley Road.
- 21 The proposal would incorporate eyelid PIR Bulkhead Security Lighting. Whilst these are designed to minimise their impact they would change the nature of the site from an open field to a lit area of car parking, changing the nature of the Green Belt. In comparison the extent of fencing would not in my view be out of keeping with similar localities within the Green Belt. A condition could be imposed to ensure that the car park is restricted only to staff use and to a limit of eight vehicles. Whilst this would limit the harm it would not overcome it.
- 22 Whilst it has been stated that a kitchen/vegetable garden exists behind Green Farm the planning history shows that this properties curtilage extends no further west than the rear of the properties garage. Accordingly the addition of this car park and increased landscaping would change the character of the existing open field, and the application is considered on this basis.
- 23 This change of character from a rural field to a staff car park would in my view fail to safeguard the countryside and fail to preserve the openness of the Green Belt and is therefore inappropriate development harmful in principle.

Impact upon local amenities

- 24 Policy EN1 of the SDLP lists a number of criteria to be applied in the consideration of planning applications. In particular, Criteria 3) of policy EN1 of the SDLP states that the proposed development must not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements. Criteria 6) states that the proposed development must ensure satisfactory means of access for vehicles and pedestrians and provides parking facilities in accordance with the Council's approved standards. Criteria 10) states that the proposed development

does not create unacceptable traffic conditions on the surrounding road network and is located to reduce where possible the need to travel. Policy NR10 of the SDLP states that proposals for all forms of development should minimise pollution of the environment through careful design and layout of land uses. Proposals will not be permitted where residential development would suffer material harm.

- 25 The proposed development would be located to the north of the Rising Sun Public House. Parking provision for the public presently existing to the south of the pub and to the east through which the access to the proposed parking would occur. Accordingly the only adjacent properties potentially affected would be Green Farm and Inglenook to the east of the proposed parking and Gabriel's to the north. Green Farm and Inglenook are located approximately 45m from the car park and 35m from the access drive. Gabriel's is located approximately 50m to the north. Other properties exist in the locality however they are closer to the existing parking and accordingly the impact would be minimal in respect to these properties amenities although they would be potentially impacted by overlooking the site.
- 26 Through incorporating eyelid PIR Bulkhead Security Lighting the impact of the lighting would be minimal upon neighbouring properties and due to the distance of the properties from the car park the impact of noise would in my view be minimal when compared to noise from the existing Public House and adjacent road. Noise and disturbance would move closer to some dwellings but as car parking is not proposed for the Public House the additional impact could be minimised. Accordingly a refusal on this ground could not in my view be substantiated.
- 27 Gabriel's and Green Farm and the properties running along Fawkham Road to the Rising Sun are partially screened from the site by existing trees and bushes however these are largely deciduous plantings and accordingly the outlook from these properties would be reduced during the winter months. The movement of cars at night would lead to a degree of additional light pollution however the impact would in my view be minimal in part due to the change in levels and through additional plantings on the site which the applicant has indicated they are willing to consider.
- 28 The proposed site would lie adjacent to Sun Hill, the road running to the west of the public house. This lane is heavily screened from the road by mature trees and bushes and whilst there would be a limited increase in light pollution from vehicles using the car park and noise the impact due to the limited number of vehicles would be minimal.

Impact upon landscape and street scene

- 29 Policy L08 states that the countryside will be conserved and the distinctive features that contribute to the special character of its landscape and its biodiversity will be protected and enhanced where possible.
- 30 The proposed development would change the character of the site from a rural field to a staff car park. Due its location on the side of the valley the proposed car park would be clearly visible from within the village, adjacent roads and the wider landscape and the inclusion of lighting which would be visible from within the wider landscape would further change the nature of this rural field. Due to the contours of the land the screening that would protect the amenity of the adjacent

properties would not guard against this change of character. Accordingly the proposal would not conserve the landscape character of the locality or the Green Belt as outlined above.

Impact upon the Area of Archaeological Potential

- 31 The proposed development would not incorporate any excavation works and accordingly it would have a minimal impact upon the Area of Archaeological Potential.
- 32 The proposed development would not incorporate any excavations and accordingly it would have a minimal impact upon the Area of Archaeological Potential.

Assessment of any Very Special Circumstances

- 33 The applicant has put forward a case of 'Very Special Circumstances' to be considered if the Council was of the view that this proposal was inappropriate development in the Green Belt.
- 34 The very special circumstances claimed are:
- the modest scale of the proposal;
 - that there is no built development;
 - that the fencing could be incorporated through permitted development and that;
 - the proposal would be reversible;;
 - that the application could potentially be for a trial run;
 - that the present lack of parking is affecting the smooth operation and viability of the business;
 - that it would enable the free flow of traffic, benefiting highway safety and problems of nuisance to neighbouring residents;
 - that the proposal is supported by the Parish Council and local people.
- 35 In assessing these reasons whilst the area of works is limited it would conflict with the purposes of including development within the Green Belt and through the inclusion of vehicles within the Green Belt would impact upon its openness. In my view the circumstances outlined would not clearly outweigh the harm to the Green Belt for the following reasons:
- harmful to the openness of the Green Belt even though there is no built development;
 - whilst modest in scale it would still harm the openness of the Green Belt in principle;

- whilst it could be for a temporary period the extent of work and the changes needed to facilitate it with the changes in levels, the fencing and the walls would in themselves create harm for a substantial period of time;
- the applicants have not provided any evidence of the extent to which a lack of parking is affecting viability nor have they advised what other options they have considered such as car sharing or other green travel initiatives for their staff
- whilst there may be some support for the scheme there are also objections;
- there may be benefits for reducing on street parking but there could be other ways of achieving this.

Conclusion

36 The proposed development would represent inappropriate development which would harm the openness and character of the Green Belt and would fail to preserve the landscape character of the area. It would not however have a detrimental impact upon amenities of the locality or the Area of Archaeological Potential. No very special circumstances have been provided to clearly outweigh the harm from this inappropriate development.

37 Recommendation – Refuse Planning Permission

Background Papers

Site and Block Plans

Contact Officer(s): Guy Martin Extension: 7351

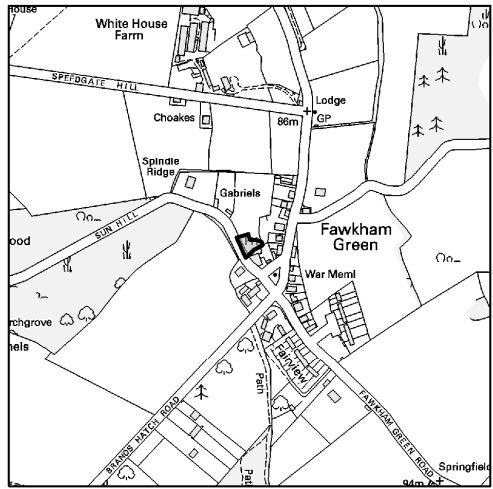
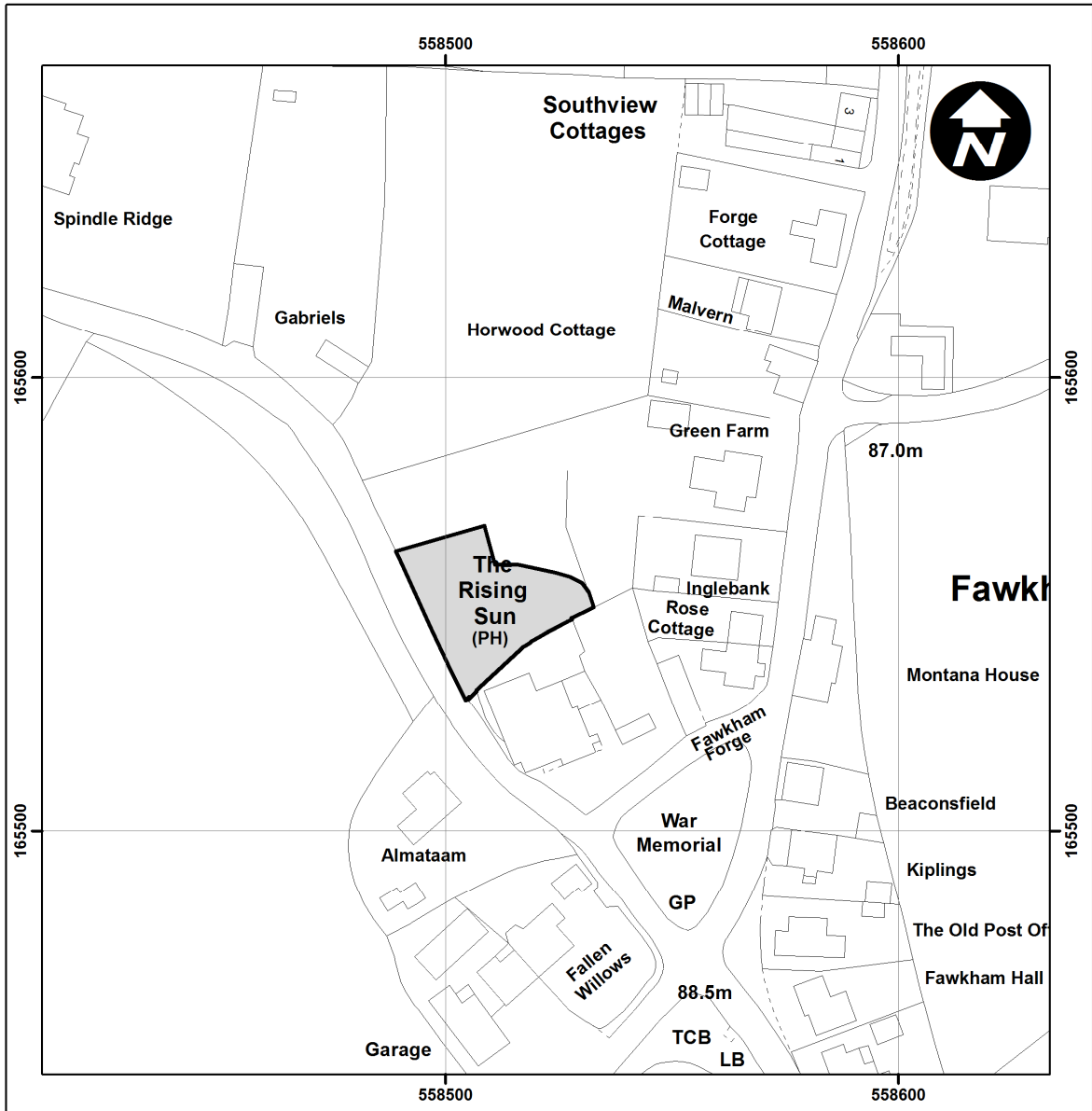
Kristen Paterson
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MAZY64BK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MAZY64BK8V000>



Site Plan

Scale 1:1,250
 Date 21.11.2012



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BLOCK PLAN

