

29 April 2021 at 7.00 pm

This meeting will be held virtually via Zoom,  
and livestreamed here:

[https://www.youtube.com/channel/UCIT1f\\_F5OfvTzxjZk6Zqn6g](https://www.youtube.com/channel/UCIT1f_F5OfvTzxjZk6Zqn6g) - Virtual  
meeting

Published: 21.04.21



## Development Control Committee

### Membership:

Chairman, Cllr. Williamson; Vice-Chairman, Cllr. Reay  
Cllrs. Ball, Barnett, Brown, Cheeseman, Perry Cole, Coleman, P. Darrington,  
Hogarth, Hudson, Hunter, Layland, McGarvey, Osborne-Jackson, Pett, Purves,  
Raikes and Roy

### Agenda

There are no fire drills planned. If the fire alarm is activated, which is a  
continuous siren with a flashing red light, please leave the building immediately,  
following the fire exit signs.

	Pages	Contact
Apologies for Absence		
1. <b>Minutes</b>	(Pages 1 - 8)	
To approve the minutes of the meeting of the Committee held on 31 March 2021, as a correct record.		
2. <b>Declarations of Interest or Predetermination</b> Including any interests not already registered		
3. <b>Declarations of Lobbying</b>		
4. <b>Planning Applications - Chief Planning Officer's Report</b>		
4.1 <b>20/01834/FUL - Newtyehurst Farm, Cowden Pound Road To Truggers Lane, Mark Beech KENT TN8 7DA</b>	(Pages 9 - 46)	Emma Gore Tel: 01732 227000
Proposed conversion of agricultural barns into 12 residential units including the demolition of 2no. existing residential units and the construction of 2 replacement dwellings.		

- 4.2 **21/00081/FUL - Land West Of Yearling Coppice Farm, Otford Lane, Halstead KENT TN14 7EQ** (Pages 47 - 60) Guy Martin  
Tel: 01732 227000  
Creation of section of track.
- 4.3 **21/00635/NMA - White Oak Leisure Centre, Hilda May Avenue, Swanley KENT BR8 7BT** (Pages 61 - 66) Mike Holmes  
Tel: 01732 227000  
Non-material amendment to 19/02951/HYB.

#### EXEMPT INFORMATION

At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.

As it is necessary to observe social distancing to limit the spread of Covid-19, currently the Council is unable to arrange site visits in the established manner and therefore requests for site visits will not be taken.

Please note speakers should register by 5pm on the day of the meeting.

Any slides speakers may wish to have displayed at the meeting should be emailed to [dc.committee@sevenoaks.gov.uk](mailto:dc.committee@sevenoaks.gov.uk), by 5pm the day before the meeting.

If you wish to obtain further factual information on any of the agenda items listed above, please contact the named officer prior to the day of the meeting.

Should you need this agenda or any of the reports in a different format, or have any other queries concerning this agenda or the meeting please contact Democratic Services on 01732 227000 or [democratic.services@sevenoaks.gov.uk](mailto:democratic.services@sevenoaks.gov.uk).

**DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held on 31 March 2021 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Reay (Vice Chairman)

Cllrs. Ball, Barnett, Cheeseman, Perry Cole, Coleman, P. Darrington, Hudson, Hunter, Layland, McGarvey, Osborne-Jackson, Pett, Purves, Raikes, and Roy

Apologies for absence were received from Cllrs. Brown and Hogarth

Cllrs. Fleming, London and Thornton were also present.

164. Minutes

Resolved: That the Minutes of the meeting held on 11 March be approved and signed by the Chairman as a correct record.

165. Declarations of Interest or Predetermination

Cllr Raikes declared for Minute 169 - 20/03395/Ful - 40 High Street, Sevenoaks, Kent TN13 1JG and Minute 170 - 20/03396/LBCALT - 40 High Street, Sevenoaks, Kent TN13 1JG that as a member of the Sevenoaks Town Council he had previously looked at the applications but would remain open minded.

166. Declarations of Lobbying

Cllr McGarvey declared for reasons of transparency that he had been asked to read out Cllr Grint's speech for Minute 171 - 20/03739/HOUSE, Rosewood, Stonehouse Road, Halstead Kent TN147HN.

UNRESERVED PLANNING APPLICATIONS

There were no public speakers against the following item and no Member reserved the item for debate, therefore, in accordance with Part 7.3(e) of the constitution the following matter was considered without debate:

167. 21/00089/MMA - Somerset Lodge, 12 Westerham Road, Bessels Green KENT TN13 2PU

The proposal sought permission for minor material amendment to 20/02399/HOUSE. The application had been referred to the Committee as the applicant was an employee of Sevenoaks District Council.

## Agenda Item 1

### Development Control Committee - 31 March 2021

It was moved by the Chairman and duly seconded that the recommendations within the report, be agreed.

The motion was put to the vote and it was

Resolved: That planning permission be granted subject to the following conditions

- 1) The development hereby permitted shall be begun before the expiration of the time limit imposed on application SE/20/002399/HOUSE.

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

- 2) The materials to be used in the construction of the development shall match those stated on the application form submitted with application number 20/02399/HOUSE.

To ensure that the appearance of the development is in harmony with the existing character of the EN1 as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 3) The development hereby permitted shall be carried out in accordance with the following approved plans and details: KBC/20/145/01, KBC/20/145/21

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

#### RESERVED PLANNING APPLICATIONS

The Committee considered the following planning applications:

168. 20/03567/MMA - 14 The Old Garden, Chipstead, Kent TN13 2RJ

The proposal sought planning permission for an amendment to 17/00872/HOUSE. The application had been referred to the Committee by Councillor London due to the increase in size of the proposal not representing a minor material amendment and the adverse impact in respect to neighbours amenities in terms of overlooking and loss of light.

Members' attention was brought to the main agenda papers and late observation sheet which proposed an additional condition.

The Committee was addressed by the following speakers:

Against the Application:	Giles Chapman
For the Application:	-
Parish Representative:	Parish Cllr Nigel Williams
Local Members:	Cllr London

Members asked questions of clarification from the speakers and officers with particular focus on the percentage increase in comparison to the previously approved planning permission.

It was moved by the Chairman and duly seconded that the recommendations within the report, be agreed.

Members discussed the application.

The motion was put to the vote and it was

Resolved: That planning permission be granted subject to the following conditions

- 1) The materials to be used in the construction of the development shall be those indicated on the application form of 17/00872/HOUSE.

To ensure that the appearance of the development is in harmony with the existing character of the dwelling as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 100/01A, 03A, 04.

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

- 3) No development shall begin on site until details showing how the proposed foundation and any service entries will be designed or suitably protected to prevent the ingress of ground gases has been submitted to and approved in writing by the Local Planning Authority. Any proposed scheme shall then be completed in accordance with the approved details before the first occupation of the development.

In the interest of public health as support by the National Planning Policy Framework.

169. 20/03395/FUL - 40 High Street, Sevenoaks, KENT TN13 1JG

The proposal sought planning permission for the conversion of building from office to residential use by the creation of 4 flats (3 x 1 bedroom and 1 x 2 bedroom). Creation of basement flat and internal alterations. Removal of bat window to front elevation and replacement with a new window. The application had been referred to the Committee by Cllr Fleming on the grounds of design and impact on the character and appearance of the area (paragraphs 127, 128, 130 and 131 of the NPPF) and the impact on heritage assets (paragraphs 189, 192, 193 and 194 of the NPPF).

Members' attention was brought to the main agenda papers and late observation sheet which amended condition 3 and recommended an additional condition (5).

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The Committee was addressed by the following speakers:

Against the Application:	Nick Chard
For the Application:	Colin Smith
Parish Representative:	-
Local Members:	Cllr Fleming

Members asked questions of clarification from the speakers and officers which included the dating of the bay window, matching of the materials, traffic management plans and space standards. Members were advised that an additional condition had been proposed regarding materials and that the council had not adopted national space standards policy. It was noted that the terrace row had a mix of 6 x 6 and 2 x 2 windows on the first and second floors.

It was moved by the Chairman and duly seconded that the recommendations within the report as amended by the late observations, be agreed.

Members discussed the application and the inclusion of extra conditions.

It was moved by Councillor Reay and duly second that the additional conditions for a construction management plan be agreed in consultation with the local members; future occupants not be eligible for the council's parking permit scheme and the second floor window that connected to the terrace be non-opening, be added should planning permission be granted.

The amendment was put to the vote and was carried.

After further debate the substantive motion was put to the vote and it was

Resolved: That planning permission be granted subject to the following conditions

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

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

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 2038-01, 2038-02, 2038-03, 2038-04, 2038-05, 2038-06, 2038-07A, 2038-08A, 2038-09B, 2038-10A and 2038-11A.

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

- 3) Prior to the commencement of works to the external walls, specifications (including, where applicable, size, colour, texture, profile, finish, bonding and pointing) and a sample panel of 1metre square of the external surface materials of the development (brickwork

to front elevation) will be submitted to and approved in writing by the Council.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 4) The existing first floor flat roof area on the east facing rear elevation shall not be used as private amenity space in relation to the development hereby approved. Access shall only be retained for safety and maintenance purposes.

To safeguard the privacy of neighbouring residents as supported by Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

- 5) Prior to the commencement of works, mitigation measures regarding providing adequate air quality and noise protection will be submitted in writing to the Local Planning Authority. The approved mitigation measures shall be implemented prior to first occupation.

To ensure that the noise levels in habitable rooms meet the requirements of BS 8233:2014 and that future residents are not exposed to harmful levels of air pollution, to protect the amenity of future occupants.

- 6) Prior to the commencement of works a Construction Management Plan shall be submitted to and approved in writing by the local planning authority, in consultation with the local ward members. The management plan shall include the following: (a) Parking for construction and delivery vehicles and site personnel, (b) Timing of deliveries, (c) Construction hours. The proposed development shall be carried out in accord with the approved management plan at all times.

In the interest of Highway Safety and neighbouring amenity in accord with policies EN2, EN7 and T1 of the Sevenoaks District Council Allocation and Development Management Plan.

- 7) The Council operates a residential parking permit scheme, for which the future occupants would not be eligible.

In the interest of vehicular parking and permit availability in accord with policy T2 of the Sevenoaks District Council Allocation and Development Management Plan.

- 8) The second floor window on the rear facing eastern elevation that connects to the flat roof terrace area shall be fixed shut and non-opening at all times.

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To prevent the flat roof area being used as a private amenity terrace to safeguard the residential amenities of neighbouring properties in accord with policy EN2 of the Sevenoaks District Council Allocation and Development Management Plan.

#### 170. 20/03396/LBCALT - 40 High Street, Sevenoaks, KENT TN13 1JG

The proposal sought listed building consent for conversion of building from office to residential use by the creation of 4 flats (3 x 1 bedroom and 1 x 2 bedroom). Creation of basement flat and internal alterations. Removal of bay window to front elevation and replacement with a new window. The application had been referred to the Committee by Cllr Fleming on the grounds of the impact on heritage assets (paragraphs 189, 192, 193 and 194 of the NPPF).

Members' attention was brought to the main agenda papers.

The Committee was addressed by the following speakers:

Against the Application: Nick Chard  
For the Application: Colin Smith  
Parish Representative:  
Local Members: Cllr Fleming

It was moved by the Chairman and duly seconded that the recommendations within the report, be agreed.

The motion was put to the vote and it was

Resolved: That Listed Building Consent be granted subject to the following conditions

- 1) The works to which this consent relates shall begin before the expiration of three years from the date of this consent.

In pursuance of section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 2038-01, 2038-02, 2038-03, 2038-04, 2038-05, 2038-06, 2038-07A, 2038-08A, 2038-09B, 2038-10A and 2038-11A.

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

- 3) Prior to the commencement of works to the external walls, specifications (including, where applicable, size, colour, texture,



profile, finish, bonding and pointing) and a sample panel of 1metre square of the external surface materials of the development (brickwork to front elevation) will be submitted to and approved in writing by the Council.

To maintain the integrity and character of the listed building as supported by policy EN4 of the Sevenoaks Allocations and Development Management Plan.

- 4) Prior to the commencement of works, window details (including architrave, frame, heads, glazing bars and mouldings, reveal, cill, lintel and method of opening) shown in elevation drawings at a scale of 1:10 and horizontal and vertical section at a scale of 1:5, will be submitted to and approved in writing by the Council.

To maintain the integrity and character of the listed building as supported by policy EN4 of the Sevenoaks Allocations and Development Management Plan.

- 5) Prior to the commencement of works to the boundary treatment(s), plan and elevation drawings at a scale of 1:50 detailing the positions, height, design, materials and type of proposed boundary treatments will be submitted to and approved in writing by the Council.

To maintain the integrity and character of the listed building as supported by policy EN4 of the Sevenoaks Allocations and Development Management Plan.

- 6) Prior the commencement of works, specifications, including section drawings, of all rainwater goods (and any external soil or waste pipes) will be submitted to and approved in writing by the Council.

To maintain the integrity and character of the listed building as supported by policy EN4 of the Sevenoaks Allocations and Development Management Plan.

- 7) Historic chimneypieces and the original internal doors should be retained and protected during works.

To maintain the integrity and character of the listed building as supported by policy EN4 of the Sevenoaks Allocations and Development Management Plan.

171. 20/03739/HOUSE - Rosewood, Stonehouse Road, Halstead KENT TN14 7HN

The proposal sought planning permission for the removal of existing 2.5m high gazebo framework. Erection of a single storey, flat roof, open sided garden room. The application had been referred to the Committee by Councillor Grint due to the impact on neighbouring properties and the openness of the Green Belt.

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Members' attention was brought to the main agenda papers.

The Committee was addressed by the following speakers:

Against the Application: Joseph D'Souza  
For the Application: -  
Parish Representative: -  
Local Members: Cllr Grint (submission read by Cllr McGarvey)

Members asked questions of clarification from the speakers and officer.  
It was moved by the Chairman and duly seconded that the recommendations within the report, be agreed.

Members discussed the application.

The motion was put to the vote and it was

Resolved: That planning permission be granted subject to the following conditions:

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

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

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 1556/P4; 1556/P3

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

THE MEETING WAS CONCLUDED AT 9.03 PM

CHAIRMAN

4.1 20/01834/FUL

Date expired 2 October 2020

Proposal:

Proposed conversion of agricultural barns into 12 residential units including the demolition of 2no. existing residential units and the construction of 2 replacement dwellings.

Location:

Newtyehurst Farm, Cowden Pound Road To Truggers Lane, Mark Beech KENT TN8 7DA

Ward(s):

Penshurst, Fordcombe & Chiddingstone

**Item for decision**

Councillor Coleman has called the application to Development Control Committee on the grounds of concern with regard to the provided marketing details and affordable housing provision provider.

RECOMMENDATION A: That planning permission be Granted subject to the following conditions and a legal agreement to secure policy complaint on-site affordable housing:

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

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 3204 02 rev E, 3204 SO6 rev A, 3204 06, 3204 01 rev F, 3204 03 rev D, 3204 04 rev D, 3204 05 rev D.

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

3) Prior to the commencement of the development hereby approved details of all external materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accord with the approved materials.

To maintain the integrity and character of the area as supported by EN5 of the Sevenoaks Allocations and Development Management Plan.

4) Prior to the commencement of the development hereby approved details of the provision of cycle parking on site shall be submitted to and approved in writing by the local planning authority. The approved cycle parking provision shall be provided prior to first occupation of the development hereby approved and retained as such thereafter.

In the interest of highway safety and in accord with policy T2 of the Sevenoaks

District Council Allocation and Development Management Plan.

5) Prior to first occupation of the development hereby approved a scheme to show the provision of electric vehicle charging points (1 per dwelling), including the proposed location, type and specifications shall be submitted to and approved by the Local Planning Authority. The charging point shall be installed in accordance with the approved details prior to first occupation of the development.

To ensure the sustainability of the site in accordance with policy T3 of the Allocations and Development Management Plan.

6) The proposed parking as illustrated on plan 3204 01 rev F shall be provided prior to first occupation of the development hereby approved. The parking shall be retained as such thereafter and no development shall be so constructed that prevents the use of the approved parking spaces.

In the interest of highway safety.

7) Prior to the commencement of the development hereby approved details of a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The details shall include: (a) Routing of construction and delivery vehicles to / from site, (b) Parking and turning areas for construction and delivery vehicles and site personnel, (c) Timing of deliveries, (d) Provision of wheel washing facilities, (e) Temporary traffic management / signage, (f) Details of site vehicle access, (g) Details of storage of materials on site. The approved Construction Management Plan shall be adhered to throughout the construction works.

In the interest of highway safety.

8) Prior to any development taking place above damp proof course full details of both hard and soft landscaping and all means of enclosure works shall be submitted to and approved in writing by the local planning authority. Those details shall include:- Planting plans (identifying existing planting and trees, plants and trees to be retained and new planting and trees), - Written specifications (including cultivation and other operations associated with tree, plant and grass establishment), - Schedules of new plants and trees (noting species, size of stock at time of planting and proposed number/densities where appropriate), - Details of all hard landscaping including but not limited to parking areas, pavements, public walkways and patios, - Details of all means of enclosure with location of all means of enclosure, and - A programme of implementation. If any part of the approved landscaping scheme is removed, dies, becomes severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the local planning authority within the next planting season. The approved details shall be implemented prior to bringing the development hereby approved into first use and maintained as such thereafter.

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

9) Prior to the commencement of the development hereby approved, details of

protection measures to the hedgerow to the southern boundary shall be submitted to the local planning authority and approved in writing. The protection measures shall be installed prior to work commencing and maintained throughout the course of the development.

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

10) Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall be based upon the principles contained within the Surface Water Drainage Strategy report by Motion (01/10/2019) to a discharge rate agreed by the local planning authority and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of. Surface water from the developed site shall not exceed the Qbar discharge rate of 3.64 l/s for all rainfall events. The drainage scheme shall also demonstrate (with reference to published guidance):

- o that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- O appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details and completed prior to first occupation of the development hereby approved.

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregate from the carrying out of the rest of the development.

11) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the local planning authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

12) Construction of the development shall not commence until details of the

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proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in full prior to first occupation of the development hereby approved.

To ensure adequate drainage facilities.

13) Prior to the commencement of the development hereby approved, a contaminated land assessment and associated remedial strategy, together with a timetable of works, shall be submitted to and approved by the Local Planning Authority. The details shall include: a) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. The Local Planning Authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters. b) Approved remediation works shall be carried out in full on site under a quality assured scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. c) Upon completion of the works, this condition shall not be discharged until a closure/validation report has been submitted to and approved by the Local Planning Authority. The closure report shall include details of the remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure/validation report together with the necessary documentation detailing what waste materials have been removed from the site.

To ensure that development of the land does not result in pollution of the environment in accordance with the aims of the National Planning Policy Framework.

14) Prior to development above slab level a detailed noise assessment in connection with the neighbouring amenity shall be submitted to and approved in writing by the local planning authority. The assessment shall measure the perceived noise level and include any required mitigation measures if necessary. The proposed mitigation measures shall be implemented prior to the first occupation of the dwellings hereby approved.

In the interest of amenity in accordance with policy EN2 of the Sevenoaks District Council Allocation and Development Management Plan.

15) Prior to development above finished slab level details of the proposed glazing designed to mitigate light spillage shall be submitted to and approved in writing by the local planning authority. The glazing shall be implemented as approved and maintained as such thereafter. No external lighting shall be installed on the site without prior written consent of the local planning authority.

To ensure the dark skies of the Area of Outstanding Natural Beauty in accord with policy EN5 of the Sevenoaks District Council Allocation and Development Management Plan.

16) Prior to the commencement of the development hereby approved an updated NEWTYE HURST FARM, CHIDDINGSTONE HOATH, KENT BIODIVERSITY ENHANCEMENT MEASURES, BY MARTIN NEWCOMBE, 29th September 2020, D141. Chiddingstone (TQ487428) R4 shall be submitted to and approved in writing by the local planning authority. The updated enhancement plan shall include details of: - the garden area will provide short grassland with sections of wildflower meadow. The biodiversity enhancement measure plans and maintenance shall be implemented prior to first occupation of the development hereby approved. The scheme shall be maintained in perpetuity.

To ensure mitigation and enhancement of the local ecology in accord with policy SP11 of the Sevenoaks District Council Core Strategy.

RECOMMENDATION B: In the event that, using all reasonable endeavours, the legal agreement referred to in Recommendation A is not completed within 4 months of the meeting of the Development Control Committee, the Chief Planning Officer be authorised to Refuse the application for the following reason:

The applicant, in their failure to secure the provision of the necessary level of affordable housing, has failed to comply with the National Planning Policy Framework and policy SP3 of the Core Strategy.

#### **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 is located to the north of Cowden Pound Road. The site is screened by dense hedging and vegetation to the southern and western boundaries. The site benefits from an existing access that serves the site and agricultural building located to the northeast.
- 2 The site is currently comprised of a complex of buildings, which have a mixed use of both commercial and residential. The buildings have an agricultural appearance in regard to the bulk and mass. The site has an informal appearance set in a rural context. The site contains a number of storage containers, vehicles and agricultural machinery associated with the commercial enterprises on site.

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- 3 The site is located in an area of open countryside with pockets of residential and commercial development. The wider area contains a large degree of woodland.
- 4 The Green Belt, Area of Outstanding Natural Beauty and Biodiversity Opportunity Area wash over the site. To the western boundary, the site partially infringes on a Local Wildlife Site.

### Description of proposal

- 5 The application seeks permission for the conversion of the existing agricultural barns into 12 residential units and the demolition of the two existing residential units and the construction of 2 replacement dwellings.

### Relevant planning history

- 6 97/01493 - Existing use of building as a dwelling - Granted.
- 7 01/00801/FUL - Erection of two agricultural buildings and construction of access drive - Granted.
- 8 18/02303/FUL - Proposed partial barn conversion into 3 bedroom dwelling with car parking - Granted.
- 9 19/01052/FUL - Proposed Conversion of Agricultural Barns into 16 Residential Units and the Demolition of 2no. Existing Residential Units and the Construction of 2 Replacement Dwellings - Refused and appeal dismissed.
- 10 It is useful to note that the appeal for the above application was dismissed by the Inspector on the grounds that the proposal would lead to the unjustified loss of an employment site and would fail to provide sufficient affordable housing.
- 11 19/02830/LDCEX - Confirmation that the end two sections of Building B at Newtyehurst Farm are Lawful - Granted.

### Policies

- 12 National Planning Policy Framework (NPPF)
- 13 Core Strategy (CS)
  - LO1 Distribution of Development
  - LO8 The Countryside and the Rural Economy
  - SP10 Design of New Development and Conservation
  - SP3 Provision of Affordable Housing
  - SP5 Housing Size and Type
  - SP7 Density of Housing Development
  - SP8 Economic Development and Land for Business
  - SP11 Biodiversity



14 Allocations and Development Management Plan (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- EN5 Landscape
- EN6 Outdoor Lighting
- EMP5 Non-Allocated Employment Sites
- GB7 Re-use of a Building within the Green Belt
- T1 Mitigating Travel Impact
- T2 Vehicle Parking
- T3 Provision of Electrical Charging Points

15 Other

- Sevenoaks Residential Extensions Supplementary Planning Document (SPD)
- Development in the Green Belt SPD
- High Weald Area of Outstanding Natural Beauty Management Plan

**Constraints**

16 The following constraints apply:

- Green Belt
- High Weald Area of Outstanding Natural Beauty (AONB)
- Local Wildlife Site
- Biodiversity Opportunity Area

**Consultations**

17 Chiddingstone Parish Council -

18 Chiddingstone Parish Council strongly objects to this application on the following grounds:

19 1. The site was put forward as part of SDC's Call for Sites for the new Local Plan and was not included in the plan because it was an unsuitable location for development and the site has specific issues that cannot be overcome. It was classed as an unsustainable location for development. The Parish Council strongly believe that this view has not changed.

20 2. This proposal represents a disproportionately large, isolated development in a remote part of the High Weald AONB. The site is in a deeply rural area, with narrow lanes and scenic beauty. The proposed development of domestic buildings on this site would without doubt harm the character of the landscape in the AONB. The form and scale of this proposed development does not conserve and enhance the character of the landscape and therefore Chiddingstone Parish Council is of the view that the proposal is contrary to policy EN5 of the Allocations & Development Management Plan

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and contrary to policy 172 of the NPPF. The reduction in the number of units from 18 (16+2) to 14 (12+2) does go a little way to reduce the impact on the AONB but the Parish Council still feels that this is development that would urbanise this rural area. The proposed change of use from agricultural to an urban-style development is unacceptable and it would change the nature of the site and consequently the surrounding area. There would be greater noise and light pollution compared to the existing agricultural use. After the Parish Council's site visit, members are concerned that the existing business could be transferred to a site adjacent to this proposed development site. This adjacent site is in the applicant's ownership and is already being used by him for part of his agricultural business, including the storage of wood and machinery. The Parish Council is concerned that the applicant will transfer the whole of his business to this area which he would be entitled to do, providing he does not erect any new barns without prior approval, but this would increase the noise at the overall site to an even greater extent, and the access road would be shared between large agricultural vehicles and domestic traffic.

- 21 3. Policy EN1 of the Allocations & Development Management Plan states 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. The Parish Council feel strongly that the location of this proposed development, which is an isolated rural area, is not suitable for such a large development.
- 22 The site is surrounded by very narrow lanes and the proposal would have a large impact on the street scene. We consider that this proposal is therefore contrary to policy EN1.
- 23 4. Paragraph 3.8 of the Allocations & Development Management Plan states that SDC can meet its Core Strategy housing target without the need to release land in the Green Belt and by focusing development within the existing urban and village locations of the District. It also states that housing allocations will primarily be focused on the existing principal towns in the District over other smaller settlements in order to promote the most sustainable development options.
- 24 5. Policy SC1 of SDC's Allocations & Development Management Plan states that the District Council will take a positive approach that reflects the presumption in favour of sustainable development.
- 25 The Parish Council does not believe that this proposal satisfies this policy because it is not compatible and suitable for this location, and it would have a negative impact on the surrounding environment, landscape, habitats and biodiversity, including the Green Belt and AONB. This site was rejected for development under the SDC Local Plan because it was not sustainable. The Parish Council strongly agrees with KCC Highways that this location is not sustainable due to the absolute reliance on the ownership of a private car to live in this location. We highlighted then, also in the previous application and we do so again that this site is not in a sustainable location because:
- the site is in a very rural and remote location, with narrow lanes there are no bus services to Edenbridge or Tunbridge Wells passing the

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site, and specifically no bus route to a secondary school within a mile of the site.

- the local doctors surgeries are currently over-burdened
- there would be a long-term impact on the local primary school
- there is no pedestrian access to a bus stop or railway station
- the proposal is contrary to Policy SC1 and EN1, which states that proposals must ensure satisfactory means of access for pedestrians.
- residents in these proposed dwellings would rely on a private car for travel

the impact of this proposal on the surrounding environment, landscape, habitats and biodiversity, including the Green Belt and AONB, would be huge and this proposal has no regard to these issues.

- 26 6. The Sevenoaks Countryside Assessment SPD describes the key features that distinguish this area and the character of the local landscape. The SPD states that Chiddingstone Hoath is a landscape of high sensitivity. A development of this scale would damage the almost unique character of this landscape in the district. The proposed residential development would change the nature of the existing agricultural use of this site in the rural area.
- 27 7. Contrary to policy EN5 of the Allocations & Development Management Plan, a development of this size would have a negative impact on the peace and tranquillity of the area. One of the defining features of this area is tranquillity. The Parish Council is concerned that the noise emanating from the site would be disturbing to the local community. The type of noise would be different, no longer noise of agricultural vehicles and agricultural machinery which is what one would expect to hear in the countryside. Instead there is likely to be noise one would expect to hear in built-up, urban, areas which would be for longer hours in the day and at weekends. The Parish Council considers that this proposal is contrary to policy EN7 of the Allocations & Development Management Plan because the noise from this proposed development would have an unacceptable impact on existing and future occupants of nearby properties, and it would undermine the character and will harm the biodiversity of this area.
- 28 8. The area is within the Green Belt. SDC's Core Strategy Policy LO8 states that the extent of the Green Belt must be maintained, and the countryside must be conserved and the distinctive features that contribute to the special character of its landscape and its biodiversity must be protected and enhanced where possible. Chiddingstone Parish Council assesses that an urban style, high intensity development on previously agricultural land is contrary to policy LO8. The Parish Council notes that the bulk and built form is slightly reduced from the previous application, and the breaking up of Building B is an improvement, however the Parish Council still feels strongly that the proposal has excessive bulk and the mass of built form represents an urban style development which is out of keeping in this rural area.
- 29 9. The NPPF policy 143 states that inappropriate development is harmful to the Green Belt and should not be approved except in very special

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circumstances. Chiddingstone Parish Council has not seen, nor can find, any very special circumstances attached to this proposal.

- 30 10. Section 2 of the NPPF Paragraph 12 states “The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.” Chiddingstone Parish Council still cannot see, nor find, any material considerations attached to this proposal.
- 31 11. The Parish Council is still concerned about the potential loss of a Local Wildlife Site, as part of this site is within the Woods South of Chiddingstone Castle Local Wildlife Site and the proposed development would result in the loss of a woodland strip. Policy SP11 of the SDC Core Strategy states that ‘the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity. Sites designated for biodiversity value will be protected with the highest level of protection given to nationally designated Sites of Special Scientific Interest, followed by Local Wildlife Sites and sites of local importance for biodiversity.’ The proposal, in our view, is therefore contrary to Policy SP11.
- 32 12. The Parish Council notes the applicant’s revised Ecological Scoping Survey report. We will await the comments of KCC’s Ecological Advice Service to this application.
- 33 13. The NPPF policy 175c states ‘development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and suitable compensation strategy exists.’ Chiddingstone Parish Council is not aware of any wholly exceptional reasons attached to this proposal, and members are still concerned about the potential impact of this proposal on ancient woodland.
- 34 14. The loss of an employment site in our rural area is of concern to the Parish Council and local residents. The applicant did carry out a marketing exercise to see if the site with its existing use is of interest to potential purchasers. However, the Parish Council would like to make the point that, in these very unusual times due to Covid-19, a marketing exercise carried out from the end of February 2020 to the end of July 2020 cannot give a true picture of the demand for sites such as this. Businesses would have been wary of committing to purchase such a site, and the Parish Council would like to see the marketing exercise extended, and for the purchase price to be realistic for current economic conditions.
- 35 15. The Parish Council notes that there is no provision for affordable housing in this current proposal and if this is the case we would expect to see provision for an off-site contribution. This is not clear in the application and more clarification is required.

- 36 Chiddingstone Parish Council strongly objects to this application. Members wish to reiterate that this is an objection. However, if SDC feels that the application, contrary to the policy evidence made with our objection, satisfies planning policy, then the Parish Council would like to request that the following conditions be imposed:
- 37 1. The earth bund to the South of the site must be retained in order to minimise the visual impact of the development.
- 38 2. Clarification is required regarding the provision of affordable housing, or an off-site contribution.
- 39 3. There must be no permitted development rights attached to these units in future.
- 40 4. A bus service must be routed past the development site, for Chiddingstone Primary School, for the secondary schools in Tunbridge Wells, and throughout the day for access to shops.
- 41 5. The bridleway from the rear of the site towards Chiddingstone must be enhanced to form a cycle path.
- 42 6. The footpath that runs towards Cowden Station must be enhanced.
- 43 7. Landscaping must be included in the scheme to reduce the visual impact.
- 44 8. Only low-level lighting will be allowed on site.
- 45 9. Adequate parking provision is included in the scheme to take account of residents, visitors and delivery vehicles.
- 46 10. The lake would require fencing in order to provide a safe environment for residents, particularly children.
- 47 11. The existing barns on the site were erected to support a successful rural business. There must be a condition imposed on any future approval that states that no new barns can be erected to support this existing business either adjacent to this site or elsewhere in the parish.
- 48 Chiddingstone Parish Council (further comments) -
- 49 Chiddingstone Parish Council reiterates its objection to this application and has the following additional comments to make:
- 50 1. Marketing Strategy - the Parish Council still feel that the marketing of the site has not been through enough or fit for purpose, especially during the lockdown period. Before change of use can be approved, we believe that a longer period to market the site should be required, also that more than one agent should be instructed.
- 51 2. Affordable Housing - (i) the Parish Council would like there to be a condition imposed on any approval to say that the social and affordable

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housing units should be provided and managed by a rural housing provider, and our preference would be English Rural Housing Association, in perpetuity. (ii) The Parish Council would also like to see a condition imposed on any approval to require a local lettings plan to be drawn up, this would ensure that the units would be for local people only. Again this should be in perpetuity.

- 52 3. Economic Development Officer report - the Parish Council find the criteria used by KCC to be completely inappropriate as the calculation does not appear to give a true reflection of likely numbers, especially of primary and secondary school children. If this proposal is approved, the development would be an isolated rural community, and this would have an impact on the local area. The housing proposed are family sized units and therefore the numbers quoted seem to bear no relation to a clearly possible reality.
- 53 4. Urban Design Officer's comment - the Parish Council supports Amanda Gregor's comment that the proposed scheme is unsuitable as it would be suburban with car parking, gardens and layout.
- 54 Hever Parish Council -
- 55 As a neighbouring parish, Hever Parish Council wish to make the following observations on the above planning application;
- This site was recently rejected by the District Council during the very recent Local Plan consultation.
  - This significant and disproportionate proposal is in the Green Belt and a remote part of the High Weald AONB, with the AONMB Unit recommending that planning “Accommodates an increasing number of households without compromising the characteristic historic settlement pattern as a result of strong planning policies and a sound understanding of the dynamics of sustainable communities”.
  - The Unit’s management Plan has been endorsed by all 15 Councils with land in the High Weald and is a ‘material consideration’ in planning applications, they should be consulted on such an application.
  - The Parish Council agrees with KCC Highways expert view; “totally unsustainable location of this proposal” due to the absolute reliance on the ownership of a private car to live in this location.
- 56 Urban Design Officer -
- 57 Proposed conversion of agricultural barns into 12 residential units including the demolition of 2no. existing residential units and the construction of 2 replacement dwellings. The site lies in its entirety within the Metropolitan Green Belt and High Weald AONB. The following assessment has been made using the National Planning Policy Framework (NPPF), National Design Guide (NDG), local policies within the Core Strategy and ADMP and the High Weald AONB Management Plan.

- 58     Layout:
- 59     Both buildings A and B, have been sub-divided to create two blocks each. However, the retention of the three agricultural forms still maintains a U-shaped layout from the existing built form. The two new buildings on the south of the site create a loose courtyard plan. This is a historical precedent for farmsteads within the western part of the High Weald, and is considered, in principle, an acceptable response to the layout in response to the AONB. However, we have concerns about the wider impact on the distinctive local character of the area for the following reasons:
- 60     Character:
- 61     The three metal-framed ‘Atcost’ type of barns are not considered architectural or historically significant. Two of the buildings are being altered by dividing the form. The retention and proposed conversion of the three agricultural barns is considered to have a neutral impact on the AONB as the built form is predominantly existing. By retaining the buildings, the proposed character of this scheme retains a degree of an agricultural character. A key characteristic of this rural character is that the farmstead buildings would sit around an internal yard and the landscape often flows up to the immediate edge of the buildings without any form of definition.
- 62     Due to the change of use from agricultural to residential the sheds have to been subdivided in order to create the necessary paraphernalia for the proposed 12 dwellings. Another two new dwellings create a total of 14 residential units on this site. In order to support this amount of residential use, alterations have to be made to the curtilage including: car parking, ancillary buildings (refuse and recycling and woodchip biomass boiler storage), public and private spaces and boundary treatments. The cumulative effect of the required paraphernalia (i.e. subdivision of plots, patios from the gardens, deep grassed frontage and back gardens, garages, use of concrete pavers for car parking, formal square surrounded by car parking and driveways) results in a suburbanising character and does not reflect the integrity and character of the rural surroundings. The erosion of the AONB’s character through suburbanisation is one of the top five issues highlighted under settlements set out under the High Weald AONB management plan (p32) and therefore it is considered that this proposal does not conserve or enhance the AONB.
- 63     Further to the concerns raised, it is noted that the proposed scheme has not indicated any cycle parking (ADMP, policy T2) or no electric vehicle charging points (ADMP, policy T3) which is a key consideration especially due the reliance of cars because of the lack of facilities nearby.
- 64     There has been no indication on the plans of any external lighting proposed in the development or the contribution that 14 residential development will have on light pollution. The dark landscape is considered one of the other qualities that contribute to the character of the High Weald AONB as set out in the statement of significance (High Weald AONB management plan, p23).

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- 65 The plans do not show the 20 year old broadleaved plantation that currently sits along the west of the site. This contributes positively to the AONB and its removal in order to accommodate the subdivision of the rear gardens for block B do not conserve or enhance the AONB and would not respond positively to the distinctive local character of the area in which it is situated (Core Strategy, SP1).
- 66 Materials and Details:
- 67 The proposed material palette used across the site includes vertical timber cladding, horizontal timber cladding, brick and vertical metal sheeting. While these materials individually are acceptable the use of so many different material uses on each building is uncharacteristic of the High Weald (High Weald Design Guide, p27). The three converted agricultural buildings have not informed the two new buildings. They sit incongruous to each other in regards to form, appearance, material and detail and do not create a coherent identity across the development (Context and Identity, National Design Guide). For the reasons stated above we are unable to support this application as it is not considered sympathetic to the local character, including the surrounding built environment and landscape setting (NPPF 127) and would not conserve or enhance the landscape and scenic beauty of the AONB (170).
- 68 Urban Design Officer (further comments):
- 69 Comments were previously submitted on 30th July 2020 for the same application. The High Weald AONB unit has since provided comments as an analysis against the High Weald AONB Management Plan.
- 70 Should an application be granted, we would request the following are conditioned:
- Details of external materials and proposed landscaping including boundary treatments (Core Strategy, SP1)
  - Cycle parking should be provided (ADMP, policy T2)
  - Electric vehicle charging points (ADMP, policy T3)
- 71 KCC Heritage - No Comments.
- 72 KCC Economic Development - Request made for infrastructure funds.
- 73 SDC Tree Officer :
- 74 The proposed development is shown to be located upon land that is currently hard landscaped inclusive of the footprints of the buildings upon it. The proposals will create soft landscaped areas and remove a large percentage of the existing concrete, which has to be an improvement ecologically. I am not a fan of the boundary Laurel hedgerow as it is not a suitable plant for such a rural location. Its removal and replacement with a more suitable species would however open up the site to views from Truggers Lane, which would not be ideal. Any replacement planting would take years to mature. I am therefore of the



view that the Laurel is more beneficial due to its screening ability of the site and should remain going forward. I also note that the landscaping and planting schedule shows suitable species of plant. It does not however show numbers, sizes and locations of planting. A landscaping condition should be attached to any consent given to clarify this.

75 Environmental Health:

76 Since the previous application at this site some changes have been made to guidance associated with the planning process. Therefore, the applicant should submit a revised noise assessment to meet paragraphs 170, 180 and 182 of the National Planning Policy Framework and associated planning practice guidance.

77 As the proposal repurposes former commercial/agricultural buildings a more extensive phased contaminated land assessment will be required. These can be required by condition but must be undertaken and agreed prior to construction commencing.

78 Environmental Health (further comments):

79 Our comments submitted on the 27th June 2020 remain valid for this consultation. We would however advise that since it is now Government policy for the phasing out of conventional fuelled vehicles, the developer should provide EV charging points for the development.

80 KCC Highways:

81 As with previous applications (SE/19/01052/FUL) for this site, it should be noted that I have concerns about the unsustainable location of the site, which is reliant on the private car. The local narrow lanes are not suitable for walking or cycling as an alternative means of transport.

82 Albeit this proposal sees a reduction in units from the previously refused scheme, the proposed units in an unsustainable location do not comply with the provisions of the NPPF, which demonstrates a presumption in favour of sustainable development.

83 Despite the unsustainable location, I accept that the number of traffic movements from the proposed development is not likely to be significantly greater than the previous agriculture use. The existing access arrangements are to remain which is acceptable.

84 While I have concerns regarding the location of the site, I do not object on behalf of the local highway authority. I suggest the following conditions:

85 Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.

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- 86 High Weald AONB Unit:
- 87 The attached plan shows the AONB Landscape Components represented on and around the application site. The following Management Plan key characteristics, objectives and proposed actions are considered relevant to this proposal.
- 88 Please see online for table of content
- 89 In the event that the Local Planning Authority considers that the development is acceptable in principle, it is recommended that the following detailed requirements are met:
- The High Weald Colour Study should be used to select the colours of external materials of structures and hard surfacing so that they are appropriate to the setting of the High Weald AONB landscape (Management Plan objective S3);
  - Drainage proposals should seek to restore the natural functioning of river catchments and avoid polluting or increasing flow to watercourses (Management Plan objective G1);
  - Local habitats and species should be protected and enhanced as appropriate and
  - conditions applied to prevent loss of existing habitats including hedgerows (Management Plan objectives G3, R2, W1, W2, FH2, and FH3);
  - Native, locally sourced plants should be used for any additional landscaping to support local wildlife and avoid contamination by invasive non-native species or plant diseases (Management Plan objective FH3); and
  - Controls over lighting should be imposed (Institute of Lighting Professionals recommended light control zone E1) to protect the intrinsically dark night skies of the High Weald (Management Plan objective OQ4).
- 90 The above comments are advisory and are the professional views of the AONB Unit's Planning Advisor on the potential impacts on the High Weald landscape. They are not necessarily the views of the High Weald AONB Joint Advisory Committee.
- 91 Southern Water:
- 92 There is no public foul sewer in the vicinity of the site. The applicant is advised to examine alternative means of foul sewage disposal.
- 93 Environment Agency shall be consulted directly regarding the use of a private wastewater treatment works which disposes of effluent to sub-soil irrigation.
- 94 The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

- 95 It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.
- 96 We request that should this application receive planning approval, the following condition is attached to the consent: “Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.”
- 97 Planning Policy - No response.
- 98 Local Lead Flood Authority:
- 99 Thank you for your consultation on the above referenced planning application.
- 100 Kent County Council as Lead Local Flood Authority have reviewed the application with supporting documents and can provide the LPA with the following comments:
- 101 It is understood that this is a new application following the previous submission. This has resulted in a reduction of residential units from 16 to 12 however, the updated layout changes are only minor. We note that the supporting Surface Water Drainage Strategy report by Motion (01/10/2019) has not been updated however, our view is that this report is still current.
- 102 In our consultation response to the previous application (SE/19/01052/FUL) we provided comments relating to the drainage report, it is considered that these are still valid and have contained them below:
- 103 The drainage strategy presented within the report has assessed the methods for surface water management on site and has proposed for a controlled discharge of surface water into the nearby pond as per the expected existing regime.
- 104 The report proposes a discharge rate of 12.4 litres a second into the existing pond. We would consider this to be abnormally high for a developed area of just 0.6 ha.
- 105 The proposed discharge rates appears to have been calculated by taking the whole site area (2.4 ha) rather than limiting to the developed area (0.6 ha). Using the HR Wallingford's Greenfield Runoff Calculator and entering the proposed impermeable area of 0.6 hectares, we obtained a rate of 3.64 l/s. We would recommend any drainage design delivers a discharge rate of this magnitude.
- 106 The receiving pond north of the development is likely to contain an outfall that conveys water into the receiving watercourse network. It is advised that further investigations are made into the pond and its outfall because this is to ensure that the proposed outfall from the site is viable.

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107 In conclusion, should the LPA grant planning permission for the application, we would advise the following conditions are attached:

108 Condition:

109 Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the principles contained within the Surface Water Drainage Strategy report by Motion (01/10/2019) to a discharge rate agreed by the Local Planning Authority and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of. Surface water from the developed site shall not exceed the Qbar discharge rate of 3.64 l/s for all rainfall events.

110 The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each
- drainage feature or SuDS component are adequately considered, including any
- proposed arrangements for future adoption by any public body or statutory
- undertaker.

111 The drainage scheme shall be implemented in accordance with the approved details.

112 Reason:

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

113 Condition:

No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets

and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

114 Reason:

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

115 This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

116 KCC Ecology:

Summary - We have reviewed the ecological information submitted in respect of this application and we advise that additional information is sought prior to determination of the planning application. We advise clarity is provided on whether compensation measures can be provided within the amenity area to compensate for the loss of habitat on the western boundary.

117 Local Wildlife Site

118 Part of the site is within the Woods South of Chiddingstone Castle Local Wildlife Site (LWS) and the proposed development will result in a loss of a woodland strip to create gardens for the proposed dwellings alongside the western boundary.

119 Policy SP11 of the 2011 Core Strategy states: “The biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity. Sites designated for biodiversity value will be protected with the highest level of protection given to nationally designated Sites of Special Scientific Interest, followed by Local Wildlife Sites and sites of local importance for biodiversity. Designated sites will be managed with the primary objective of promoting biodiversity whilst also providing for appropriate levels of public access.”

120 We note that the provided ecological report (Martin Newcombe, March 2020) has provided evidence that the part of the site in question has been included in error due to the area being unnatural with unfavourable species. From consulting with historic aerial views and the provided photos we agree that the area is unlikely to qualify.

121 Despite this, the tree line may still provide useful foraging/commuting areas for a range of wildlife. In line with Policy SP11: “Opportunities will be

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sought for the enhancement of biodiversity through the creation, protection, enhancement, extension and management of sites and through the maintenance and, where possible, enhancement of a green infrastructure network to improve connectivity between habitats.” We question whether appropriate mitigation and enhancements cannot be provided within the western area of the proposed amenity land for residents to compensate for this loss and provide an extension to the existing LWS. For example, there is potential for additional woodland or meadow creation equal to that area of woodland being lost. This would clearly demonstrate that the application is fully mitigating for any loss of habitat on site and demonstrate that clear enhancement measures are being implemented. This would also be in accordance with Paragraph 175 of the NPPF “opportunities to incorporate biodiversity improvements in and around developments should be encouraged”.

- 122 We have consulted with the landscape plan (Madgwick and Dottridge, June 2020) which outlines planting scheduling, however, it is difficult to determine how much land will be dedicated for biodiversity. We advise that clarity is provided on whether the aforementioned compensation measures can be provided within the amenity area to compensate for the loss of habitat on the western boundary.
- 123 We also draw the applicants’ attention to the High Weald Biodiversity Opportunity Area which the site is located within. We advise that the development aims to adhere to this strategy through the creation/enhancement of the relevant habitats.
- 124 Protected Species
- 125 The submitted ecological report has carried out the required range of protected species surveys and taken into consideration any detrimental impacts. We are satisfied with the conclusions of the ecological reports in relation to any potential impacts that the proposed development may have on any protected species or sites. The ponds within 250 m of the development have been visited and concluded that they are generally unsuitable for great crested newts due to being either dry, contain running water, or stocked with fish. An area of woodland will require removal on the western part of the development site, and precautionary mitigation measures have been provided for protected species. We advise that these measures are brought together into a mitigation strategy and secured as a condition of any granted planning application (see end of document).

If you have any queries regarding our comments, please do not hesitate to get in touch.

- 126 KCC Ecology (further comments):
- 127 When we previously commented we requested additional information to be provided demonstrating that measures could be implemented within the wider site to mitigate for the loss of the tree line.

- 128 An enhancement plan has been submitted and it has detailed the following will be Implemented
- Wildflower meadow
  - Enhanced scrub planting
  - Woodland planting
  - Enhancement of the pond
  - Ecological enhancement features within the garden and the built areas
  - Native species planting.
- 129 We do agree that the proposals will ensure that habitats and species connectivity will be retained as a result of the proposed development however we question if they are all achievable - in particular the wildflower meadow. A wildflower meadow will typically on be cut a maximum of twice a year and for the majority of the year will be long unmanaged grassland - therefore unlikely to provide opportunities for residents to enjoy the garden as anticipated (e.g. no room for games/tables and chairs etc.). While we do agree it will benefit biodiversity there is a risk that future residents will cut it over and above what is detailed within the management plan.
- 130 Therefore, prior to determination, we recommend that the plan is updated to demonstrate that some of the garden area will provide short grassland with sections of wildflower meadow.
- 131 We highlight that there are grassland mixes available that can be species rich but can tolerate regular mowing and that could be sown within the amenity areas.

If you have any queries regarding our comments, please do not hesitate to get in touch.

### Representations

- 132 We received 15 letters of objection to the proposal raising the following concerns:
- Existing road too narrow with no pedestrian access,
  - Lorries use the road which are hard to get past when necessary,
  - If development is approved sufficient visitor parking spaces should be provided,
  - The proposal does not provide details of where the current business would move to and it does have noise associated issues,
  - Not a wide enough consultation,
  - Number of dwellings too big for the size of the village,
  - No other sites suitable for the current business,
  - No amenity provisions,
  - Site was not considered appropriate under the local plan,
  - Unsuitable location for development,
  - Roads not suitable for 12 net gain dwellings,
  - Aesthetic of historic environment would be damaged by the proposal,
  - The impact has occurred without legal consent,

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- No schools or local provision for additional housing,
- Harm to AONB and Green Belt,
- Site is a haven for wildlife,
- Site does little for local economy,
- Harm to the ecology system,
- Calculated attempt to turn the site to brown field,
- Site would add to the light and noise pollution,
- Impact to noise and privacy of neighbouring amenity,
- Would set a precedent for infill development,
- Disruption to ecological system,
- Price of the development was too high to generate interest.

133 We received 1 letter of support:

- Additional housing required in the area,
- Development offers various sized housing,
- Plans enhance the area by remaining discrete,
- Parking would not result in parking on roadside,

### Chief Planning Officer's appraisal

134 The main planning consideration are:

- Principle of development
- Impact to the Green Belt
- Impact to the AONB
- Impact to the character of the area
- Impact to neighbouring amenity
- Impact to highways and parking
- Other

### Principle of development

135 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).

136 Para 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.

137 Policy LO1 of the Core Strategy states that development will be focused in existing settlements and provides a hierarchy of settlements. Newtyehurst



Farm is located outside of an existing settlement. As such, policy LO8 of the Core Strategy applies.

- 138 Policy LO8 of the Core Strategy is designed for rural development. The policy seeks to maintain the extent of the Green Belt and conserve and enhance the wider landscape. The policy is also broadly supportive of development that supports the maintenance and diversification the rural economy.
- 139 Newtyehurst Farm currently has a mix of uses operating from the site. These include residential and commercial. The site which was previously agricultural is immune from enforcement action in regard to the use. As such, the site is considered to represent previously developed land. Although this applies to the areas subject to build form only.
- 140 The site status as previously developed land does mean that there is an emphasis for development in accord with the NPPF. However, policy LO8 requires the development maintains the extent of the Green Belt and conserves and enhances the AONB which will be explored in more detail in the report.
- 141 Housing mix:
- 142 Policy SP5 identifies that the Council will expect new housing development to contribute to a mix of different housing types in residential areas. The guidance (aimed at market housing) suggests a mix of; 20% - 1 bedrooms, 30% - two bedrooms, 35% - three bedrooms and 15% - 4 or more bedrooms.
- 143 The proposal 14 units would provide the approximate following mix:
- 2 - 4 or more bedrooms - 14%
  - 4 - 3 bedrooms - 29%
  - 5 - 2 bedrooms - 36%
  - 3 - 1 bedrooms - 21%
- 144 The proposal is broadly reflective of the housing mix deemed appropriate by policy SP5. The housing mix is therefore considered to comply with policy SP5 of the Core Strategy.
- 145 Employment:
- 146 Policy EMP5 states that: ‘The council will permit the loss of non-allocated lawful business premises and sites to other uses provided it can be demonstrated, to the satisfaction of the Council, that the site has been unsuccessfully marketed for re-use in employment for a period of at least 6 months and that there is no reasonable prospect of their take up or continued use for business use at the site/premises in the longer term’.
- 147 Policy SP8 and LO8 also support the rural economy.
- 148 The site is an unallocated employment site and was marketed with Strutt and Parker. Initially the site was market privately from the 2<sup>nd</sup> of March 2020 and six buyers were invited to submit offers prior to the public

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advertisement campaign. Strutt and Parker have stated the site was marketed on the bases that alternative uses could be achieved on site, subject to planning (i.e. other commercial uses).

- 149 No offers were received and the property was consequently advertised on the internet with advice from the rural and commercial teams. The site was advertised on a Price on Application with the guide price set at £2,000,000 due to the extensive floor area, existing residential use and the planning permission associated with the north eastern barn for residential use.
- 150 While some interest existed in conjunction with the site no formal offers were received. The view being that the sites:
- Country lane access was not best suited for HGV vehicles,
  - Unusual nature of the agricultural building and cost of updating the structures for commercial uses,
  - The cost of changing the configuration of the property,
  - Planning risks.
- 151 The applicant has undertaken the relevant marketing period. The site is located in rural environment within the AONB which is not ideally suited for commercial purposes due to the tranquil nature of the area. The site has a mixed use which creates issues in residential versus commercial operations which can have conflicting amenity issues. EMP5 does not require further marketing than 6 months and the government requires planning permissions are still determined during the pandemic.
- 152 The marketing is considered sufficient and the change of use from mixed commercial residential to solely residential is considered appropriate against EMP5.
- 153 Summary:
- Subject to the impact to the Green Belt and AONB landscape the proposal is considered principally acceptable.

### Impact on the Green Belt

- 154 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.
- 155 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 principal to the Green Belt remains even if there is no further harm to openness because of the development.
- 156 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if

there is absence of harm to openness, there can be harm in principal to the Green Belt from inappropriate development.

- 157 Assessment against policy and impact on openness
- 158 Paragraph 145 of the National Planning Policy Framework states that:
- 159 A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
- (g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
- not have a greater impact on the openness of the Green Belt than the existing development; or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 160 The site has historically used in connection with forestry. Site visit photos in 2001 demonstrate that a form of forestry work was taking place on site at this time. The sites planning history indicates a number of agricultural notifications have been submitted in relation to the site.
- 161 From a review of the planning history building ‘A’ does not benefit from planning permission or a prior notification. Aerial photography identifies that this building has been in situ since at least 2005. The building has been in-situ for a period of more than 15 years and is therefore immune from enforcement action.
- 162 In addition, planning permission was granted under reference 18/02303/FUL for part conversion of this unit to a residential dwelling. On site, the unit appeared to be used for storage purposes.
- 163 Unit B was granted permission under application reference 01/00801/FUL. The building has been extended to the north and south. Application 19/02830/LDCEX confirms that these extensions are immune from enforcement action.
- 164 Building C appears to benefit from planning permission granted under application 01/00801/FUL. The building is used as a workshop. In any event, the building has been in-situ for a period of more than 10 years and is therefore immune from enforcement.
- 165 Across the site, there are a number of outbuildings, storage containers and caravans.
- 166 The yard contains a large degree of machinery and farm related equipment. It was clear upon the conduction of a site visit that the equipment and machinery is sold on site and shipped out. Purchases previously could be

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made on site and a web-site for the site previously advertised the sale of machinery at the Newtyehurst address.

- 167 In 1997 a lawful development certificate existing was granted with regard to building E, which was confirmed as being used as a residential dwelling, under application reference 97/01493.
- 168 The planning application statement identifies that building D has been utilised as residential dwelling by the applicant. Unit D is formed of an existing barn and a prefabricated building to the north. From the site visit, the northern half of the building does have the facilities for day-to-day living. The prefabricated building has been in-situ since 2001. In addition, council tax has been paid on this unit since 2001. As such, part of the building has been used as a residential dwelling for a period of more than 4 years and is immune from enforcement action.
- 169 It has been previously established under application 19/01052/FUL that the site has operated as an Agricultural Machinery Business. It is clear from aerial photography that the amount of machinery located on site is widely visible dating back to 2005. The site does not benefit from permission to be used for commercial purposes. However, the use for commercial operations does appear to have been in-situ for a period in excess of 10 years. The use for commercial and residential activity is immune from enforcement and as such the land qualifies as previously developed and can be assessed under paragraph 145 (g).
- 170 The proposal would seek to partially convert 3 of the barns A, B and C. The overall height of these buildings would be retained and first floors inserted into the structures. Buildings A and B would see mid sections of the buildings removed creating gaps in between the resultant units. Effectively this does result in the loss of volume.
- 171 Residential buildings D and E, including the outbuilding which is within 5m of the residential unit D, would be demolished and replaced to the south of the site. The proposed residential unit D would be marginally larger in regard to footprint than the existing unit D. Unit E would retain a similar footprint.
- 172 Overall, there would be an approximate loss of footprint of 11-12% across the site as a result of the proposal. The loss of footprint creates gaps through the larger buildings which increase views through the site. The movement of the central buildings D and E would still sit within the squared confines of the site.
- 173 The proposed use of the site would generate a degree of paraphernalia across the site. Residential paraphernalia such as fencing, vehicles and other items would appear on site. A larger degree of this could be controlled via condition to control the degree of enclosure and hardstanding associated with the site with the removal of PD rights.
- 174 Currently the commercial use associated with the site is uncontrolled and generates a large degree of paraphernalia, which affects openness, in the

form of machinery, vehicles and storage containers. Further, vehicle trips and activity on site balance against the proposed sole residential use. Overall, the proposal would not have a more materially significant impact on the openness of the Green Belt. The proposal would therefore be considered appropriate development in the Green Belt in accord with paragraph 145 (g) of the NPPF.

- 175 Policy GB7 is utilised for proposals for the re-use of a building in the Green Belt which would meet the following criteria will be permitted:
- a) the proposed new use, along with any associated use of land surrounding the building, will not have a materially greater impact than the present use on the openness of the Green Belt or harm the existing character of the area; and
  - b) the applicant can demonstrate through a detailed structural survey and method statement that the buildings are of permanent and substantial construction and are capable of conversion without major or complete re-construction that would detract from their original character.
- 176 The impact to the openness has been discussed above and the proposal would be considered to comply with criteria (a) of the ADMP. The applicant has submitted a structural survey. The survey confirms that the buildings could be converted without complete re-construction. The proposal would see part demolition of buildings A and B. It is appreciated that this would involve works to the buildings, however the gaps created would be of benefit to the openness of the Green Belt.
- 177 The proposal would be considered to comply with policy GB7 of the ADMP.
- 178 The proposed development would be considered to conserve the open character of the Green Belt. The initial dispute with regard to the Green Belt was clarified through application 19/02830/LDCEX.

**Area of Outstanding Natural Beauty (AONB):**

- 179 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.
- 180 There are therefore 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. A failure to achieve both of these points will result in a conflict with the requirements of the Act.
- 181 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

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design will conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance.

- 182 The application site is located in the High Weald Area of Outstanding Natural Beauty. The High Weald Area of Outstanding Natural Beauty is characterised by irregular field patterns, historic settlements and historic route ways.
- 183 The High Weald AONB unit has identified that the landscape around the site is typically made up of farmsteads with loose courtyard plan types and dispersed plan types. The farmsteads tend to be relatively modest comprising a farmstead and a barn. The materiality of the area is identified as clay tiles, brickwork and timber weatherboarding.
- 184 The landscape is also subject to a high density of woodland, historic route ways and ponds. The area is also noted for its intrinsic darkness and sense of remoteness and tranquillity.
- 185 The existing site had a former agricultural use which can be clearly depicted in the appearance of a number of the buildings, which are typical of modern utilitarian farm buildings. The site has been subject to sporadic development which has resulted in a collection of units across the site all of which are not of high design quality.
- 186 The sites commercial activity has resulted in paraphernalia scattered across the site, including machinery, vehicles and storage units. The site is partially screened from the road side and to the southern half of the landscape by high hedging. To the north of the site woodland partially screens the site from the wider landscape.
- 187 The location of the site means that it does not form a prominent feature of the High Weald Landscape. The site as it exists is an existing feature of the landscape which is of an informal and rather cluttered commercial use and character with two existing residential buildings.
- 188 The proposed development would remove the central units and create two new units to the southern boundary. A section of the wester building would be removed to create a gap in between the proposed units as well as between building A. The result would be that the development would have a courtyard style layout which is characteristic of the AONB landscape.
- 189 While the sites layout would in regard to scale be larger than typical farmsteads in this location, the scale and density of the buildings already exists. The layout is therefore considered to reference typical layouts in the AONB and the existing scale of the site.
- 190 The proposed replacement dwellings would be low level detached dwellings. The dwellings would be clad in timber with plain clay tiled roofs. The buildings linear form and material pallet would represent an enhancement on regard to the design and quality of materials than that currently represented by the existing residential units which are in need of modernisation. Further, the re-siting of the units allows for the courtyard style to be introduced on site.

- 191 The principle of the conversion of the agricultural units was established by application 18/02303/FUL. The 2018 application granted the conversion one half of the northern barn unit A. The residential conversion of the barns scale has therefore been previously established.
- 192 The proposed development would create a break in the western barn 'B' and the northern barn 'A'. The breaks between the buildings would allow greater views through the buildings to the wider landscaping. The landscaping that would be added as part of the residential proposal would also aid in re-greening the site.
- 193 The proposal would introduce large glazing panels on the buildings. The larger openings would reflect the character of the buildings and are characteristic of barn style conversions. The openings would however allow a larger degree of light admission into the AONB. A condition could secure glazing to reduce light spillage and/or schemes to reduce lighting across the site.
- 194 While residential activity does increase activity across the site, the current usage of the site also results in a degree of activity. The current commercial aspects of the site are un-restricted and the noise and activity is somewhat uncommon to the landscape. The balance between a solely residential use of the site versus an unfettered mix of commercial/residential use would potentially increase the degree of tranquillity of the area which would be considered to enhance the landscape.
- 195 Subject to conditions securing high quality materials and landscaping, the proposal is considered to both conserve and enhance the AONB landscape. The proposal would comply with policy EN5 of the ADMP.

#### **Design and impact on the character of the area**

- 196 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.
- 197 Cowden Pound Road to Truggers Lane is a long, narrow and rural road which is characterised by the open fields and verdant boundary treatments. The road is subject to development although this is somewhat sporadic and is primarily made up of residential development within the vicinity of the site.
- 198 The application site is screened from Truggers Lane by a high hedge which extends along the roadside. The sites access is apparent when travelling along the lane and creates a break in the hedging which enclose the site from view of the road.
- 199 The site is comprised of a number of buildings and barns. The buildings have a functional appearance and design with a fewer lower lying buildings. The site has an informal appearance with a large degree of paraphernalia scattered across the site.

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- 200 Policy SP7 advises that all new housing should be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated.
- 201 The guidance of policy SP7 states that in settlements outside of Sevenoaks, Swanley and Edenbridge a density figure of 30 dwellings per hectare (dph) should be achieved. It should be recognised that the site in question lies outside of a distinct settlement and is within the Green Belt where strict policy limits development opportunities. The proposed site would achieve an approximate density of 14dph
- 202 The proposed density figure is perhaps slightly higher than surrounding development which is sporadic in nature and is lower than policy guidance levels. However, given that proposal seeks to offset existing bulk and mass on the site, the density reflects the existing character of Newtyehurst Farm. The pattern of development and the density figure are appropriately balanced given the context of the site.
- 203 The overall layout of the development is somewhat formal with a central square for which the residential development would centre around. The layout is somewhat reflective of the current layout of buildings. The siting of the dwellings is to a degree fairly formalised for such a rural area, however it does imitate a contemporary farm yard/courtyard development which draws reference to the sites context and former use. The Urban Design Officer was satisfied with the proposed layout of the scheme.
- 204 Overall, given the proposal would convert the existing buildings to accommodate the proposal, the layout and design is in keeping with the current character of the site. The site does already contain residential development and the proposal would offer the opportunity to remove the paraphernalia that is situated across the site. The tidying of the site and add benefits of additional landscaping would improve the visual quality of the site.
- 205 The proposal would be situated behind the existing high hedging which sits adjacent to the roadside. The hedging provides valuable screening of the site and prevents wider views from the street scene. The hedge line would be subject to conditions to preserve this screen.
- 206 However, when travelling along the adjacent roadside other residential buildings do front the roadside. While the development would not reflect the more rural spacing of these dwellings, the form of the buildings is reflective of linear agricultural buildings. As such, even without the screening the proposal would not dominate the street scene given the form and siting of the proposed dwellings.
- 207 The existing dwellings on site are informal and not of high design quality. The demolition of these elements would be considered acceptable. The proposed two dwellings to the southern boundary, adjacent to the road, would be single storey with a rectangular and 'L' shaped foot print. The buildings would be timber clad with clay roof tiles. The appearance of the



buildings would reflect the simpler form and massing on site and that associated with rural development.

- 208 Blocks B and C, located to the east and west of the site respectively, would reflect the more utilitarian character of the existing barns. The buildings would retain the simple linear form which is seen across the site in regard to the form of buildings. The simple gable pitched roofs and both larger and smaller openings would retain the existing character of the site.
- 209 Again the two dwellings labelled A, to the north of the site, would retain the simple form of the metal framed barns. The buildings would have a mix of timber and metal cladding which references both the rural context of the site and the former somewhat commercial appearance and character of the site.
- 210 The proposed development would be considered, subject to condition, to be in keeping with the character of the area and would comply with policy EN1 of the ADMP. It should be noted that although the appeal against the refused consent 19/01052/FUL was dismissed, the inspector did not raise concerns with regard to the impact to the character of the area.

#### **Neighbouring Amenity**

- 211 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development. The Residential Extensions SPD recommends that a 45 degree test is undertaken for a loss of light to neighbouring dwellings, based on BRE guidance.
- 212 As a general rule a distance of 21m is considered a sufficient distance from other residential properties to prevent a significant loss of amenity. A distance in excess of 21m would exist between the proposed residential dwellings and the neighbouring properties.
- 213 Due to the separation distance a significant loss of daylight/sunlight would not occur. Further, significant visual intrusion and loss of privacy would not occur as a result of the orientation and separation between the proposed development and the neighbouring units.
- 214 The proposal would see an uplift in the degree of residential development associated with the site. The site is subject to an unfettered commercial use. The increase in noise would be associated with residential living which would not result in unacceptable noise implications. A condition for further noise assessments would be applied to any consent.
- 215 The proposed units would all have a degree of amenity space which would be considered proportionate to the dwellings and the sensitivity of the landscape. The proposal would ensure that all of the dwellings would have dual aspect. The openings would allow both outlook and sufficient light to filter into the properties.
- 216 Some of the units would be subject to mutual overlooking of private amenity space. However, this would not be direct but oblique views and is common for residential development. Some of the units would contain side

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windows but these would serve either secondary windows or non-habitable rooms.

- 217 The proposal is considered to retain and provide sufficient amenity levels for existing and future residents. The proposal would be considered to comply with policy EN2 of the ADMP.

### **Parking and Highways Impact**

- 218 Policies EN1 and T2 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking.
- 219 The application site is located in a rural environment and would be reliant on car transportation to the site. The KCC Highways Officer has highlighted concerns over the sustainability of the site. This is as the surrounding road network is not suitable for cycling and walking. However, the Officer has not objected to the proposal. Paragraph 109 of the National Planning Policy Framework states:
- ‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’.
- 220 The site benefits from an existing access which allows access to the site which operates in a commercial capacity. The traffic movements as a result of the proposal for 14 units would not significantly increase, in accord with the Highway Officers comments. The access arrangement is considered acceptable and sufficient space exists to prevent the need for vehicles to reverse onto the highway.
- 221 The number of bedrooms per property varies, however given the remote location at least 2 parking spaces property would be required. The proposal includes some garages; these will not be considered parking spaces in accord with the highway interim guidance.
- 222 Some of the spaces also provide parking in tandem, which is not advised by the interim guidance. However, the proposal would cumulatively provide 2 parking spaces per dwelling as well as spaces for visitor spaces. In this location tandem parking would be considered acceptable as space exists off of the main highway for vehicles to manoeuvre.
- 223 The proposed parking spaces would be considered acceptable. The Highway Officer has suggested a condition for retention of the parking on site. This would be imposed on any grant of consent.
- 224 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. The provision of a vehicle charging point per dwelling would be conditioned upon any grant of permission.

- 225 The proposal contains a separated bin store which is located to the entrance to the site. The provision would be considered acceptable for the scale of the development.
- 226 The proposal is considered to comply with highways and parking policy subject to condition, including the provision of cycle parking.

### **Biodiversity**

- 227 Policy SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancements to ensure no net loss of biodiversity.
- 228 The application site is located in a Biodiversity Opportunity Area. The majority of the site subject to development would be considered low area of ecological value as the site is subject to a large degree of hard standing. To the western boundary a small degree of the land on a vertical axis is located within a Local Wildlife Site (SE28 Woods South of Chiddingstone Castle).
- 229 KCC Ecology were consulted on the application. The Officer identifies that a small strip of woodland which is located within the Local Wildlife site would be lost as a result of the proposal for use as residential garden land.
- 230 The accompanying ecological report provides evidence that the part of the site which is located in the Local Wildlife Site has been included in error. The reason being that the area is un-natural and populated by unfavourable species. The Ecological Officer has stated that based on historical aerial views and photos that they are in agreement that the area is unlikely to qualify.
- 231 Along the western boundary there is still a tree line which may provide suitable foraging habitat. The Ecology Officer considers the loss of this area would need to be appropriately mitigated. It is considered that an area to the west of the land entitled 'amenity land' could provide suitable mitigation/loss of part of the LWS.
- 232 The Officer has advised this could be in the form of a new woodland or wildflower meadow. Further, details were considered to be required by the Ecology Officer in regard to if suitable mitigation in the amenity area could be provided. A condition would secure a suitable replacement of the loss of the LWS which is of poor quality. The amenity space contains a larger degree of space than that to be lost and could provide via condition either a wildflower meadow/woodland.
- 233 The conditions would secure an area greater than that which is to be lost and require a management plan to be secured to maintain the area. The ecological mitigation would result in a net gain alongside other ecological enhancements across the site.

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- 234 The submitted ecological survey has carried out the required range of protected species surveys. KCC Ecology are satisfied with the conclusions of the ecological reports in regard to protected species. The ponds are located within 250m of the development are either dry, contain running water or are subject to fish stock and are therefore un-suitable for Great Crested Newts.
- 235 To the west of the site a small area of woodland would require removal. Precautionary mitigation measures would be required to ensure that this is carried out in an acceptable manner. A condition would be applied to any grant of consent to ensure such an approach.
- 236 The site is located in an Area of Outstanding Natural Beauty and a Biodiversity Opportunity Area. It is considered conditions would need to be pre-commencement to ensure that suitable mitigation and gains are provided.
- 237 The proposal is considered to comply with policy SP11 of the Core Strategy subject to condition.

### Trees and Landscaping

- 238 The application site is currently subject to hardstanding and a variety of built form. The trees and landscaping is limited and of poor quality. The proposal does seek the introduction of further landscaping works to the site. As the tree officer notes further information would be required. A landscaping condition would need to be applied to any grant of consent to ensure quality landscaping is secured.
- 239 Further, while the Tree Officer does not consider the Laurel hedge appropriate to the character of the area. However, the hedge provides a well-established screen between the site and road. Any grant of consent would see a condition to protect the hedge during works.

### Flooding and drainage

- 240 The application site is located in a rural location. Southern Water have commented on the proposal and stated that there is no public sewer in the vicinity of the site. A condition would be secured for details of any proposed foul and surface water drainage.
- 241 Southern Water commented that it is possible that a sewer now deemed to be public could cross the site. This is a matter between Southern Water and the applicant. An informative will however be attached to any grant of consent.
- 242 The Local Lead Flood Authority have reviewed the proposal and consider that the accompanying Surface Water Drainage Strategy report by Motion is still based on current information.
- 243 The proposed strategy has stated that a controlled discharge into the nearby pond. The discharge rate would be approximately 12.4l/s. The Local Lead Flood Authority considered that the discharge rate is too high and suggest a

better rate of discharge would be 3.64l/s. Further, the investigation of the watercourse network is also suggested. A series of conditions were put forward and these would be carried forward to any grant of consent.

### **Affordable Housing**

- 244 In relation to affordable housing, on 28 November 2014 the Government issued a Written Ministerial Statement that amended National Planning Practice Guidance (PPG) to restrict the circumstances where contributions for affordable housing should be sought. Under that guidance, other than in designated rural areas, contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floor-space of no more than 1000sqm. In Areas of Outstanding Natural Beauty, contributions should not be sought from developments of 5 units or less.
- 245 This is a material consideration that should be taken into account when determining planning applications and must be weighed against Policy SP3 of the Core Strategy. The proposed development is located in the Area of Outstanding Natural Beauty and as the proposal would seek to provide more than 5 residential units affordable housing requirement is triggered.
- 246 The proposal would result in the re-development of the site for 14 residential units. Policy SP3 therefore requires an affordable housing contribution of 30% of the gross number of units. The applicant would provide a total of 5 residential units for affordable purposes. The proposed number of units would be considered a policy compliant provision.
- 247 The affordable units would be secured via section 106 agreement.

### **Land Contamination**

- 248 Given the sites commercial use a phased land contamination survey has been requested by Environmental Health. This would be secured by condition.

### **Conclusion**

- 249 The proposed development would be considered appropriate development in the Green Belt, conserve and enhance the AONB landscape, in keeping generally with the character of the area, would preserve amenity and secure acceptable amenity levels, the proposal would have an acceptable impact on the highway.
- 250 The proposal is considered policy compliant subject to conditions.
- 251 It is therefore recommended that this application is granted.

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### **Background papers**

Site and block plan

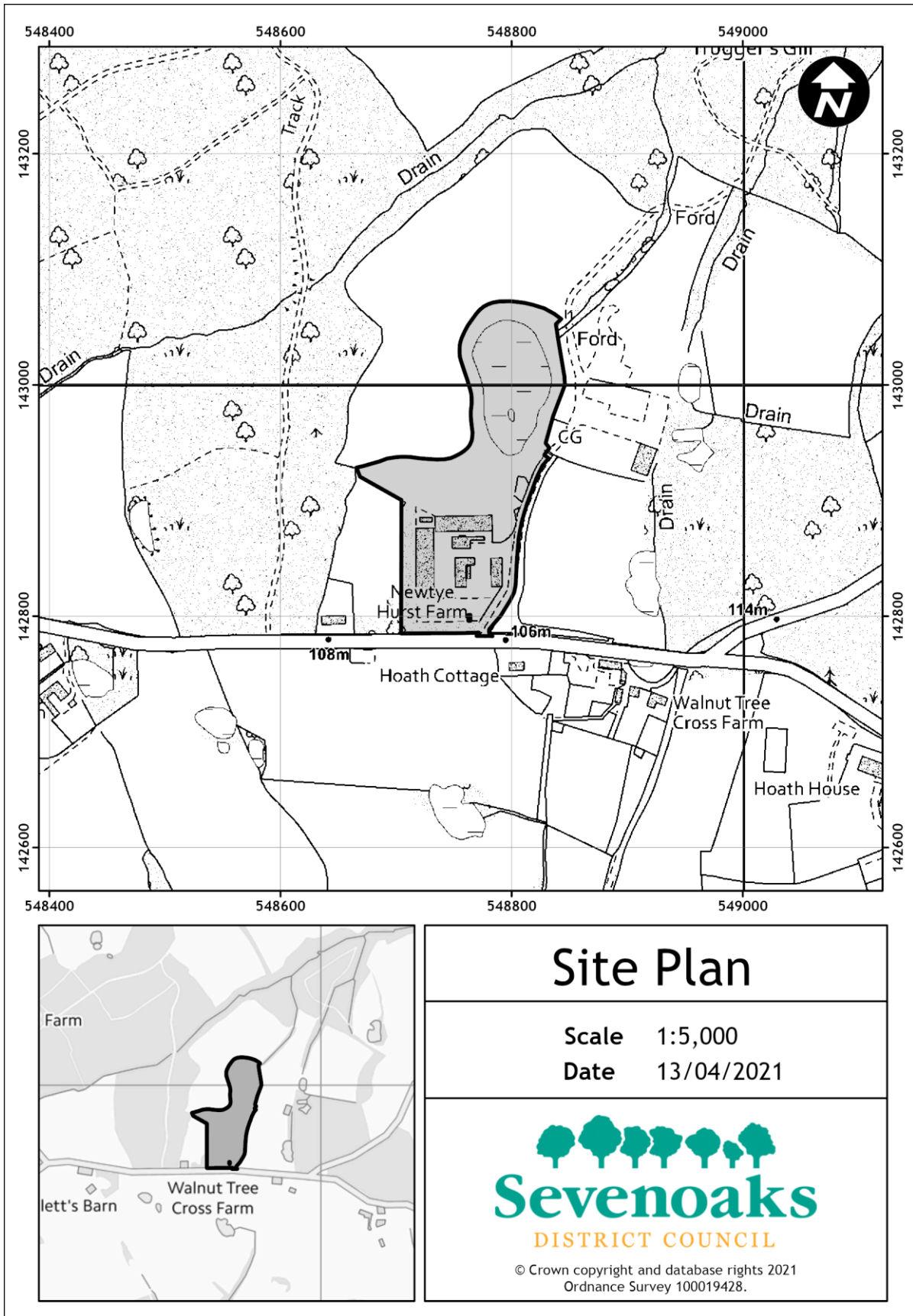
Contact Officer(s): Emma Gore

01732 227000

**Richard Morris**  
**Chief Planning Officer**

[Link to application details:](#)

[Link to associated documents:](#)

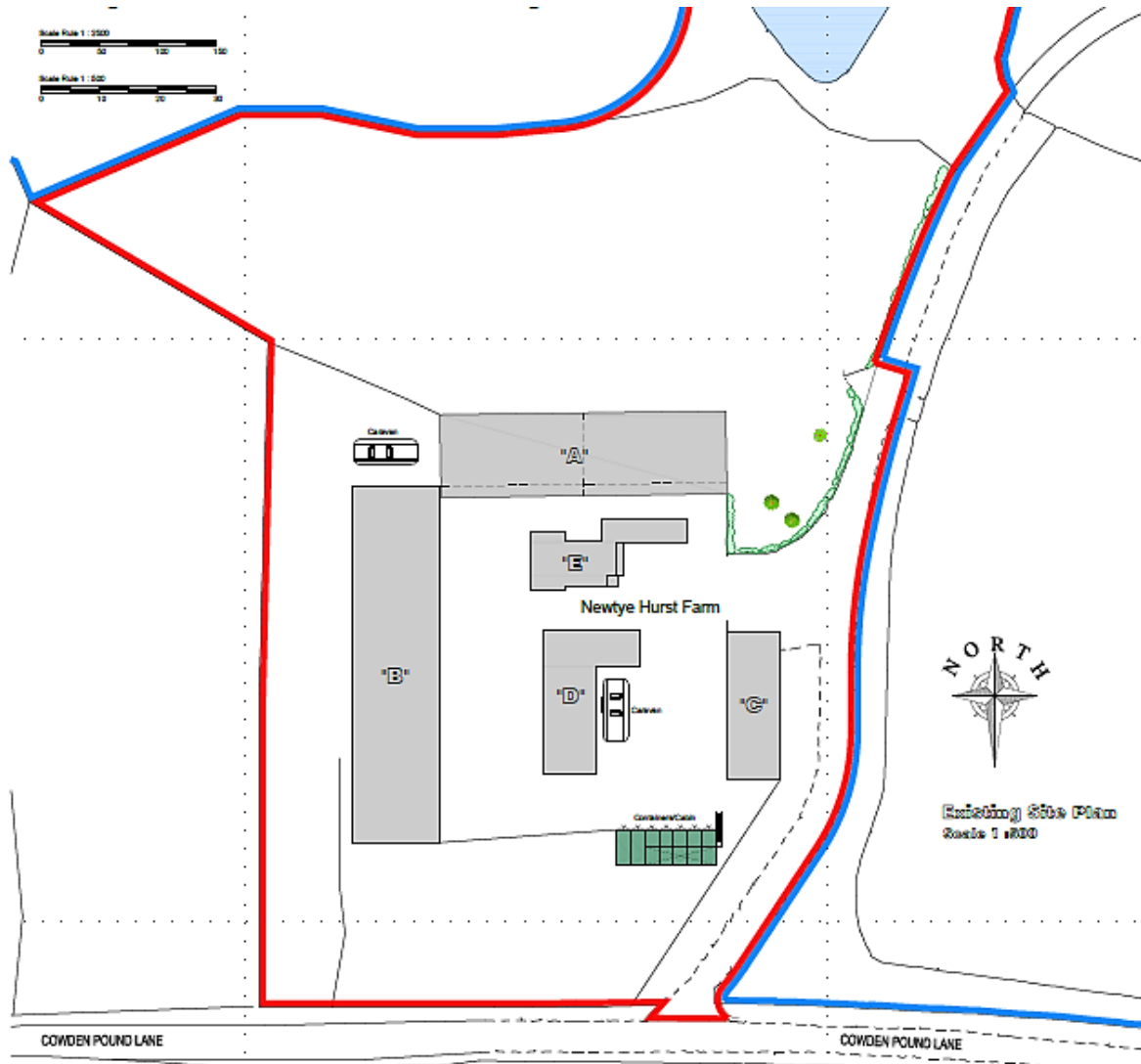


## Site Plan

Scale 1:5,000  
Date 13/04/2021



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Ordnance Survey 100019428.





4.2 21/00081/FUL Revised expiry date 21 May 2021

Proposal: Creation of section of track.

Location: Land West Of Yearling Coppice Farm, Otford Lane,  
Halstead KENT TN14 7EQ

Ward(s): Halstead, Knockholt & Badgers Mount

**Item for decision**

This application has been called to Development Control Committee by Councillor Grint who is of the opinion that the proposal does not conserve or enhance the Area of Outstanding Natural Beauty.

**RECOMMENDATION:** That planning permission be Granted subject to the following conditions:

1) Within three months of the granting of this permission a sample of the proposed track surface will be submitted to and approved in writing by the local planning authority. The permitted materials will be used for the surfacing of the track and shall be retained thereafter.

To ensure that the character of the Area of Outstanding Natural Beauty is conserved and enhanced as supported by the National Planning Policy Framework, policy LO8 of the Sevenoaks Core Strategy and policy EN5 of the Sevenoaks Allocation and Development Management Plan.

2) Notwithstanding the details on the approved plans, within three months of this permission details of replacement indigenous mixed species hedging and details of biodiversity enhancements shall be submitted to and approved in writing by the local planning authority. Those details shall include: -planting plans (identifying existing planting, plants to be retained and new planting); -a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); -biodiversity enhancements; and -a programme of implementation. The development shall then be carried out in accordance with the approved details. If any of the trees or plants that form part of the landscaping scheme die, are removed or become seriously damaged or diseased within a period of 5 years from the completion of the development then these shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by local planning authority.

To ensure that the character of the Area of Outstanding Natural Beauty is conserved and enhanced, and that biodiversity is enhanced, as supported by the National Planning Policy Framework, policies LO8 and SP11 of the Sevenoaks Core Strategy and policy EN5 of the Sevenoaks Allocations and Development Management Plan.

3) The development hereby permitted shall be carried out in accordance with the following approved plans and details: Site Plan, Block Plan & Landscaping Details and Track Cross Section.

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.

#### **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 Yearling Coppice Farm comprises of 3.9 hectares of paddocks and woodland used for the breeding and rearing of horses located within a rural location approximately 1.5 km south of Halstead village.

#### **Description of proposal**

- 2 The application seeks permission for the retention of hard standing laid on an established track within the wider site. The hard standing comprises a chalk base on which road planings would continue to be laid.
- 3 This application is a revision of two previously refused applications. The application varies from the previous applications through the large area of hardstanding that lay adjacent to the northern footpath not being included within the current application.

#### **Relevant planning history**

- 4 19/03140/FUL - Creation of track and hardstanding - Refused.

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20/01343/FUL - Creation of track and hardstanding - Refused.

## Policies

- 4 National Planning Policy Framework (NPPF)
- 5 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.
- 6 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:
  - the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
  - Footnote 6 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.
- 7 Core Strategy (CS)
  - LO1 Distribution of Development
  - LO8 The Countryside and Rural Economy
  - SP1 Design of New Development
  - SP11 Biodiversity
- 8 Allocations and Development Management (ADMP)
  - SC1 Presumption in Favour of Sustainable Development
  - EN1 Design Principles
  - EN2 Amenity Protection
  - EN5 Landscape
- 9 Other:
  - Managing Land for Horses: a guide to good practice in the Kent Downs Area of Outstanding Natural Beauty
  - Kent Downs Landscape Design Handbook
  - Kent Downs Management Plan
  - Development in the Green Belt Supplementary Planning Document (SPD)
  - Countryside Character Assessment Supplementary Planning Document (SPD)

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### Constraints

10 The following constraints apply:

- Metropolitan Green Belt
- Kent Downs Area of Outstanding Natural Beauty (AONB)
- Biodiversity Opportunity Area
- Adjacent Public Right of Way
- Adjacent Ancient Woodland

### Consultations

11 Halstead Parish Council

“Objection. This Council is surprised to receive a third retrospective application for this piece of land. This council note that the hardstanding and track, which is still in situ, has been refused twice previously and this council see no reason for a track leading to an illegal area of hard standing.

12 This application does not highlight the purpose of this track. The hardstanding was refused due to being “an incongruous feature clearly visible from the adjacent public right of way which has an adverse impact upon the wider character of the area” This council do not understand the purpose of a track that leads to an area that cannot be used for the purpose of its creation.”

13 KCC Ecology

“No ecological information has been submitted with this application. As previously highlighted in the 2019 application (19/03140/FUL) and in 2020 (SE/20/01343/FUL), submitted photographs show that the hard-standing base has (at least partially) been installed.

14 Ancient Woodland

15 Paragraph 175 of the National Planning Policy Framework 2019 states “*development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists...*”, with Natural England standing advice stating that developments should have at least a 15m buffer between it and the ancient woodland.

16 Whilst it is difficult to assess if the provision of hard-standing and associated activities will lead to a deterioration of the ancient woodland, the installation of the hard-standing (in its current position) contravenes standing advice from Natural England and the Forestry Commission by encroaching within 15m.

17 However, given the current land use/use of the hard-standing track, we take the view that damage to root systems will be minimal. To negate any

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adverse effects to the ancient woodland, we advise that compensatory planting is enacted. As mentioned in the section below, this includes replacing the non-native species which are currently planted alongside the track but should seek to go further, e.g. tree planting in area equal to the total area lost to the track. Alternatively, this could be scrub encroachment and/or wildflower meadow creation, ideally within a 'buffer-zone' of the ancient woodland (giving it added protected going forward).

- 18 If planning permission is granted, we advise that within a specified time period, evidence is provided to show that the conifers have been replaced. Enhancements can be included in a landscape plan (discussed in the section below).
- 19 Biodiversity Loss
- 20 Section 40 of the NERC Act 2006 and 175 of the NPPF cites the obligation to maintain and enhance biodiversity. As this development has entailed/will entail the replacement of (mostly) grassland habitat and general greenspace with hard-standing material, it is likely the area's biodiversity value has been lowered as a result. If planning permission is granted, we advise that compensation for the loss of greenspace should be implemented.
- 21 Although a new hedgerow has been proposed, no details (i.e. the species) have been provided. Moreover, the planning statement shows the planted hedge as a non-native coniferous hedgerow - this will not provide biodiversity value and seemingly disregards our previous advice regarding this site/development.
- 22 We highlight that any landscaping associated with this development must include *native* species only (and ideally be of local provenance and in keeping with the area's ecological composition) to provide biodiversity value and maintain the ecological integrity of the nearby ancient woodland.
- 23 We advise that a landscape plan is provided which includes a planting schedule, showing that only *native* tree/hedging species will be provisioned to offset the loss of biodiversity. This should feature habitat creation/enhancement at least equal in size to that of the area lost to the access track.
- 24 This information should be provided prior to determination of the application or secured with a condition if planning permission is granted. Photographic evidence should be included to show that the conifer planting has been replaced.”
- 25 KCC Public Rights of Way Officer
- 26 “Public Right of Way Footpath SR11 runs along the northern edge of the site and Public Right of Way Footpath SR172 runs along the southern side of the site. I enclose a copy of the Public Rights of Way network map showing the lines of these paths for your information.

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The section of the track for which retrospective permission is sought will not be seen from SR11 to the north and as long as the Ancient Woodland strip remains along the southern boundary then it should not be visible from SR172.”

- 27 Rural Planning Limited
- 28 “Further to your request for advice, this appears to be a partial re-submission of 20/01343/FUL for retaining the track concerned and excluding the area of associated hardstanding.
- 29 The case for the development is presented on landscape impact grounds: there is nothing in the submitted Statement arguing an agricultural need for it.
- 30 Consequently this does not appear to be a proposal falling within my advisory remit.”
- 31 SDC Tree Officer
- 32 “I offer no objections to the proposed track and support the planting of hedgerows and trees adjacent to it. The species to be planted should be indigenous mixed and not Conifers as shown, which is not in keeping with the Kent Downs AONB and rural nature of the location.”

### Representations

- 33 We received nine letters of representation, objecting to the application and making the following comments:
- That the track and conifers would fail to conserve and enhance the AONB;
  - That there is no requirement for a track which would provide easier access within the site resulting in further damage to the area;
  - That the track would adversely impact the adjacent Ancient Woodland;
  - That the track would impact adversely upon wildlife and vegetation and that the use of road planings would add toxicity to the soil;
  - That the proposal is inappropriate within the Green Belt;
  - That the track results in flooding;
  - That a further planning application on this site is inappropriate.

### Chief Planning Officer’s appraisal

- 34 The main planning considerations in relation to this application are:
- Impact upon the Green Belt
  - Design and impact on the character of the area
  - Impact upon neighbouring amenity
  - Impact upon the adjacent Ancient Woodland
  - Impact upon the adjacent public right of way
  - Impact upon flooding

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- 35 A previous application, 20/02871/ARGNOT was submitted for the erection of an agricultural building. The Councils Agricultural Consultant was consulted on that proposal and confirmed that the smallholding which extends to 3.9HA, comprised mainly of paddocks and woodland used for the breeding and rearing of horses and did not constitute an agricultural use.

### **Impact on the Green Belt**

- 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 principal 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 different from visual impact. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principal to the Green Belt from inappropriate development.
- 39 As set out in paragraph 146 of the NPPF, certain forms of development are not inappropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Amongst others these include engineering operation.
- 40 The proposed works would be considered to represent an engineering operation. The works result in a minimal change in the level of the land and accordingly it is not considered that the proposal would have an adverse impact upon the openness of the Green Belt nor would it conflict with the purposes of including land within it. In consequence, it is considered that the proposal would meet the requirements of the NPPF and would be appropriate development in the Green Belt.

### **Design and impact on the character of the area**

- 41 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.
- 42 There are therefore 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. A failure to achieve both of these points will result in a conflict with the requirements of the Act.

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- 43 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.
- 44 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.
- 45 Yearling Coppice Farm lies within the Wooded Downs landscape type as defined by the Countryside Character Assessment SPD, which comprises of an enclosed landscape, gently undulating and folding into steep valleys with broken hedgerows along narrow lanes. The site lies within the Knockholt and Halstead Downs Character Area which comprises of a mainly agricultural and horiculture with many small woodlands.
- 46 In reviewing historical aerial photography of the site the track has been in use since at least 2015/2016 and in visiting the site over winter the track, through continued use, had turned into an unattractive stretch of mud linking separate parts of the site.
- 47 The proposed track would be L-shaped extending for a distance of approximately 80m from west to east to the south of The Bungalow and Bramleys before turning southward to the rear of Bramleys for an additional distance of approximately 80m.
- 48 A newly planted hedge has been planted along the southern stretch of the track that runs east to west behind The Bungalow and Bramleys and a newly planted hedge has been planted along the eastern section of the southern part of the track with deciduous trees planted within the western side of the southern tracks hedge.
- 49 The newly planted hedge comprises of coniferous planting and as confirmed by SDC's Tree Officer and KCC Ecology the appropriate hedging should incorporate indigenous mixed hedging. The Kent AONB's Landscape Design Handbook encourages securing the use of hedgerow planting as being appropriate to local character to integrate and/or screen developments in the wider landscape.
- 50 A condition has been recommended to ensure that an indigenous mixed hedge is planted, which would be appropriate to this locality.
- 51 The proposal would change the route from a grass/mud track to one comprising of a sealed stone/hardcore foundation with 10-15cm of proposed road planings above with a width of approximately 3m. A condition has been imposed to ensure that a sample of the proposed track surface is submitted to the Council to ensure that the materials would be appropriate to the location. The Kent Downs Landscape Design Handbook states that surface materials should be of a dark colour to minimise that the materials would be appropriate within an AONB.

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- 52 There are two footpaths lying on the boundaries of the site, SR11 to the north and SR172 to the south. The footpath to the north lies approximately 45m from the western most part of the proposed track, ensuring that the proposed track would not be visible from the footpath.
- 53 Footpath SR172 lies 40m to the south of the southern section of the proposed track, within Ancient Woodland that lies to the south of the site. The track at this point extends north to south with the footpath extending east to west running through the woods, ensuring that there would only be oblique views of the proposed track.
- 54 The proposed track would be located to the rear of The Bungalow and Bramleys with the latter property under the ownership of the applicants. The southern boundary between the site and The Bungalow comprises of a 2m close boarded fence which would obscure views of the proposed track from this neighbour. The only other property within close proximity to the track would be Bellever which possesses mature hedging screening views of the track.
- 55 The proposal would accordingly incorporate an appropriate design that would be screened from wider views from beyond the site replacing a track that fails to enhance the character of the AONB. In consequence the proposal would enhance the character of the AONB meeting the requirements of the NPPF, policies LO8 of the Core Strategy and policies EN1 and EN5 of the ADMP.

#### **Impact upon neighbouring amenity**

- 56 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.
- 57 The route along which the proposed track would be located has been in use as a track since at least 2015/2016 and in consequence the use of the land for access within the site would not have any greater impact than that which has already occurred.
- 58 In respect to the visual impact of the proposal due to fencing and hedging on the boundaries of the track it is not considered that there would be an adverse impact upon the two neighbours and through the existing use of the track it would not result in additional vehicular activity ensuring that the residential amenities of adjacent properties are retained, meeting the requirements of national and local policies.

#### **Impact upon the adjacent Ancient Woodland**

- 59 The NPPF, at paragraph 175, states that when determining planning applications, local planning authorities should apply a number of principles including the fact that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

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- 60 Policy SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancements to ensure no net loss of biodiversity.
- 61 The southern-most stretch of the proposed track extending for a distance of approximately 40m lies adjacent to an Ancient Woodland. The works have already been created although the road planings were subsequently removed.
- 62 KCC Ecology and SDC Trees were consulted on the proposal. KCC Ecology confirmed that whilst the works contravenes standing advice of Natural England and the Forestry Commission in respect to being located within 15m of the Ancient Woodland, due to the existing use of the track and current land use their view was that damage to the trees root system would be minimal and that this could be compensated with through compensatory planting with a replacement native species hedge and additional tree/shrub and/or wildflower meadow ideally within a buffer zone, to add further protection to the ancient woodland and provide biodiversity enhancement.
- 63 SDC's Tree Officer was consulted on the proposal with no objections subject to the planting of a replacement mixed indigenous species hedge.
- 64 These issues could be addressed through the inclusion of an appropriate worded condition.

### **Impact upon the adjacent public right of way**

- 65 Public rights of way extend to the north and south of the site. However, these would be unaffected by the proposed development.

### **Impact upon flooding**

- 66 The materials used in the construction of the track are porous and with the track lying adjacent to an open area of pasture it is not considered that the proposal would result in any additional flooding on site.

### **Other issues**

- 67 The current application differs from the previous submissions and it is accordingly appropriate to consider the current proposal.
- 68 The area of hardstanding adjacent to the northern footpath is an enforcement matter and so is being considered separately from this application.
- 69 Since the track is established the requirement for it is not material to the consideration of this planning application.
- 70 The intensity of use within the site and the increased accessibility that the track may provide would not represent a planning consideration but an economic consideration of the applicants.

**Conclusion**

- 71 The proposed works would represent appropriate development that would not have an adverse impact upon the openness of the Green Belt, would conserve and enhance the Area of Outstanding Natural Beauty, would not impact detrimentally upon local amenities, the adjacent public right of way or create additional harm to the adjacent protected trees meeting the requirements of national and local planning policies.
- 72 It is therefore recommended that this application is granted.

**Background papers**

Site and block plan

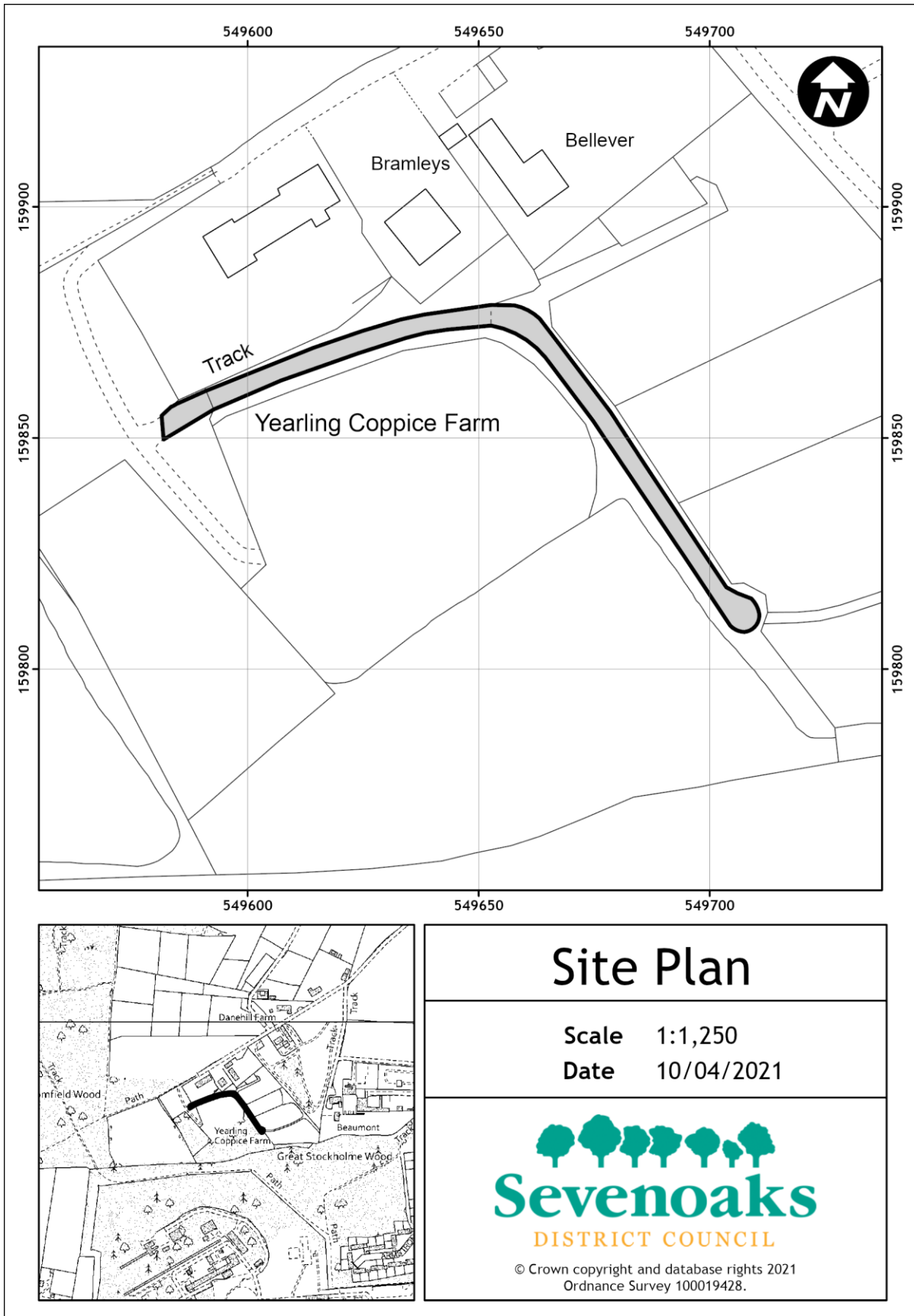
Contact Officer(s): Guy Martin

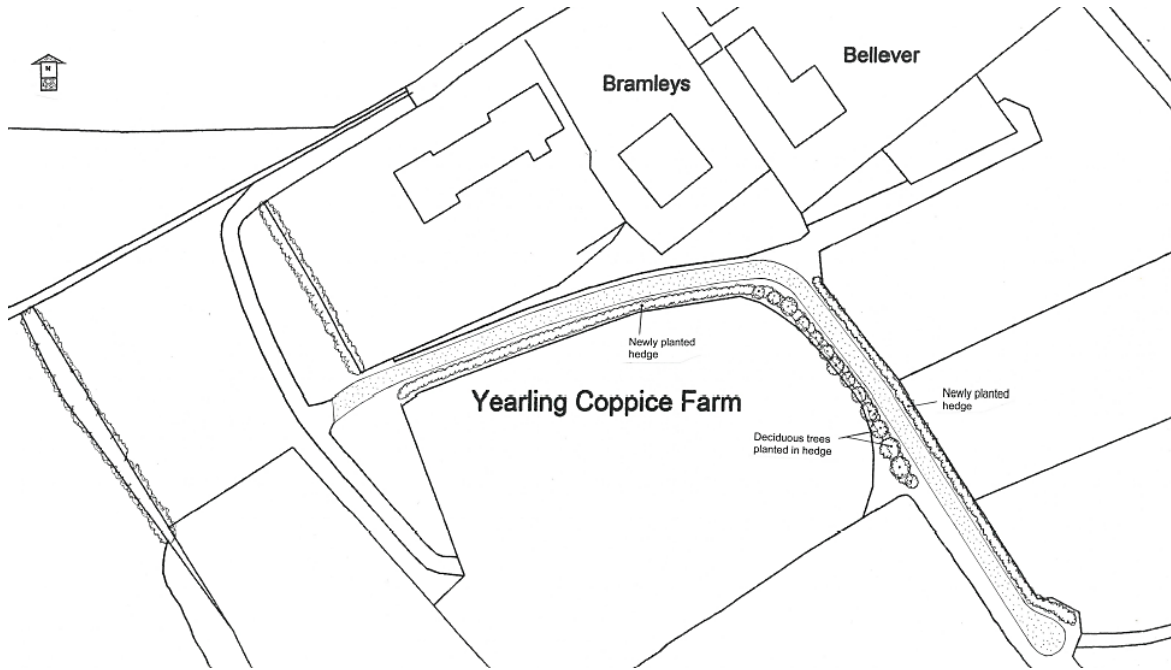
01732 227000

**Richard Morris**  
**Chief Planning Officer**

[Link to application:](#)

[Link to associated documents:](#)





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4.3 21/00635/NMA Date expired 30 March 2021

Proposal: Non-material amendment to 19/02951/HYB.

Location: White Oak Leisure Centre, Hilda May Avenue, Swanley  
KENT BR8 7BT

Ward(s): Swanley White Oak

**Item for decision**

The reason that the application is before the Development Control Committee is because Sevenoaks District Council is the applicant.

RECOMMENDATION: That the alterations can be treated as a non-material amendment to the approved scheme and no further planning permission will be required in this instance.

**Description of site**

- 1 The application site previously comprised a large two storey leisure centre, associated car parking areas and area of open space, sited on a large irregularly shaped plot, located on Hilda May Avenue. The site is situated to the north-east of London Road, approximately 380m to the north-west of Swanley Town Centre.

**Description of proposal**

- 2 The application seeks a non-material amendment to the original scheme comprising revisions to a number of the elements of the approved leisure centre development comprising:
  - The relocation of the bin compound;
  - A temporary bin store indicated;
  - A chiller compound indicated;
  - Car park layout amendments;
  - Bus lay-by relocated;
  - Ramps and stairs layout developed;
  - UK Power Network substation added;
  - External door position and style amendments;
  - Glazed curtain wall amendments;
  - Louvre sizes and locations to plant room.

**Relevant planning history**

- 3 19/02951/HYB - Hybrid application comprising, in outline: residential development of between 35 and 40 residential units - residential mix to be either 2 or 3 bed units with either integral or on-street parking. Units to be

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either 2 or 3 storey high. In detail: demolition of existing leisure centre building and erection of replacement leisure centre and associated car park - Granted.

### Planning appraisal

- 4 The main planning consideration is whether or not the proposal is a non-material amendment.
- 5 Section 96A of the Planning Act allows a local planning authority to make a change to any planning permission relating to land in their area if they are satisfied that the change is not material. These powers include the ability to impose new conditions and to remove or alter existing conditions.
- 6 Further guidance to the Act (Greater Flexibility for Planning Permissions) makes it clear that in issuing a decision for a non-material amendment application, the original planning permission still stands and that the non-material amendment decision should be read in conjunction with the original planning permission.
- 7 Both bin compounds and the chiller compound would be located to the rear of the building. Views of these elements of the building from public vantage points are limited and would therefore have limited impact on the overall appearance of the development. Due to their location, these compounds would also have limited impact in terms of noise, disturbance and odours being emitted.
- 8 The amendment to the layout of the car park and the relocation of the bus lay-by would result in no loss of parking spaces within the car park.
- 9 The changes proposed to the ramps and steps serving the building are modest and would again have limited impact on the overall appearance of the development.
- 10 The installation of a UK Power Network to the north east corner of the site would appear to be permitted development under Schedule 2, Part 15, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). As such, this element of the amendments would not require planning permission.
- 11 The amendments to the position and style of the external doors would not affect the main entrance to the building but would relate to other access points approved around the building. These proposed changes would therefore have limited impact on the overall appearance of the development.
- 12 The number of panes of glass to be used in the large areas of approved glazing is proposed to be increased, which would have limited impact on the overall appearance of the development.
- 13 Finally, the number and location of the louvres serving internal plant rooms are proposed to be altered to the rear and southern side elevations. These

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would, again, be modest alterations to the exterior of the building and would have limited impact on the overall appearance of the development. These alterations would also have limited impact in terms of noise and disturbance.

- 14 Overall, both individually and collectively, these proposed changes would not significantly affect the appearance of the wider development and would result in no loss of parking within the development.

#### **Conclusion**

- 15 It is therefore considered that the proposed amendments comprise a non-material amendment to the approved scheme, reference number 19/02951/HYB.
- 16 It is therefore recommended that the proposed amendments are accepted.

#### **Background papers**

Site and block plan

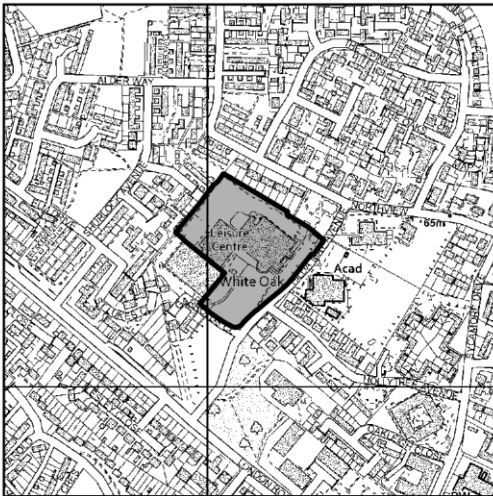
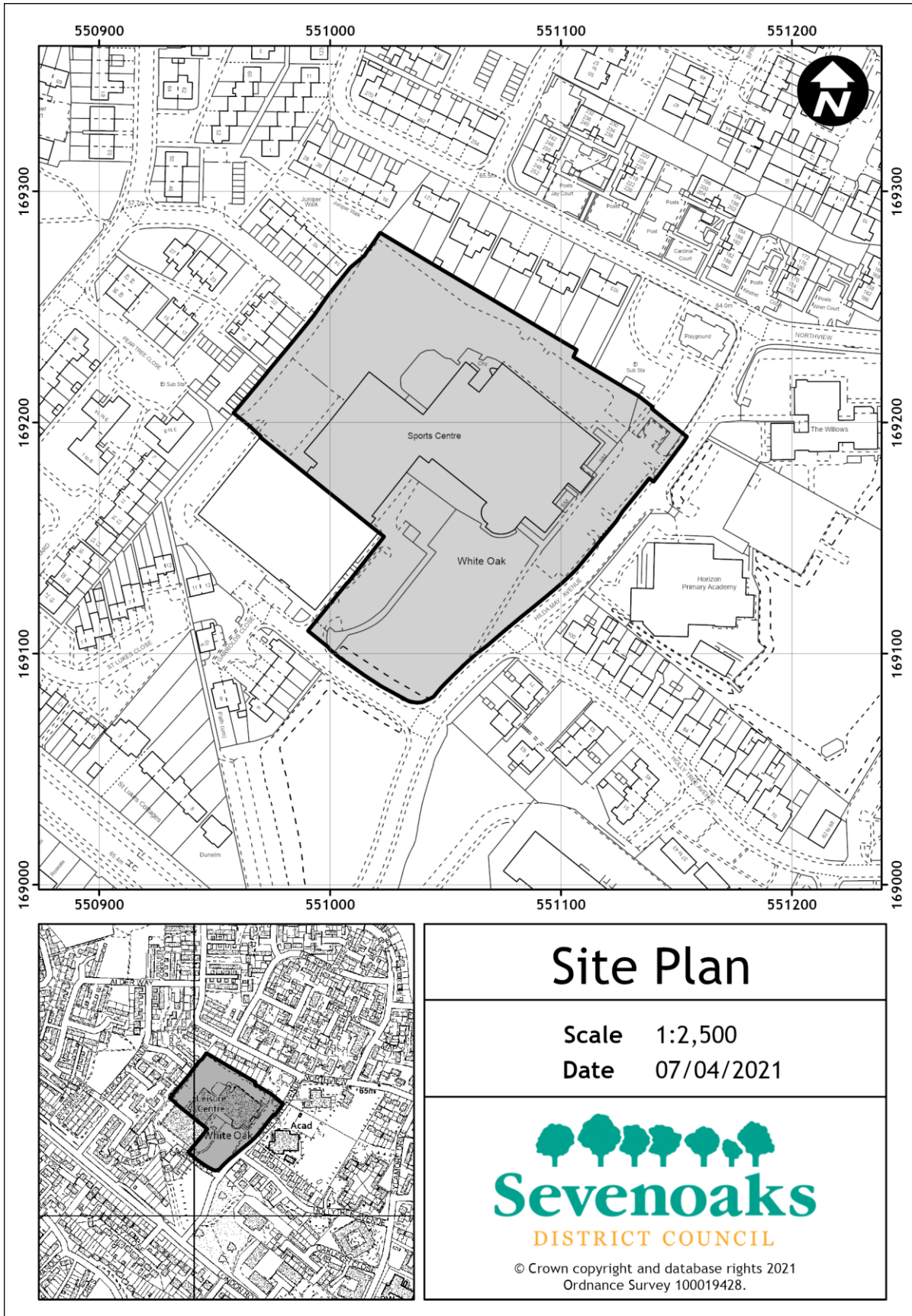
Contact Officer(s): Mike Holmes : 01732 227000

**Richard Morris**

**Chief Planning Officer**

[Link to application details:](#)

[Link to associated documents:](#)



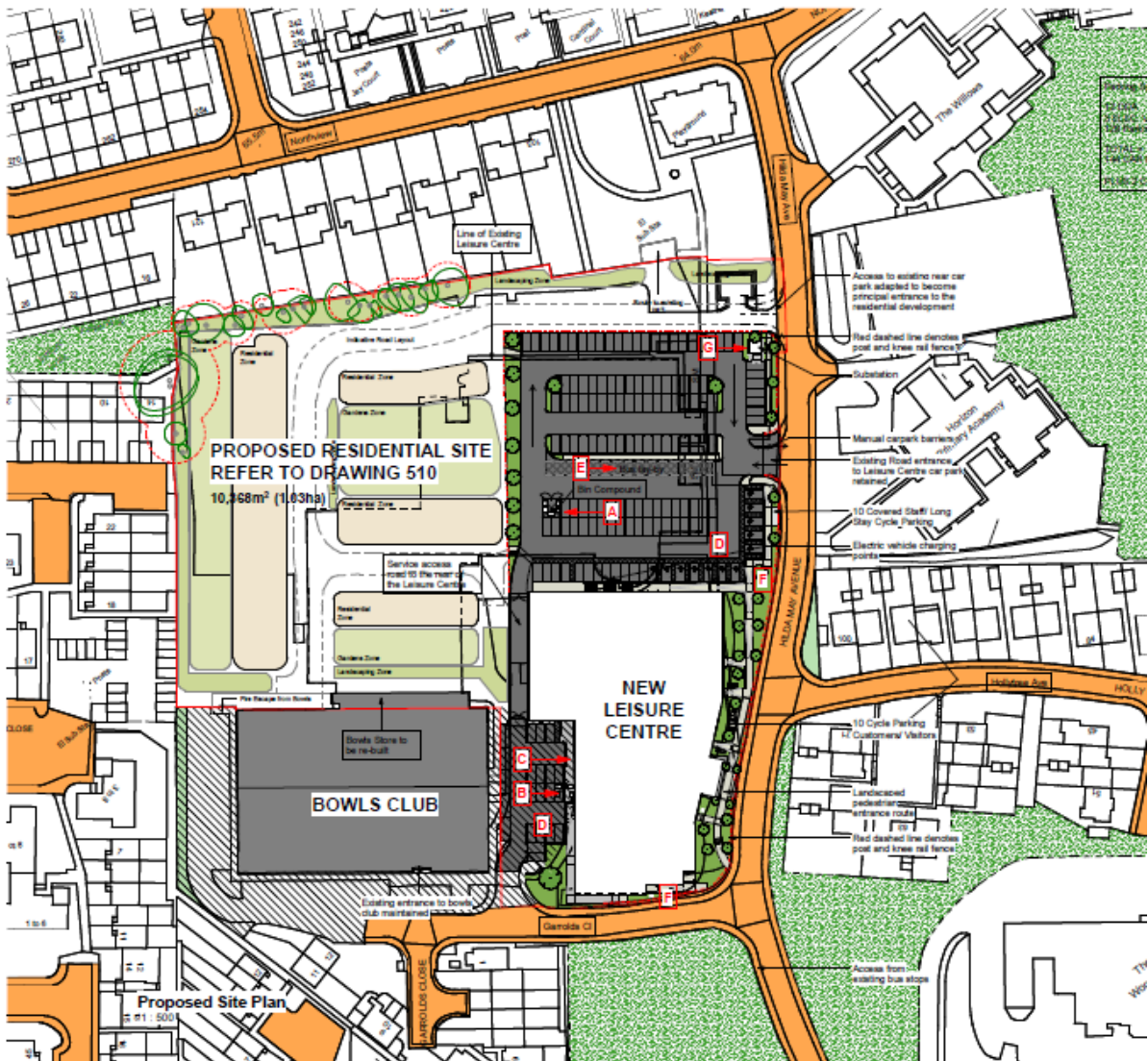
# Site Plan

Scale 1:2,500  
Date 07/04/2021



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Ordnance Survey 100019428.

BLOCK PLAN



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