

4.1 - 23/01927/FUL

Revised expiry date 8 March 2024

Proposal: Demolition of one barn and the part-demolition and conversion of three barns to form nine self-contained dwellings with associated parking, private gardens and landscaping.

Location: Gay Dawn Farm , Pennis Lane, Fawkham Kent DA3 8LY

Ward(s): Fawkham & West Kingsdown

Item for decision

The application has been called to Development Management Committee by Councillor Bulford on the grounds that the development is inappropriate in the Green Belt, impactful on the openness of the Green Belt and concerns regarding highway safety and impact on the listed buildings.

RECOMMENDATION A): That planning permission be GRANTED subject to :

a) The conditions set out below, subject to any minor changes to wording

being agreed in writing by the Chief Officer for Planning and Regulatory Services; and

b) A satisfactory legal agreement made under Section 106 of the Town and Country Planning Act 1990 (as amended) being completed within three months of the date of the decision, unless in accordance with a new timescale otherwise agreed in writing by the Chief Officer for Planning and Regulatory Services.

Section 106 Agreement

The Section 106 Agreement shall include the following requirements:

- Off-site affordable housing contribution – Total – £391,763.60

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: DHA/17323 - 01, 11, 12, 13, 14, 15, 16A, 17, 18A and the following documents: Flood Risk Assessment (December 2023) and Noise Assessment (Lustre Consulting) January 2024.

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

3) No development including any works of demolition or preparation works prior to building operations shall take place on site until a Construction Transport Management Plan has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period and shall include:

- (a) parking for vehicles of site personnel, operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials used in constructing the development;
- (d) programme of works (including measures for traffic management);
- (e) provision of boundary security hoarding behind any visibility zones;
- (f) wheel washing facilities;
- (g) measures to control the emissions of dust and dirt during construction;
- (h) a scheme for the recycling/disposing of waste resulting from demolition and construction works;
- (i) hours of operation.

In the interest of preserving highway safety.

4) No development shall take place until full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, have been submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and thereafter retained.

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

5) Upon commencement of works, the clearance of scattered scrub shall be undertaken using a sensitive vegetation clearance approach whereby a two phased cut is undertaken, firstly reducing the vegetation to 150mm above ground level, and then after a 24hr period, reducing the vegetation to ground level. The timing of these works should coincide with warm and dry conditions during the active reptile season of April - October. Any excavation works or actions that would impact upon potential reptile hibernation features, such as the deadwood / roof tile piles, shall be carried out outside of the reptile hibernation season (generally November-March). If the vegetation clearance is carried out in advancement of works commencing the site must continue to be managed to prevent any scrub becoming re-established. No scrub clearance shall be carried out if nesting birds are present.

To preserve any wildlife and ecology on site in accordance with policy SP11 of the Sevenoaks Core Strategy.

6) During works including site clearance, the following precautionary measures will be implemented to avoid capture of reptiles and S41/priority species hedgehog:

- 1) Backfilling of trenches and other excavations shall be undertaken before nightfall, or a ramp will be left to allow any animals to easily exit;
- 2) All excavations and trenches shall be checked each morning throughout the construction period and prior to infilling;

- 3) All temporarily stored building materials (that might act as temporary resting places) shall be isolated within hardstanding areas and raised off the ground, e.g. on pallets.

To preserve any wildlife and ecology on site in accordance with policy SP11 of the Sevenoaks Core Strategy.

- 7) Prior to first occupation, if any external lighting is proposed, a lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall account for preserving the ecology of the site and area and shall include downward facing lighting and motion sensors. The development shall be carried out in accordance with the approved details.

To ensure the proposed development does not result in a loss of, or harm to, ecology and wildlife in the area in accordance with policy SP11 of the Core Strategy.

- 8) Prior to development above slab level a Biodiversity Enhancement Plan illustrating details of how the development will enhance biodiversity shall be submitted to and approved in writing by the local planning authority. Enhancement measures will include those detailed in the Biodiversity Net Gain Assessment and Section 5.4 of the Preliminary Ecological report, (both PJC, Jan 2023). The approved measures will be implemented and retained thereafter

To enhance the biodiversity and ecology of the site in accordance with policy SP11 of the Core Strategy.

- 9) The parking spaces detailed on drawing DHA/17323/11 shall be provided prior to occupation of the first dwelling and retained in perpetuity.

To ensure sufficient off road parking is provided in accordance with policy T2 of the Sevenoaks Allocations and Development Management Plan.

- 10) The cycle parking/storage shall on the approved plans shall be provided prior to first occupation of the first dwelling and retained thereafter.

In the interests of providing means for sustainable travel in accordance with policy EN1 and T2 of the Allocations and Development Management Plan.

- 11) Prior to the first occupation of the development hereby approved, details of all external lighting and floodlighting of the adjacent sports pitches, including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the local planning authority. Should the existing external lighting and floodlighting installed not be in accordance with the Institute of Lighting Professionals "Guidance Note 01/21: Guidance notes for the reduction of obtrusive light" , a revised scheme shall be designed, or further mitigation measures detailed which shall be submitted to and approved in writing by the Local Planning Authority.

In the interest of preserving amenity for the future occupiers of the development in accordance with policy EN2 of the Allocations and Development Management Plan.

- 12) The noise mitigation measures as detailed in report 'Noise Assessment Gay Dawn Farm - Longfield' by Lustre Consulting (Report Ref 4811_AC_1.1 dated 09/01/2024) (The Report) shall be implemented and installed by competent persons. No dwelling shall be occupied until a post completion noise survey has been undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. The post completion testing shall assess performance of the noise mitigation measures in accordance with the noise levels set out in The Report. If the noise levels set out

in The Report are exceeded, additional noise mitigation measures to ensure the appropriate noise levels (both internally and in the external amenity areas) as given in BS8233:2014, can be met shall be submitted to and approved in writing by the Local Authority. These additional measures shall be implemented in full prior to the first occupation each dwelling. The final mitigation measures as approved shall be installed and retained thereafter.

In the interest of preserving amenity for the future occupiers of the development in accordance with policy EN2 of the Allocations and Development Management Plan.

13) Prior to development reaching the damp proof course, details of the location the electrical charging point(s) shall be submitted to and approved in writing by the local planning authority. The approved location of the charging point(s) shall be installed prior to first occupation of the development and shall be maintained thereafter.

To encourage the use of low emissions vehicles in accordance with policy T3 of the Sevenoaks Allocations and Development Management Plan.

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

To protect the character of the area and ensure future development can be controlled by the Local Planning Authority in accordance with policy EN1 of the Sevenoaks Allocations and Development Management Plan.

Informatives

1) The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act.

2) A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

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.

Recommendation B) That planning permission be REFUSED for the following reason:

In the absence of a legal agreement to secure an off-site contribution towards affordable housing the proposed development would be contrary to Policy SP3 of the Council's Core Strategy and the Sevenoaks Affordable Housing Supplementary Planning Document (and updates) and the National Planning Policy Framework.

Description of site

- 1 The application site comprises four agricultural barns within the wider Gay Dawn Farm agricultural holding. The site is located outside the settlement confines of Fawkham village, with Hartley located just to the north/northeast. It is located east of Valley Road and adjacent to Corinthain Sports Club. The site is within the Metropolitan Green Belt, and east of two Listed Buildings (Pennis Farm, and Pennis House). The lane leading to Valley Road shares the same route as part of public right of way SD163.

Description of proposal

- 2 It is proposed to create nine residential dwellings through conversion of the existing buildings. Barn A to the north of the site is proposed to be part demolished to create two semi-detached units and Barn B to the eastern side is proposed to be part demolished to create space for a garden area. As for Barn C the footprint of this building is proposed to be fully utilised with Barn D to the south being removed the create space for the garden area of the dwellings within Barn C.
- 3 The proposal includes soft landscaping, including new tree planting, parking spaces for the dwellings, cycle stores and hedgerow boundaries for the gardens.

Relevant planning history

- 4 None relevant to the current proposal.

Policies

- 5 Core Strategy (CS)
 - L01 Distribution of Development
 - LO8 The Countryside and the Rural Economy
 - SP1 Design of new development
 - SP11 Biodiversity
- 6 Allocations and Development Management (ADMP)
 - EN1 Design Principles
 - EN2 Amenity Protection
 - EN6 Outdoor Lighting
 - T2 Parking
 - T3 Provision of Electrical Vehicle Charging Points
- 7 Other
 - Development in the Green Belt Supplementary Planning Document (SPD) 2015

Constraints

- 8 The following constraints apply:
 - Green Belt;
 - Setting of Grade II Listed Buildings;
 - High and Medium Risk of Surface Water Flooding area.

Consultations

Fawkham Parish Council

- 9 Initial comments:
- 10 FPC objects to this application as it is inappropriate development in the Green Belt and/or failure to comply with SDC's Green Belt Policy. Turning farm buildings into 9 houses would impact on its rural character, sense of seclusion and long views of the Pennis valley.
- 11 SDC's Green Belt policy states that if a substantial rebuild is necessary then it won't be permitted. FPC does not feel the information provided in the structural assessment demonstrates that substantial rebuild is not required. In the case of Barn B, it seems work is required to the roof, side walls, main frame, and ground floor slab. Barn A has no ground floor slab currently. FPC also does not feel that 75% of the original structure of each barn is being retained, given both the previous points and, the fact that a large proportion of both Barns A and B which appear to be demolished in the proposed site layout and where footprint calculations at 6.1.5 show a reduction of 31% and 44% in size respectively - reducing the original structure by significantly more than 75%. It is also noted that Barn A is currently only enclosed on three sides.
- 12 The site is located in the Pennis valley which generally has an open character. There are six dwellings on Pennis Lane in the vicinity of the site, and so 9 represents a significant increase in number, and at a far higher density. The residential paraphernalia (such as cycle stores, bin stores, fencing, garden furniture, car parking, etc.) resulting from this proposed development will adversely affect the openness of the Green Belt.
- 13 The Environmental Health Officer points out that the site is immediately behind one of the three pitches at Corinthian Sports Club and immediately adjacent to the five lighting towers for this pitch. Corinthian Sport Club is described in SDC's Open Space Playing Pitch strategy as "A very impressive large site" and so FPC does not feel it would be appropriate to locate houses in such close proximity to these facilities and would be contrary to Policy EN2 of the ADMP.
- 14 The site is in close proximity to three listed structures and within their setting. FPC's view is that harm will be caused to the settings of Pennis Farm and Pennis House by this development, through a change in character of the area, especially given the access is proposed along Pennis Lane, passing directly in front of the listed buildings.
- 15 There are two PROWs in close proximity to the site: both SD163 and SD222 run along Pennis Lane, and SD222 then runs directly beside the western red line site boundary. The resultant increase in usage by the residents of nine dwellings, in an area with no public transport, plus associated deliveries etc., will change the character of the lane and present danger to pedestrians using these PROWs.
- 16 The presumption in favour of sustainable development cited by the applicant needs to be balanced against the fact that the site is within the Green Belt, which means the tilted balance is not invoked as the NPPF at paragraph 11(d)i and footnote 7 protects the Green Belt (see Appeal decision 32733188 Broke Hill Golf Course). In addition, SDC has an emerging Local Plan and a clear timetable for its adoption, contrary to the statements made in para 5.5 of the Design and Access statement.
- 17 The site is within a Groundwater Source Protection Zone which requires new development to provide attenuated storage of surface water runoff to prevent

infiltration and contamination - a mitigation plan does not appear to have been proposed and is therefore required.

- 18 The site is in an area that has a high risk of flooding from surface water, the parish refer to a flooding and water quality report produced for the Fawkham Neighbourhood Plan. Climate change is predicted to increase rainfall intensity which will affect land and urban drainage systems, resulting in increased surface water flooding, due to the increased volume of water entering the system. FPC therefore considers that this site is unsuitable for development. Should consent be granted, a SuDs proposal as required, with preference given to Nature Based Solutions style SuDS, with engineering solutions used only when it has been demonstrated that no other form of SuDs is feasible. Ideally, the SuDs should be positively designed into the proposal from the outset as public realm and/or biodiversity features.
- 19 The NPPF states that neighbourhoods should develop plans that support the strategic housing development needs set out in Local Plans and plan positively to support local development, taking into account any specific policies in the Framework which indicate development should be restricted including those relating to the Green Belt (Paras. 11 and 29). The NPPF states that in rural areas, planning policies should be responsive to local circumstances and support housing developments that reflect local needs. Fawkham is not classified as a settlement in the Core Strategy (Policy LO1 Distribution of Development or Policy LO7 Development in Rural Settlements). The most recent Local Housing Needs Survey, 2022 identified a low level of need for three affordable homes: 2 x 2 bed first homes and 1 x 2 bed shared ownership homes. In addition, a need for seven open market properties were identified, including one for an older household wanting to downsize (with no need for level access) and four who were interested in self-build only. Planning permission has already been granted for a further 54 dwellings, including 10 affordable homes. This is an increase of 28% on the 2011 census figure. This, together with the turnover of existing housing, will more than meet the need for market housing generated within the Parish.
- 20 The Settlement Hierarchy for Sevenoaks District, 2022 prepared by Sevenoaks District Council classifies Fawkham as a hamlet. The Settlement Hierarchy states that hamlets have very small populations (less than 1,000 inhabitants), have a limited range of services and facilities and, in the case of Fawkham, is washed over by the Green Belt. It should be noted that even the limited facilities provided within the Parish are not generally accessible by sustainable modes of transport with narrow rural lanes and the absence of footpaths and public transport.
- 21 FPC also note that the housing proposed is mostly 4 bed, which does not accord with the local need for 2 and 3 bed dwellings.
- 22 FPC also note that a farm tank is shown on the current plans. Should the application be granted, FPC rely on SDC to look into a contamination assessment if this is a slurry tank and a plan for its removal.
- 23 In summary, there is no strategic requirement for Fawkham to accommodate new housing allocations, the Parish is not a sustainable location for anything other than very limited housing development, there is only a low level of local need for market and affordable homes, and a further 54 dwellings already have planning consent. These points provide further reasons why the application should be refused.

- 24 Updated comments:
- 25 FPC has reviewed the various new reports and would like to make the following comments. Our previous objection and comments should also be referred to.
- 26 Noise: FPC notes the content of this report and would not wish to see a condition which would result in an adverse impact on the employment use of the wider site.
- 27 Floodlighting: FPC would like to see the suggested condition applied

SDC Environmental Health:

- 28 Floodlighting
- 29 Comments noted. Looks like they are in agreement with having a lighting condition as per the one I suggested previously. If they are going to replace the floodlights, this will I think also cover any new scheme as well. Wording below again, for ease of reference:
- 30 Floodlighting at adjacent sports pitches
- 31 Prior to the first occupation of the development hereby approved, details of all external lighting and floodlighting of the adjacent sports pitches, including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the local planning authority. Should the existing external lighting and floodlighting installed not be in accordance with the Institute of Lighting Professionals "Guidance Note 01/21: Guidance notes for the reduction of obtrusive light" , a revised scheme shall be designed, submitted for approval and installed prior to any further use of the external lighting or floodlighting.
- 32 All external lighting and floodlighting at the adjacent sports pitches shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the sports pitches other than that agreed and approved.
- 33 Noise
- 34 Comments from Lustre Consulting are noted and they have given some alternative predicted noise levels based on the cumulative noise (i.e. including representative noise from the sports pitch). They advise that even with adding in the short term noise for the sports pitches (it's no more than 1-2 hours at a time) compliance with the noise levels given in BS8233:2014 can be achieved. As mentioned previously, mitigation measures have been outlined in the noise report in order to minimise any risk to plots 1 and 2 as a result of noise from the nearby commercial units. This includes mitigation measures to the commercial units (upgrading or removal of the noise source) along with appropriate building façade measures and close boarded fencing.
- 35 In order to address this, the following condition is recommended.
- 36 Noise Mitigation Measures and Noise Completion Testing New Dwellings
- 37 The noise mitigation measures as detailed in report 'Noise Assessment Gay Dawn Farm – Longfield' by Lustre Consulting (Report Ref 4811_AC_1.1 dated 09/01/2024) (The Report) shall be implemented and installed by competent persons. No dwelling shall be occupied until a post completion noise survey has been undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. The post completion testing shall assess performance of the noise mitigation measures in accordance with the noise levels set out in The Report. If

the noise levels set out in The Report are exceeded, additional noise mitigation measures to ensure the appropriate noise levels (both internally and in the external amenity areas) as given in BS8233:2014, can be met shall be submitted to and approved in writing by the Local Authority. These additional measures shall be implemented in full prior to the first occupation each dwelling.

38 The final mitigation measures as approved shall be installed and retained thereafter.

SDC Housing Policy:

39 It is noted the application involves the provision of 9 new homes. The site is located within a Designated Rural Area. As such, Core Strategy Policy SP3 triggers a 20% affordable housing contribution, to be provided in the form of a commuted sum, payable upon completion of the development. These points are recognised in the applicant's Planning Statement.

40 The applicant has provided a draft Unilateral Undertaking using the District Council's template. However this does not specify the amount of commuted sum. The sum should be calculated in compliance with the methodology set out in the Affordable Housing SPD 2011, as further updated in March 2023.

41 We await confirmation from the Planning Officer that the amount of commuted sum offered complies with the methodology set out in the SPD. Subject to this, we are satisfied the application provides a policy compliant affordable housing contribution.

SDC Planning Policy:

42 This site is located within Fawkham Parish, with the settlement of Fawkham being identified as a Hamlet through the Settlement Hierarchy 2022.

43 The proposed housing, including the potential for the provision/contribution towards Affordable housing, would provide a much-needed contribution to assist with the Council's unmet housing need in the absence of an up-to-date Local Plan. However, this is a Greenfield site within the Metropolitan Green Belt and is therefore contrary to both national and local policy (in terms of location).

SDC Conservation:

44 There are three listed buildings/structures to the north west of the site; Pennis House (grade II listed), Pennis Farm (grade II listed) and the gate piers and railings to Pennis House (grade II listed).

45 The site does not currently contribute to the setting of the listed buildings and structures, or the way in which they are understood and appreciated. The proposals are unlikely to impact the listed buildings at Pennis Farm, through change within their setting, due to the physical and visual separation between the listed buildings and the site.

46 The existing treed screening between the listed buildings and development site is outside the site boundary. In order to maintain adequate screening, the tree line between the listed building and Barn C (adjacent to the track) and the boundary treatment to the south west of existing Barn D should be included within the site boundary if possible. Alternatively, or in addition, I would request additional screening between the listed buildings and Barn C within the development boundary.

Lead Local Flood Authority:

- 47 The application under the above reference number therefore falls outside the definition of major development and also falls outside of KCC's remit as statutory consultee.

KCC Highways:

- 48 The application is supported by a Transport Statement dated June 2023 which covers all of the necessary elements in order to assess the highway impact of the proposal and is considered to be robust in its approach.
- 49 Whilst I do have concerns regarding the unsustainable location which is almost totally reliant on the private car for travel, I do accept that this is a brownfield site and that Para. 105 of the NPPF states that the rural location should be taken into account when assessing such applications. Furthermore, Para. 111 of the NPPF states that planning applications should not be refused on highway grounds unless the impact on the local highway network is considered to be "severe", which I consider in this instance, it is not.
- 50 The access to the converted barns is via an existing track off Pennis Lane which is considered access for the likely traffic generation from the proposed dwellings. There are no significant crash records in the local road network to raise concern. The predicted vehicle movements is not significant and is not considered sufficient to impose any impact on the local road network, particularly when taking into account the traffic already generated from the existing farm buildings.
- 51 The proposed car parking provision is in accordance with the requirements of Kent Residential Parking Standards (IGN3) - a minimum of 2 spaces per unit plus 4 visitor spaces. Cycle parking in accordance with Kent Parking Standards (SPG4) is provided.
- 52 I therefore raise no objection on highway grounds to this application provided the following Conditions are applied to any consent granted:
1. 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.
 2. Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
 3. Submission of a Construction Management Plan before the commencement of any development on site

KCC Public Rights of Way:

- 53 I can confirm that I do not have any objections to the above planning application at Gay Dawn Farm. Public Right of Way Footpaths SD163 and SD222 lay to the north of the proposed site, and I do not anticipate them being affected by the development.
- 54 Additional response:
- 55 The question of access to the site, which was not addressed in our original response, has been raised with me to give consideration to.
- 56 I have re-examined the proposal and PROWAS would still wish to raise no objection but would ask for the following comments to be considered.

- 57 Part of the access road to the proposed site coincides with the route of public footpaths SD163 and SD222 between grid ref TQ5956 6741 (adjacent to 'Ardelle') and grid ref TQ 5971 6731 (the entrance to the proposed development).
- 58 This length of the road also appears to serve as the current private vehicular traffic to five properties and to the current farm buildings. It would be reasonable to assume that each property may have two cars on average the use the road on a daily basis and that there will also be deliveries to the properties. It is accepted that this use, and the proposed access to the development site, is in exercise of private rights of way and is lawful. As a result we would wish to raise no objection on the de facto use.
- 59 However, the proposal would result in a near tripling of the everyday use of the road by domestic traffic and deliveries and the road has limited width and some areas of restricted visibility, not having been constructed to accommodate this level of use. That said, for the most part, sight lines are good and there is space for walkers to step off the path onto adjoining land of necessary.
- 60 There are two points where I do have some safety concerns:-
- 1) the bend outside 'Greenbanks' at grid ref TQ 5964 6739; and
 - 2) the point at which vehicles join the footpath from the site at grid ref TQ 5971 6731.
- 61 My main concern here is less with the residents, who would be familiar with the site and hazards, and more with delivery drivers, who would not be and are often in a hurry. Risk to pedestrians at these points could be mitigated by the introduction of speed humps. Such speed humps should be constructed to the standards contained in the Highways (Road Humps) Regulations 1999, although I would not insist on compliance with the lighting requirements in this location.

KCC Ecology:

- 62 We have reviewed the ecological information submitted by the applicant and advise that sufficient ecological information has been provided. We have taken this view due to a Preliminary Ecological Assessment having been completed which concludes limited potential for protected species to occur within the site. Impacts on designated sites for nature conservation, ancient woodland or priority/S41 habitats are also unlikely.
- 63 If planning permission is granted, we advise that the informative and conditions below are included:
- Breeding bird informative.
 - Precautionary measures for reptiles - prior to/during commencement of development.
 - Other precautionary measures during construction.
 - Lighting strategy.
 - Biodiversity enhancement plan.

Thames Water:

- 64 Waste comments:
- 65 We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made

without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

66 Surface Water:

67 With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

68 In terms of waste water network and sewage treatment works infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

69 Water Comments:

70 The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection.

Forestry Commission:

71 As a Non-Ministerial Government Department, the Forestry Commission provide no opinion supporting or objecting to an application. Rather we provide advice on the potential impact that the proposed development could have on trees and woodland including ancient woodland.

72 The planning authority should consider the following policy and guidance as part of their decision-making process for this application.

73 1. Ancient woodlands, ancient trees and veteran trees are irreplaceable habitats. Paragraph 180(c) of the NPPF sets out that development resulting in the loss or deterioration of irreplaceable habitats should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. In considering the impacts of the development on Ancient Woodland, Ancient and Veteran trees, the planning authority should consider direct and indirect impacts resulting from both construction and operational phases.

74 Please refer to Natural England and Forestry Commission joint Standing Advice for Ancient Woodland and Ancient and Veteran Trees, updated in January 2022. The Standing Advice can be a material consideration for planning decisions, and contains advice and guidance on assessing the effects of development, and how to avoid and mitigate impacts. It also includes an Assessment Guide which can help planners assess

the impact of the proposed development on ancient woodland or ancient and veteran trees in line with the NPPF.

- 75 2. Existing trees should be retained wherever possible, and opportunities should be taken to incorporate trees into development. Trees and woodlands provide multiple benefits to society such as storing carbon, regulating temperatures, strengthening flood resilience and reducing noise and air pollution.[1] Paragraph 131 of the NPPF seeks to ensure new streets are tree lined, that opportunities should be taken to incorporate trees elsewhere in developments, and that existing trees are retained wherever possible. Appropriate measures should be in place to secure the long-term maintenance of newly planted trees. The Forestry Commission may be able to give further support in developing appropriate conditions in relation to woodland creation, management or mitigation.
- 76 3. Biodiversity Net Gain (BNG): Paragraph 174(d) of the NPPF sets out that planning (policies and) decisions should minimise impacts on and provide net gains for biodiversity. Paragraph 180(d) encourages development design to integrate opportunities to improve biodiversity, especially where this can secure net gains for biodiversity. A requirement for most development to deliver a minimum of 10% BNG is expected to become mandatory from November 2023. The planning authority should consider the wide range of benefits trees, hedgerows and woodlands provide as part of delivering good practice biodiversity net gain requirements. Losses of irreplaceable or very high distinctiveness habitat cannot adequately be accounted for through BNG

Representations

- 77 25 letters of objection have been received relating to the following issues:
- No need for 3 or 4 bed housing in the area, smaller homes are required.
 - Local infrastructure is unable to support this development (road and doctors).
 - Affordable housing needed.
 - Fawkham is a hamlet, it is unable to support more housing.
 - Valley Road is a narrow road with passing places, additional traffic would not be suitable.
 - If granted it will set a precedent for conversion of other barns on site.
 - Fawkham has recently had two major applications granted, a further grant of permission would impact the community.
 - Lack of public transport nearby.
 - Waiting times at local hospital are too long now, additional housing would exacerbate this.
 - Water and electricity issues in the area already.
 - This is a follow up to a refused application for 500 new homes in the area.
 - Development would blur the boundary between the village and neighbouring areas.
 - Flooding concerns in the area.
 - Fawkham has already met its housing needs/targets according to the Local Housing Needs Survey.
 - Proposals include cycle storage, however the local roads are too dangerous for cycling.
 - Increased light pollution in the area.
- 78 1 letter of support received:
- Site is tucked away from view.

- Makes use of site with existing buildings.
- Solar panels should be added.

Chief Planning Officer's appraisal

79 The main planning considerations are:

- Principle of development and impact on the Green Belt
- Impact upon the character and appearance of the area
- Heritage impact
- Residential Amenity
- Highway safety and parking
- Flooding
- Other matters

Principle of development and impact on the Green Belt

80 Legislation states that applications must be determined in accordance with the local authority's development plan unless material considerations indicate otherwise. The Council's Development Plan includes the Core Strategy (2011) and the Allocations and Development Management Plan (ADMP) 2015.

81 Policy LO1 of the Sevenoaks Core Strategy 2011 sets out the distribution of development in the district, stating that: "development will be focussed within the built confines of existing settlements". Policy LO1 goes on to state that "in other locations priority will be given to protecting the rural character of the District. Development will only take place where it is compatible with policies for protecting the Green Belt...". Moreover, policy LO8 of the Core Strategy which covers matters of the countryside and rural economy outlines how the extent of the Green Belt must be maintained.

82 The proposal is for the conversion (and part or complete demolition) of four agricultural barns to create nine dwellings. Policy GB7 of the Allocations and Development Management Plan allows for the conversion of buildings within the Green Belt where:

- 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"

83 Similarly, paragraph 155d of the NPPF allows for "the re-use of buildings provided that the buildings are of permanent and substantial construction".

84 Starting with the openness of the Green Belt. The National Planning Practice Guidance (Paragraph: 001 Reference ID: 64-001-20190722 - Revision date: 22 07 2019) sets out some of the factors that can be taken account of when assessing the potential impact of development on the openness of the Green Belt:

"By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

1. openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
2. the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
3. the degree of activity likely to be generated, such as traffic generation”.

- 85 In terms of the spatial impact of the development, the existing footprint of the buildings amounts to just shy of 2000sqm. The proposed dwellings, courtesy of the part demolition of barns A & B and the complete demolition of barn D would have a footprint of 1230sqm. Naturally, the floorspace/Gross Internal Area is greater as a result of adding first floors into the units. However, the reduction in footprint would reduce the impact on the openness of the Green Belt. It is noted that the existing buildings are appropriate in the Green Belt due to their agricultural use and therefore the site is not ‘previously developed land’, though both national and local policy supports the conversion of such buildings into residential (or other) uses which would otherwise be inappropriate development in the Green Belt. Similarly to the reduction in footprint there would be a reduction in volume on site.
- 86 Turning to the visual impact on the openness of the Green Belt, the reduction in footprint could be considered to be negated by the enclosure of the sides of the buildings that are in part ‘open’. This could reduce the openness of the Green Belt in a visual sense, however the part and complete demolition of some of the barns is sufficient to counteract the enclosure of the remaining sections/buildings.
- 87 In terms of residential paraphernalia, which could impact the openness from a visual perspective. The various cycle stores are located with the rear gardens of the dwellings and would be largely screened from view by the soft landscaped boundaries (the use of soft landscaping for boundaries could be conditioned). There is one external bin store for units 6 & 7 as the rear gardens would exceed bin carry/drag distances. This is however set within the parking area of these units and is to a degree screened by further soft landscaping.
- 88 With regard to the second point above from the PPG, the development would be permanent, however it is the conversion of existing, lawful, and permanent buildings. The development is therefore not considered to result a loss of openness to the Green Belt in this regard.
- 89 Lastly, in terms of the degree of activity, the site at present features agricultural movements/traffic and there are vehicles and other equipment store in and around the buildings. The use of the site for nine dwellings would not result in a notable increase in activity compared to the current agricultural use. It is also noted that elsewhere in the wider Gay Dawn/Pennis Farm site there is the Corinthian Sports Club and some office/business uses. Both of these generate more activity/traffic than residential uses would and thus the increase would not be notable.

Structural

- 90 Turning part B of policy GB7, this outlines how it should be demonstrated that the building(s) can be converted without ‘major or complete re-construction that would detract from their original character’. The supporting text within the Green Belt SPD sets a threshold of maintaining 75% of the original structure. This is a material consideration, however it is not within the wording of the policy which in its own right has been deemed out of date and not fully in accordance with the NPPF.

- 91 The precedent for this was set in the appeal at Vine Cottage, Penshurst (APP/G2245/W/17/3181949) whereby the development sought to completely re-clad the building, provide underpinning, a new roof and more. The Inspector deemed this as acceptable despite retaining less than 75% of the building.
- 92 Furthermore, as highlighted above, policy GB7 does not fully accord with the NPPF which only requires the existing building to be permanent and of substantial construction.
- 93 In conclusion, the proposed development complies with policy GB7 of the Allocations and Development Management Plan and paragraph 155d.

Affordable housing and housing mix

- 94 The application site is within a Designated Rural Area under S157 of the Housing Act 1985. Consequently, it is liable for 20% affordable housing through a commuted sum. The applicant has agreed to provide affordable housing contributions through a commuted sum (totalling £ 391,763.60) in accordance with the calculations in the Affordable Housing SPD. This is being arranged through the signing of the Unilateral Undertaking. The template from the Council's website has been completed and the applicant is in the process of signing and paying the Council's legal fees. Accordingly the Unilateral Undertaking can be afforded significant weight and the development is policy compliant in terms of policy SP3.

Other principle matters

- 95 Numerous concerns have been raised regarding the impact of the proposed housing on local services and infrastructure, notably GP wait times/availability. The proposed development would be liable for Community Infrastructure Levy (CIL), which can go towards such services.

Housing supply and location

- 96 Numerous representations have been received outlining how the Fawkham Parish has in recent years met its housing targets and need. These representations refer to the Local Housing Needs Survey of 2022. However, this relates to the need for affordable housing. The Council's overall housing need is not broken down by area and at present the Council is unable to achieve a 5 Year Housing Land Supply and not meeting the Housing Delivery Test either. The Council's adopted Local Plan is out of date, in relation to housing provision and therefore there is a presumption in favour of development. The overarching shortfall of housing in the Sevenoaks District is afforded significant to substantial weight.

Impact on the character and appearance of the area

- 97 Policy SP1 of the Core Strategy and EN1 of the Allocations and Development Management Plan outline that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. Policy EN1 also states that the form of proposed development should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.
- 98 The site is within the countryside, outside the settlements of Hartley and Fawkham, it forms part of the Gay Dawn Farm agricultural holding which extends to the south. The

site is also adjacent to the Corinthian Sports Club football pitch directly to the north and the Golf Course beyond. There are other businesses and a pre-school in the wider site, though the site is rural in character. There is a scattering of residential dwellings along the lane leading from Valley Road leading to the sports club, the application site and wider agricultural holding. The site is within the Fawkham and Hartley Settled Downs area of the Sevenoaks Landscape Character Assessment (2017).

Siting of development

- 99 The Landscape Character report highlights key characteristics of the area, one relevant to the proposal is: 'Older farmsteads on higher ground with newer residential buildings in sheltered areas'. The application site comprises steel framed agricultural buildings, they are not part of an older farmstead as described in the Landscape Character Assessment. The site is sunken into the landscape and the land drops down to the site from the access point off Valley Road. The site is also screened from the Public Right of Ways cutting through the wider site courtesy of the buildings fronting footpath SD222 in particular (to the west of the application site). Then to the east and north of the site resides the football pitch and Golf Course, acting as a buffer to the residential areas of Hartley.

Barn A

- 100 Barn A is the largest on site, it measures 844sqm with a maximum (ridge) height of 9.2m. However, due to the land level dropping from the south to the north of the site the building does not appear taller than Barn C to the south which is notably smaller. It is proposed to remove the central portion of the building and create four dwellings (two pairs of semi-detached) each with a footprint of 144sqm (totalling 581sqm). This building is open at the short ends (east and west) with the longer elevations mostly enclosed. The conversion would result in a greater extent of enclosure, however the reduction in built form of approx. one third would negate the impact from enclosing the sides of the building.
- 101 The proposed dwellings would each be four bedroom units, spread across two floors. They will be marginally taller than regular dwellings, however as they are sunken into the site compared to the other buildings they will not be visually prominent and impactful on the character of the area. There are no second floors proposed, given the existing shallow roof pitch, therefore the fenestration is limited to the ground and first floor save for a high level landing window.
- 102 In terms of design, the proposed dwellings would retain the agricultural character/essence of the building. The proposed tall and narrow fenestration is clearly distinctive to a regular/traditional dwelling and more akin to an agricultural building conversion. As for materials, the main facades of units 1 to 4 would comprise of corrugated iron and natural weatherboarding and brick infills around the windows. This would preserve the agricultural character of the buildings instead of overly domesticating the buildings. Whilst the proposed design may result in a darker appearance than the current building that has a simple metal frame with open sections, it is not atypical of a barn conversion and is still agricultural in its nature. Moreover, the corrugated iron does not cover large swaths of the building, instead as best shown on the south east elevations of drawing DHA/17323/14 the corrugated metal is limited to thin vertical sections of the building and is broken up by the aforementioned cladding and brickwork.

Barn B

- 103 Unit 5 is proposed to be created from Barn B to the eastern side of the site. This smaller building would facilitate a single storey three bedroom dwelling. In terms of scale, there are no extensions proposed instead part of the northern section of the building is to be removed to make way for a garden area. The proposed dwelling would have a marginally smaller footprint than Barn A, though due to the height of the building it is set across one floor and thus has a significantly smaller Gross Internal Area (GIA).
- 104 The design of the building emulates that of Barn A creating a sense of unity and cohesion across the site and retaining the agricultural essence of the original barn. The external amenity area is located to the northern end of the proposed dwelling and would be largely screened from view by the dwelling itself and plots 3 & 4. In consequence the impact from domestic paraphernalia would be limited.

Barn C & D

- 105 The access track for the agricultural use of the site currently passes between Barn C and Barn D. It is proposed to demolish Barn D to create space for the garden areas of units 6 to 9 created in Barn C. As a result of this layout it is proposed to re-located/re-route any agricultural vehicles along the proposed access/driveway area for the proposed dwellings. The frequency of this would be limited as the field tracks to the south would be more likely to be used as they lead to the barns still in use to the east. This arrangement would ensure the agricultural movement will be away from external amenity areas of the dwellings and would not result in a loss of amenity.
- 106 In terms of the design of Barn C, again it emulates the others on site. Barn C is the second largest on site and it is proposed to accommodate four dwellings spread over two floors.

Landscaping

- 107 The existing site does not feature any soft landscaping, the area between the barns is largely unmade land that has been compacted by the agricultural use. There are some areas of hardstanding adjacent to the barns also. It is proposed to create a formal route through the site, details of the surfacing can be secured by condition. Several trees are proposed within this area and the parking bays are set between areas of soft landscaping. All the garden boundaries are delineated by soft boundaries instead of fencing which would overly urbanise the development. The proposed landscaping is considered to enhance the visual amenity of the site and preserve the rural character of the area.

Summary

- 108 The proposed design preserve the rural and agricultural essence of the site and buildings, the design of the dwellings is cohesive through the use of matching and sympathetic materials. The proposed development will result in a reduction of built form on site with improved landscaping. Overall the proposed development will enhance the character of the area in accordance with policy EN1 of the Allocations and Development Management Plan.

Heritage impact

- 109 Policy EN4 of the Allocations and Development Management Plan states “Proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset”.
- 110 The application site is located to the east of two Grade II Listed Buildings, Pennis Farm and Pennis House. The separation distance is over 100m, however the site is set at a lower level and therefore within the wider setting/views of the listed buildings. The proposed development will see a reduction in built form, and any enclosing of the sides of the buildings will be with sympathetic materials that would preserve the agricultural setting of the listed buildings. Some landscaping is proposed that would screen domestic paraphernalia from the view of the listed buildings. Overall, it is considered that the proposed development would preserve the setting and significance of the listed buildings in accordance with policy EN4 of the ADMP.

Residential amenity

- 111 Policy EN2 of the Allocations and Development Management Plan requires proposals to provide adequate residential amenities for existing and future occupiers of the development. While ensuring it would not result in excessive overlooking, visual intrusion, vibration, odour, air pollution, vehicle movements, or a loss of privacy and light enjoyed by the occupiers of nearby properties.
- 112 In terms of neighbouring residents, the barns are located away from other residential properties. The nearest being Pennis Farm some 100m+ away. This distance is considered more than sufficient to preserve amenity in terms of privacy, light and noise. It is noted that the development could see increased traffic movements pass this property, and other properties on the lane off Valley Road. However, these would be domestic trips, and some deliveries, the sound and vibration impact from such vehicle movements would be less impactful on the amenities of the residents than the agricultural vehicles passing.
- 113 In terms of amenity for future occupiers, the dwellings all accord with the Nationally Described Space Standards. There is no overlooking concerns, including the garden area for plot 4 which is adjacent to the front elevation of Barn B (unit 5). Due to the single storey design of unit 5 there will be no adverse loss of privacy. Moreover, the windows at the northern end of the front elevation are high level windows and will not easily allow for overlooking.
- 114 The Council’s Environmental Health Officer has been consulted on the application. Initial concerns regarding impacts from noise and floodlighting from the sports pitches were raised. Further information has been submitted to address these concerns and subject to conditions the Environmental Health Officer has confirmed the proposed dwellings will accord with the relevant standards and guidance. These floodlights whilst outside of the application site, are within the applicant’s control and therefore will subject to the imposition of a planning application to the Environmental Health Officer’s requirements to protect the amenity of future residents.
- 115 Overall, the proposed development would accord with policy EN2 of the Allocations and Development Management Plan.

Highway safety and parking

- 116 Paragraph 115 of the NPPF states that 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.
- 117 Policy EN1 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking.
- 118 Policy T1 of the ADMP requires new developments to mitigate any adverse travel impacts, including their impact on congestion and safety. Policy T2 of the ADMP relates to vehicle parking and policy T3 requires the provision of electrical vehicle charging points.
- 119 The site is accessed via Pennis Lane off Valley Road, this lane service other residential properties in addition to businesses and the Corinthian Sports Club. Pennis Lane runs up to the access to Pennis Farm House, Pennis House and The Coach House and intersects public rights of Way SD163 and SD222. The site is beyond this point and requires the use of 50m of Public Right of Way SD222 at the point where it is not classed also classed as a road (Pennis Lane). KCC Highways have been consulted on the proposals and have not raised any concerns regarding the suitability of Pennis Lane for additional residential use.
- 120 In terms of parking, the proposed development includes sufficient parking to accord with policy T2 and Appendix 2 of the Allocations and Development Management Plan.

Public rights of way

- 121 The Public Rights of Way Officer at Kent County Council has provided further guidance on the suitability of the use of the Public Right of Way (which includes Pennis Lane) for additional housing. No objections have been raised as Pennis Lane in particular has ample sight lines for users of the PRow and space to move and avoid conflicts of users. The Officer has recommended speed humps, however as this is outside the development area it would be a matter for the developer and the County Council and the planning application can only include an informative.

Flooding

- 122 National and Local policy seek to direct development away from areas that are subject to a risk of flooding. The application site is not located in either Flood Zone 2 or 3, however it is within an area subject to a risk of surface water flooding.
- 123 The proposals are for the conversion and part demolition of the existing buildings on site. It would see a reduction in built form and surfaces for water run-off. There are areas of hardstanding at present and much of the site is compacted mud/soil and therefore much of the site is largely impermeable. The proposed development would see a notable increase in soft landscaping which would increase the rates of infiltration and reduce surface water flooding. The development is not considered to worsen the risk of surface water flooding on the site or surrounding areas.
- 124 A flood risk assessment has been undertaken for the proposals, it outlines how the development has been designed to mitigate the risk of flooding for the properties and how the development would not increase the risk elsewhere. The Lead Local Flood Authority have not raised any objections to the proposal and it is therefore considered that the development accords with paragraph 173 of the NPPF.

Community Infrastructure Levy (CIL)

125 The proposed development is CIL liable, a liability notice would be issued separately.

Conclusion

126 The proposed development is appropriate in the Green Belt and preserves its openness. The proposals also preserve the character of the area and neighbour amenity. There will be no loss of highway safety or increased risk of flooding. The proposed development would therefore accord with the Council's Development Plan and the NPPF.

127 It is therefore recommended that this application is granted.

Background papers

127 Site and block plan

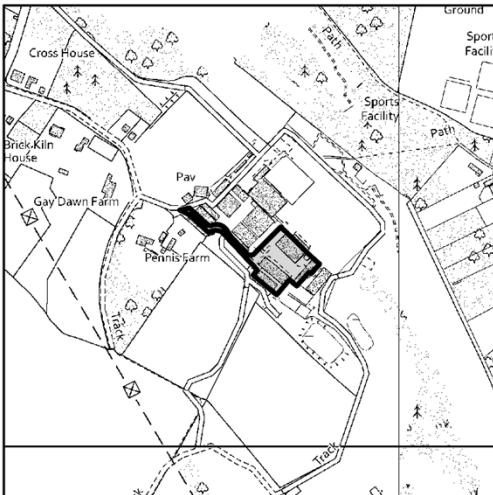
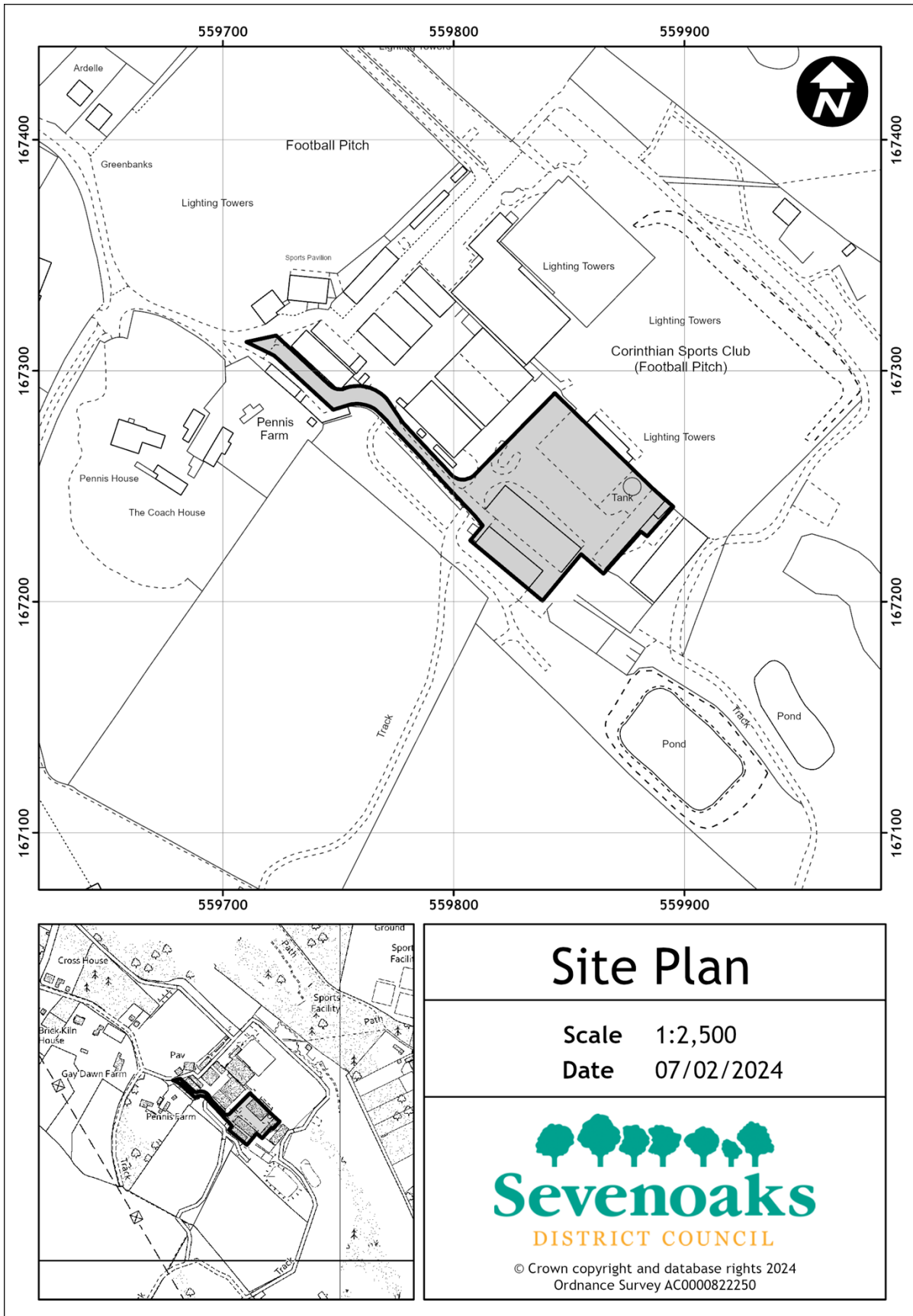
Contact Officer(s):

Ashley Bidwell: 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



Site Plan

Scale 1:2,500
Date 07/02/2024



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Ordnance Survey AC0000822250

PROPOSED SITE LAYOUT

