



Late Observations Sheet
DEVELOPMENT CONTROL COMMITTEE
30 April 2015 at 7.00 pm

Late Observations

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DEVELOPMENT CONTROL COMMITTEE

Thursday 30 April 2015

LATE OBSERVATION SHEET

4.1 – SE/14/01562/OUT – Wildernesse House, Wildernesse Avenue, Sevenoaks TN15 OEB

Planning History

The following applications should be added to the planning history for the site –

SE/11/03343 Lawful Development Certificate application to establish that the key use of the site is as a residential institution (Use Class C2) as a single planning unit. Granted 21.12.12

SE/12/03248 & Planning application and conservation area consent for the SE/12/03249 demolition of existing Teaching Block, Nursery, 3 Terraced Dwellings and single Detached Dwelling and redevelopment with a 34-bedroom Close Care Facility (Use Class C2) and 4 Detached Dwellings. Both withdrawn

Consultees

The Tree Officer has confirmed that he is satisfied that the development is acceptable subject to the inclusion of conditions 16, 19 and 20 of the condition that form part of the report to the Development Control Committee.

The Environmental Health Officer has confirmed that she is satisfied that the development is acceptable subject to the inclusion of recommended conditions 27, 28 and 29 of the officer's report.

Correspondence between County Councillor Nick Chard and Peter Slaughter, the County Highways Engineer, has been received. The unsuitability of Park Lane for demolition and construction traffic is discussed as is the preference of the use of Seal Drive.

The KCC Biodiversity Officer has confirmed that she is satisfied that the development is acceptable subject to the inclusion of condition 24 of the recommended conditions and the revision of condition 26.

Conservation

Officers wish to provide Members with further clarification in relation to paragraphs 122, 124, 142, 145 and 204 of the officer's report.

Special regard has been given to the preservation of the significance of the listed building and the conservation area, as required by Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is acknowledged that in this context 'preserving' means doing no harm and significant weight is attached to this. The starting point in assessing any proposal involving a listed building or conservation area is therefore that works and development which would cause harm should be refused.

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Since it has been concluded within the officer's report that less than substantial harm would result to the listed building and conservation area from the development, clearly some harm would be exerted on the significance of both.

It is not possible to avoid the harm to the significance of the listed building and conservation area in this instance since the elements of the proposal that are identified as having harm are integral to the development and the application would not achieve its purpose without this harm occurring. This harm is identified in the officer's report but includes alterations to the main listed house and the erection of new buildings in the conservation area.

Whilst attaching significant weight to preserving the significance of the heritage assets the officer's report clearly outlines the significant public benefits that the proposal represents. These benefits include the fact that proposed works would serve to enhance the significance of the listed building, removal unsympathetic additions, would support its long term conservation and the works would ensure the retention of interest in a heritage asset that possesses a great deal of significance within the Wildernesse Estate. The proposed works would also serve to enhance the significance of the conservation area by removing a number of buildings that currently detract from it, in turn supporting the long term conservation of the area and ensuring the retention of interest in the conservation area.

In considering potential alternatives to the proposed development, none have been presented to the Council in the form of applications made and so it is not possible in this instance to consider alternatives.

In conclusion, the above significant benefits outweigh the presumption against the harm to the listed building and conservation area and so the development meets the tests of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Other matters

The applicant has submitted two legal agreements, which include covenants to agree and submit an amended outline planning application. These agreements, however, are not relevant to the grant or refusal of planning permission in this instance.

The development comprises the erection of new three new dwellings and so is liable to contribute to the Community Infrastructure Levy for all floor area proposed. The applicant will be invited to provide the necessary forms so that the level of contribution can be agreed in due course.

Conclusion

Aside from the above amendments and additional clarification, the overall conclusions and recommendation for approval held within the main papers remains unchanged, subject the following changes and amendments to conditions.

Conditions

A number of changes are proposed as:

The wording of condition 2 suggested within the report to the Development Control Committee should be amended to read as follows to assist with the phasing of development on the site –

Amend Condition 2: ‘Details relating to the layout, scale and appearance of each of the proposed three residential units, the means of access, and the landscaping associated with each residential unit (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the District Planning Authority before the development of each residential unit is commenced.’

Delete Condition 7: suggested within the officer’s report should be deleted since it is unnecessary. The condition relates specifically to works to the Listed Building and is included within the list of suggested conditions for SE/14/01563/LBCALT.

The wording of condition 10 suggested within the report to the Development Control Committee should be amended to read as follows to assist with the phasing of development on the site –

Amend Condition 10: ‘No development shall take place in relation to the erection of the new buildings in each phase of development until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted in each phase have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.’

Delete conditions 13 (Code of Sustainable Homes) and 14 (BREEAM) and has legislation has been recently been changed, so it solely controlled by Building Regulations.

The wording of the reason provided for the inclusion of condition 15 should be amended to include reference to the Seal Village Design Statement and should read as follows –

Amend reason for Condition 15: ‘To protect the amenity of the area and nearby residents as supported by policies EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan and R18 of the Seal Village Design Statement. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.’

The wording of condition 16 should be amended to read as follows to assist with the phasing of development on the site –

Amend Condition 16: ‘Notwithstanding the information submitted, no new development in each of the identified phase shall be carried out until full details of the proposed hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. Those details shall include: - hard landscaping plans (identifying existing hard standing to be retained and proposed hard standing to be laid); - 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); and - a programme of implementation.’

The wording of condition 17 should be amended to read as follows to assist with the phasing of development on the site –

Amend Condition 17: ‘Hard and soft landscape works shall be carried out before first occupation of any phase of the development. The landscape works shall be carried out in accordance with the approved details.’

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The wording of condition 23 suggested within the officer's report should be amended to read as follows to take account of the fact that the applicant intends on using some material in the construction of the new access road –

Amend Condition 23: 'The existing buildings as shown on the approved plan drawing number A211-A-ZO-(00) P101 shall be demolished and, apart from those to be re-used in relation to the construction of the proposed new access road from Park Lane, all materials resulting therefrom shall be removed from the land before development commences, or within such period as shall have been agreed in writing by the Council.'

Amend Condition 26: No development shall be carried out on the land until a precautionary reptile mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out wholly in accordance with the approved mitigation strategy.

Reason: To ensure the long term retention of reptiles on the site and in the surrounding area as supported by policy SP11 of the Sevenoaks District Core Strategy. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.'

The wording of the reason provided for condition 29 should be amended to read as follows –

Amend reason for Condition 29: 'In the interests of highway safety as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan.'

The following conditions should be added to the list of suggested conditions held within the officer's report –

Add Condition 30: No new development shall take place until a phasing plan for the development is submitted.

Reason: No such details have been submitted. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.'

Add Condition 31: 'No demolition/site clearance work shall be carried out on the land until a Demolition Management Plan is submitted and approved in writing by the Local Planning Authority, which should include (i) permitted routes for construction traffic including lorries, (ii) details of car parking for construction personnel, (iii) undertaking that no vehicles will be permitted to reverse into or out of the site except under the supervision of a banksman, (iv) details of wheel washing facilities and procedures, and (v) proposed times for construction work to be carried out, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out fully in accordance with the approved Demolition Management Plan.

Reason: In the interests of highway safety and visual amenity as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.'

Add condition 32: 'The development shall be carried out wholly in accordance with the Flood Risk Assessment submitted as part of the outline planning application.'

Reason: To avoid overload of any existing drainage systems, to ensure the development site and other land does not suffer an unacceptable or increased risk of flooding and/or pollution and to ensure that sustainability and environmental objectives are met as supported by the National Planning Policy Framework.'

Add condition 33: 'No development shall be carried out on the land until a detailed bat mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out wholly in accordance with the approved mitigation strategy.'

Reason: To ensure the long term retention of bats on the site and in the surrounding area as supported by policy SP11 of the Sevenoaks District Core Strategy. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

The following informative should be added to the officer's recommendation –

Add Informative 2: 'The Council's preferred option in terms of the main route taken by the demolition/site clearance traffic and construction traffic is Seal Drive. Clearly other roads in the locality will also be required to be utilised. However, to acknowledge the sensitivity of this matter the Council will endeavour to carry out a consultation process for any application to discharge the Demolition Management Plan and Construction Management Plan conditions.'

4.2 – SE/14/01563/LBCALT – Wildernesse House, Wildernesse Avenue, Sevenoaks TN15 0EB

Planning History:

The following applications should be added to the planning history for the site –

SE/11/03343 Lawful Development Certificate application to establish that the key use of the site is as a residential institution (Use Class C2) as a single planning unit.
Granted 21.12.12

SE/12/03248 & Planning application and conservation area consent for the
SE/12/03249 demolition of existing Teaching Block, Nursery, 3 Terraced
Dwellings and single Detached Dwelling and redevelopment with a 34-bedroom Close Care Facility (Use Class C2) and 4 Detached Dwellings.
Both withdrawn

Conservation:

Officers wish to provide Members with clarification in relation to paragraphs 37, 39 and 40 of the officer's report.

Special regard has been given to the preservation of the significance of the listed building, as required by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is acknowledged that in this context 'preserving' means doing no harm and

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significant weight is attached to this. The starting point in assessing any proposal involving a listed building is therefore that works and development which would cause harm should be refused.

Since it has been concluded within the officer's report that less than substantial harm would result to the listed building from the development, clearly some harm would be exerted on significance.

It is not possible to avoid the harm to the significance of the listed building in this instance since the elements of the proposal that are identified as having harm are integral to the development and the application would not achieve its purpose without this harm occurring.

Whilst attaching significant weight to preserving the significance of the heritage assets the officer's report clearly outlines the significant benefits that the proposal represents. These benefits include the fact that proposed works would serve to enhance the significance of the listed building, would support its long term conservation and the works would ensure the retention of interest in a heritage asset that possesses a great deal of significance within the Wildernesse Estate.

In considering potential alternatives to the proposed development, none have been presented to the Council in the form of applications made and so it is not possible in this instance to consider alternatives.

In conclusion, the above significant benefits outweigh the presumption against the harm to the listed building and so the development meets the tests of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Aside from the note of clarification above, the overall conclusions and recommendation for approval held within the main papers remains unchanged.

Recommendation Remains Unchanged.

4.3 – SE/14/01561/FUL Wildernesse House, Wildernesse Avenue, Sevenoaks TN15 OEB

Officers wish to provide Members with clarification in relation to paragraphs 34, 36 and 39 of the officer's report.

Special regard has been given to the preservation of the significance of the conservation area, as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is acknowledged that in this context 'preserving' means doing no harm and significant weight is attached to this. The starting point in assessing any proposal involving a conservation area is therefore that development which would cause harm should be refused.

Since it has been concluded within the officer's report that less than substantial harm would result to the conservation area from the development, clearly some harm would be exerted on significance.

It is not possible to avoid the harm to the significance of the conservation area in this instance since the elements of the proposal that are identified as having harm are integral to the development and the application would not achieve its purpose without this harm

occurring. This harm is identified in the officer's report but includes the erection of new buildings in the conservation area.

Whilst attaching significant weight to preserving the significance of the heritage asset the officer's report clearly outlines the significant benefits that the proposal represents. The proposed works would serve to enhance the significance of the conservation area by removing a number of buildings that currently detract from it, in turn supporting the long term conservation of the area and ensuring the retention of interest in the conservation area.

These significant benefits outweigh the presumption against the harm to the conservation area and so the development meets the tests of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The wording of condition 3 suggested within the report to the Development Control Committee should be amended to read as follows –

'The demolition hereby permitted shall not be undertaken before a contract agreement for the carrying out of the works of redevelopment of the site has been made and planning permission has been granted for the redevelopment for which the contract provides.'

Aside from the note of clarification and amendment to the condition above, the overall conclusions and recommendation for approval held within the main papers remains unchanged.

Recommendation Remains Unchanged

4.4 - SE/14/02434/FUL 10 The Drive, Sevenoaks TN13 3AE

Officer: The previous application was invalidated because it was found that the red line plan was incorrect – it previously showed a small section of the site to its south eastern boundary was not in the ownership of the applicant. A correct red line plan has now been received which shows this section excluded from the application site.

The red line plan also demonstrates that the Applicant does not own the freehold of the building at the front of the site.

The following condition to be added to the permission:

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. *the parking of vehicles of site operatives and visitors*
- ii. *loading and unloading of plant and materials*
- iii. *storage of plant and materials used in constructing the development*
- iv. *measures to control the emission of dust and dirt during construction*

Reason: In the interests of neighbouring amenity.

Recommendation Remains Unchanged.

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