



Despatched: 08.02.2012

DEVELOPMENT CONTROL COMMITTEE

16 February 2012 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

AGENDA

Membership:

Chairman: Cllr. Mrs. Dawson

Vice-Chairman

Cllr. Williamson

Williamson, Mrs. Ayres, Brookbank, Brown, Clark, Cooke, Davison, Dickins, Gaywood, Ms. Lowe, McGarvey, Mrs. Parkin, Piper, Scholey, Miss. Thornton, Underwood and Walshe

Apologies for absence

1. **Minutes of the meeting of the Committee held on 19 January 2012** (Pages 1 - 8)
2. **To receive any declarations of interest or predetermination in respect of items of business included on the agenda for this meeting.**
3. **To receive any declarations of lobbying in respect of items of business included on the agenda for this meeting.**
4. **Ruling by the Chairman regarding Urgent Matters**
5. **Planning Applications - Head of Development Services Planning Reports**
 - 5.1. **SE/11/03008/OUT: 48 The Moor Road, Sevenoaks TN14 5ED**
Outline application for a proposed 3 bedroom end of terrace property (adjacent to no.48) with some matters reserved. (Pages 9 - 24)
 - 5.2. **SE/11/02864/FUL: Denada, Solefields Road, Sevenoaks TN13 1PJ**
Erection of a two storey front and side extension with basement. (Pages 25 - 32)
 - 5.3. **SE/11/02774/FUL: 46 South Park, Sevenoaks, Kent TN13 1EJ**
Proposed construction of 3 new apartments with a link to the existing building as amended by 1114 P07B (Pages 33 - 48)

5.4. SE/11/02698/FUL: High Will Hays, Main Road, Knockholt TN14 7JH

Erection of a triple garage. Erection of two bedroom bungalow on land adjacent to High Will Hayes.

(Pages 49 - 60)

5.5. SE/11/02650/VAR106: Graceful Gardens Ltd, Hever Lane, Hever TN8 7ET

Revocation of Section 106 Agreement dated 11 November 1993 in relation to Planning Application Ref SE/93/0845.

(Pages 61 - 76)

5.6. SE/11/03229/FUL: Sevenoaks District Council, Council Offices, Argyle Road

Construction of a police office within the undercroft of the existing offices including replacement of 5 Louvres to front elevation, with 4 no. windows (obscured glass), and 1 no. brick infill panel all to match existing.

(Pages 77 - 84)

EXEMPT ITEMS

(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.)

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate Director or Contact Officer named on a report prior to the day of the meeting.

Should you require a copy of this agenda or any of the reports listed on it in another format please do not hesitate to contact the Democratic Services Team as set out below.

If you wish to speak in support or against a planning application on this agenda, please call the Council's Contact Centre on 01732 227000

For any other queries concerning this agenda or the meeting please contact:
The Democratic Services Team (01732 227241)

Any Member who wishes to request the Chairman to agree a pre-meeting site inspection is asked to email democratic.services@sevenoaks.gov.uk or speak to a member of the Democratic Services Team on 01732 227350 by 5pm on Monday, 13 February 2012.

The Council's Constitution provides that a site inspection may be determined to be necessary if:

- i. Particular site factors are significant in terms of weight attached to them relative to other factors and it would be difficult to assess those factors without a Site Inspection.
- ii. The characteristics of the site need to be viewed on the ground in order to assess the broader impact of the proposal.

- iii. Objectors to and/or supporters of a proposal raise matters in respect of site characteristics, the importance of which can only reasonably be established by means of a Site Inspection.
- iv. The scale of the proposal is such that a Site Inspection is essential to enable Members to be fully familiar with all site-related matters of fact.
- v. There are very significant policy or precedent issues and where site-specific factors need to be carefully assessed.

When requesting a site inspection, the person making such a request must state under which of the above five criteria the inspection is requested and must also provide supporting justification.

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DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting of the Development Control Committee held on 19 January 2012 commencing at 7.00 pm

Present: Cllr. Mrs. Dawson (Chairman)

Cllr. Williamson (Vice-Chairman)

Cllrs. Mrs. Ayres, Brookbank, Brown, Clark, Davison, Dickins, McGarvey, Mrs. Parkin, Scholey, Miss. Thornton and Underwood

Apologies for absence were received from Cllrs. Cooke, Gaywood, Ms. Lowe, Piper and Walshe

Cllrs. Ayres, Mrs. Davison and Fleming were also present.

54. Minutes of the meeting of the Committee held on 15 December 2011

Resolved: That the minutes of the meeting of the Development Control Committee held on 15 December 2011 be approved and signed by the Chairman as a correct record.

55. To receive any declarations of interest or predetermination in respect of items of business included on the agenda for this meeting.

Cllr. Mrs. Dawson declared a personal interest in item 5.02 - SE/11/02684/FUL: Land to the Rear of Lynchets, Clarendon Road, Sevenoaks as she worked with a person who lived in close vicinity to the application site. She declared that this had not prejudiced her views.

Cllr. Brown declared a personal and prejudicial interest in item 5.02 - SE/11/02684/FUL: Land to the Rear of Lynchets, Clarendon Road, Sevenoaks as he had a close friend who lived in Clarendon Road. He left the room while the matter was debated and voted on.

Cllr. McGarvey declared a personal interest in item 5.05 - SE/11/01874/FUL: The Red Barn, Stack Road, Horton Kirby, Dartford as he knew the applicant. He also clarified that the reasons given for referral to the Committee were the views of the Parish Council and not his own.

Cllr. Miss. Thornton declared that she intended to speak as the local Member on item 5.01 - SE/11/00282/FUL: The Oast House, Underriver, Sevenoaks. She left the room while the matter was debated and voted on.

56. To receive any declarations of lobbying in respect of items of business included on the agenda for this meeting.

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All Members of the Committee except Cllrs. Brookbank, Davison and Williamson declared that they had been lobbied in respect of item 5.02 - SE/11/02684/FUL: Land to the Rear of Lynchets, Clarendon Road, Sevenoaks.

All Members of the Committee except Cllrs. Brookbank and Williamson further declared that they had been lobbied in respect of item 6.01 - Objection to TPO/14/2011: The Old Parsonage, 23 High Street, Otford.

Cllr. McGarvey declared that he had also been lobbied in respect of item 5.05 - SE/11/01874/FUL: The Red Barn, Stack Road, Horton Kirby, Dartford.

57. Ruling by the Chairman regarding Urgent Matters

The Chairman ruled that additional information received since the despatch of the agenda be considered at the meeting as a matter of urgency by reason of the special circumstances that decisions were required to be made without undue delay and on the basis of the most up to date information available.

58. Order of the Agenda

The Chairman indicated that, with the approval of Members, she would deal first with the tree preservation orders at items 6.01 and 6.02 as the Officer concerned was not involved in any other matters on the agenda.

59. Tree Preservation Orders

6.01 - Objection to TPO/14/2011: The Old Parsonage, 23 High Street, Otford

The Committee noted that the Order related to two Maple trees situated to the front of the property at The Old Parsonage. The order had been served following a notification request to fell the trees.

Members were advised that the tree was in need of reduction and that pruning would minimise future root growth. The Officer believed the loss of the trees would have a negative impact on the amenity of the local area as they were in quite an important location.

Resolved: That the Tree Preservation Order No. 14 of 2011 be confirmed without amendments.

6.02 - Objection to TPO/16/2011: 39 Wickenden Road, Sevenoaks

The Committee noted that the Order related to an oak tree situated at 39 Wickenden Road, Sevenoaks.

The order was served following a written request that the tree be protected. Fairly severe pruning had previously been carried out on one side of the tree and the Officer believed that further pruning, which would harm the tree, or its removal would have a negative affect on the amenity that the tree offered to the local area. The order was served to afford the tree continued protection as it was situated outside of a Conservation Area.

Resolved: That the Tree Preservation Order No. 15 of 2011 be confirmed without amendments.

60. 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 3.5(e) of the constitution, the following matter was considered without debate:

5.03 - SE/11/02379/FUL: 1 Harrison Way, Sevenoaks TN13 3LF

The Chairman brought Members' attention to the tabled Late Observations sheet.

It was MOVED and was duly seconded that the recommendation in the report be adopted.

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 materials to be used in the construction of the development shall be those indicated on the approved plan as detailed on the application form.

To ensure that the appearance of the development is in harmony with the existing character of the building as supported by Policy EN1 of the Sevenoaks District Local Plan.

3) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan, Block Plan, Drawing Nos. 20943.003 and 20943.004, received 06.10.11.

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

61. Reserved Planning Applications

The Committee considered the following planning applications:

5.01 - SE/11/00282/FUL: The Oast House, Underriver, Sevenoaks TN15 0SB

The proposal was for the retention of a concrete pad which Officers clarified measured 7.2m x 5.4m and a timber field shelter which measured 7.2m x 3.2m with a ridge height of 3.1m.

Officers considered that the concrete pad proposed constituted appropriate development in the Green Belt and would not have a detrimental impact on either the Kent Downs Area of Outstanding Natural Beauty or on the amenity of neighbouring properties.

The Committee was addressed by the following speakers:

Against the Application: -

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For the Application: -

Parish Representative: -

Local Member: Cllr. Miss. Thornton

In response to a question Officers confirmed the structure had 2 compartments and would be suitable for 2 rather than 3 horses. Officers also confirmed this could be controlled by condition if necessary.

A Member noted a concern of the Local Member that there was no screening of the shelter to the north and wondered whether this could be amended.

Members enquired whether the structure was more similar to a stable block than a field shelter. Officers believed there was no distinction in planning terms but that field shelters tended to be more open and moveable. Officers had not presumed the structure would be moved around and had assessed the application as being more akin to a stable block than field shelter. If permission were tied to the plans submitted then the Committee could be more certain about what was proposed.

It was **MOVED** by the Vice-Chairman and was duly seconded that the recommendation in the report be adopted subject to additional conditions that the permission be tied to the plans submitted, that it be used for the stabling of 2 horses within the compartments and that landscaping be added to the north of the structure. The motion was put to the vote it was unanimously –

Resolved: That planning permission be **GRANTED** subject the imposition of the following conditions:

1. The development shall be carried out in accordance with the following approved plans: block plan received on the 5 April 2011, site plan dated 8 September 2011 and drawing KL_0550_001.

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

2. The hereby approved building shall only for the stabling of two horses, within the bays as detailed on drawing KL_0550_001.

Reason: In the interests of the openness of the Green Belt.

3. Within 3 months of the date of this permission, the applicant shall submit a detailed landscaping scheme of native hedging to screen the building from public vantage points. The submitted details should specify the species and size of hedging proposed. The approved landscaping scheme shall be implemented within 9 months of the date of this planning permission.

Reason: To safeguard the visual appearance of the area as supported by EN1 of the Sevenoaks District Local Plan.

5.02 - SE/11/02684/FUL: Land to the Rear of Lynchets, Clarendon Road, Sevenoaks TN13 1EU

The proposal sought the erection of two detached, two-storey dwellings with second floor accommodation and attached double garages with habitable floor space above. The proposed dwellings would be positioned within the existing garden area of Lynchets and accessed by a steep driveway leading from the cul-de-sac end of Clarendon Road. The proposal included the continuation of this driveway. The dwellings would be set into the slope to the west of the site. The site was in the Granville Road / Eardley Road conservation area.

Officers considered that the proposal was in accordance with the development plan and had overcome the previous refusal of SE/11/01316/FUL. The proposal differed from SE/11/01316/FUL as it included regrading and widening of the existing driveway, application of a high friction covering and also amendments to the design and layout of the new driveway section.

Members' attention was drawn to the tabled Late Observations sheet.

It was noted that a Members' Site Inspection had been held for this application.

The Committee was addressed by the following speakers:

Against the Application:	Mr. May
For the Application:	Mr. Hatfield
Parish Representative:	-
Local Member:	Cllr. Fleming

A Member asked whether the entire length of the drive was a material consideration. Officers confirmed it was. Officers also stated that the new part of the drive did not exceed the 12.5% gradient recommended in the Kent Design Guide when the physical characteristics do not allow for a shallower gradient. The existing drive would be levelled to a more consistent 18%.

Some Members felt a high friction surface would minimise the impact of the current drive which was already above the current recommended gradient.

The Chairman, as a local Member, commented that it could be a significant rise in the amount of traffic using the drive. This was of particular concern for the existing section of the drive which had a gradient of 18%.

It was MOVED by the Vice-Chairman and was duly seconded that the recommendation in the report, as amended in the Late Observations Sheet, be adopted.

A Member proposed an additional condition that the driveway, except for the final layer, be constructed prior the construction of the dwellings, with the final layer to be added before occupation. This amendment was accepted by the Vice-Chairman and the seconder.

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The seconder proposed a further condition that the high friction coating be added to all of the driveway where at a gradient of 12.5% or more. This was accepted by the Vice-Chairman.

The Chairman opened the motion, as amended, for debate.

The motion was put to the vote and there voted –

5 votes in favour of the motion

6 votes against the motion

The Chairman declared the motion to be LOST.

It was then MOVED by the Chairman and duly seconded:

“That planning permission be REFUSED for the following reason:

The access arrangements to the proposed dwellings utilise an unacceptably steep gradient constituting poor design and creating a substandard living environment for future occupants. The driveway, by virtue of its gradient and length, would inhibit access for disabled persons and pedestrian users and would result in significant problems with vehicular access. To permit the application would therefore be contrary to Policy EN1 of the Sevenoaks Local Plan 2000, guidance contained in the Kent Design Guide 2006 and guidance contained in Planning Policy Statements 1 and 3.”

The motion was put to the vote and there voted –

6 votes in favour of the motion

4 votes against the motion

Resolved: That planning permission be REFUSED for the following reason:

The access arrangements to the proposed dwellings utilise an unacceptably steep gradient constituting poor design and creating a substandard living environment for future occupants. The driveway, by virtue of its gradient and length, would inhibit access for disabled persons and pedestrian users and would result in significant problems with vehicular access. To permit the application would therefore be contrary to Policy EN1 of the Sevenoaks Local Plan 2000, guidance contained in the Kent Design Guide 2006 and guidance contained in Planning Policy Statements 1 and 3.

5.04 - SE/11/02034/FUL: East Wing Paddock, Knotley Hall, Chiddingstone Causeway, Tonbridge TN11 8JH

Members were informed that this item had been withdrawn subject to further Section 106 considerations.

5.05 - SE/11/01874/FUL: The Red Barn, Stack Road, Horton Kirby, Dartford DA4 9DP

It was noted that a Members' Site Inspection had been held for this application.

The proposal sought permission for the conversion of an existing barn to residential use, with demolition of some of the associated structures. It was proposed that the new residential dwelling would contain four bedrooms. In addition to this it proposed that the building would contain the main farm office and a music room for one-to-one music tuition.

Officers considered that the proposed development went beyond what was considered to be a conversion and would amount to major reconstruction because of the extension. The very special circumstances raised were not unique or considered to overcome the harm to the openness of the Green Belt.

Members' attention was drawn to the tabled Late Observations sheet.

The Committee was addressed by the following speakers:

- Against the Application: -
- For the Application: Mr. Ward
- Parish Representative: -
- Local Member: -

Cllr. McGarvey read a statement from Cllr. Bradley of the Parish Council, who was unable to attend the meeting due to ill health. He reserved his right to speak in the debate.

Several Members commented that they approved the removal of the iron sections and also the renovation of the brick building. They felt it was a good use for the barn and a significant improvement on how it currently stood. Some added that they considered it important the proposal had a smaller footprint than the existing structures.

It was **MOVED** by the Vice-Chairman and was duly seconded that the recommendation in the report be adopted. The motion was put to the vote and there voted –

5 votes in favour of the motion

7 votes against the motion

The Chairman declared the motion to be **LOST**.

Members felt permission should be approved but only if subject to a condition to cover a section 106 agreement for affordable housing. It was proposed that a 6 month limit be put on the process but that an agreement would be expected sooner than this. The Chairman and Vice-Chairman of the Committee were also to be kept informed of progress.

It was then **MOVED** by the Chairman:

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“That delegated authority be given to the Head of Development Services to grant planning permission subject to the imposition of appropriate planning conditions and subject to the completion of a satisfactory Section 106 obligation to secure an affordable housing contribution, such obligation to be completed within 6 months of the Committee's decision.

Reasons for decision: The overall openness of the Green Belt is increased by reason of the substantial reduction in both footprint and volume of the buildings and structure present at the site if the development proceeds, increasing views across the Green Belt. Another way of making the same point is, in the words of paragraph 3.8 of PPG2, that the impact of the site on the openness of the greenbelt as a whole is reduced if the development proceeds. The development actually increases the openness of the greenbelt, which is the aim of the Green Belt policy.

As well as reducing the bulk of the buildings and structures at the site, the proposals improve the appearance of an otherwise undistinguished locality by removal of ugly corrugated iron structure and reinforced concrete agricultural structures on the one hand and by and exposing the historic brick barn in the context of a sympathetic modern development on the other.”

The motion was put to the vote and there voted –

7 votes in favour of the motion

4 votes against the motion

Resolved: That delegated authority be given to the Head of Development Services to grant planning permission subject to the imposition of appropriate planning conditions and subject to the completion of a satisfactory Section 106 obligation to secure an affordable housing contribution, such obligation to be completed within 6 months of the Committee's decision.

Reasons for decision: The overall openness of the Green Belt is increased by reason of the substantial reduction in both footprint and volume of the buildings and structure present at the site if the development proceeds, increasing views across the Green Belt. Another way of making the same point is, in the words of paragraph 3.8 of PPG2, that the impact of the site on the openness of the greenbelt as a whole is reduced if the development proceeds. The development actually increases the openness of the greenbelt, which is the aim of the Green Belt policy.

As well as reducing the bulk of the buildings and structures at the site, the proposals improve the appearance of an otherwise undistinguished locality by removal of ugly corrugated iron structure and reinforced concrete agricultural structures on the one hand and by and exposing the historic brick barn in the context of a sympathetic modern development on the other.

THE MEETING WAS CONCLUDED AT 9.15 PM

CHAIRMAN

5.01 – SE/11/03008/OUT Date expired 16 January 2012

PROPOSAL: Outline application for a proposed 3 bedroom end of terrace property (adjacent to no.48) with some matters reserved.

LOCATION: 48 The Moor Road, Sevenoaks TN14 5ED

WARD(S): Sevenoaks Northern

ITEM FOR DECISION

This application has been referred to the Development Control Committee since the Officer's recommendation is at variance to the view of the Town Council and at the request of Councillor Dickins who has concerns that the proposal could potentially have a detrimental impact upon the character of the area due to overdevelopment of the site and in order to consider the impact of additional parking upon local residents.

RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:-

1) Details relating to the landscaping of the site (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the District Planning Authority before any development is commenced.

No such details have been submitted.

2) Application for approval of the reserved matters shall be made to the District Planning Authority before the expiration of three years from the date of this permission.

In Pursuance of section 92(2) of the Town and Country Planning Act 1990.

3) The development to which this permission relates must be begun before:

- The expiration of three years from the date of this permission; or
- The expiration of two years from the final approval of the reserved matters whichever is the later.

In Pursuance of section 92(2) of the Town and Country Planning Act 1990.

4) The details submitted pursuant to condition 1 shall include details of the layout and construction of the approved parking spaces and the means of access thereto. The approved scheme shall be provided before the first use or occupation of the approved dwelling and be kept available for vehicle parking for the sole use of the existing and approved dwellings, at all times.

To ensure a permanent retention of vehicle parking for the property as supported by policy EN1 of the Sevenoaks District Local Plan.

5) No development shall be carried out on the land until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To ensure that the appearance of the development enhances the character and appearance of the existing terrace of properties as supported by Policy EN1 of the Sevenoaks District Local Plan.

6) No development shall be carried out on the land until a plan indicating the positions, design and materials of all means of enclosure to be retained and erected has been submitted to and approved in writing by the Council.

To enhance the visual appearance of the area and safeguard neighbouring amenity as supported by EN1 of the Sevenoaks District Local Plan.

7) The first floor window in the east rear elevation of the dwelling proposed to serve a bathroom shall be obscure glazed and non openable, apart from any top hung lights, at all times.

To safeguard the privacy of residents as supported by Policy EN1 of the Sevenoaks District Local Plan.

8) The development shall achieve a Code for Sustainable homes minimum rating of level 3. Evidence shall be provided to the Local Authority –

i) Prior to the commencement of development, of how it is intended the development will achieve a Code for Sustainable Homes Design Certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority; and

ii) Prior to the occupation of the development, that the development has achieved a Code for Sustainable Homes post construction certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority.

In the interests of environmental sustainability and reducing the risk of climate change as supported in Planning Policy Statement 1, policies CC2 & CC4 of the South East Regional Plan & Policy SP2 of the Sevenoaks District Core Strategy.

9) Soft landscape works shall be carried out before first occupation of the approved dwelling. The landscape works shall be carried out in accordance with the approved details.

To preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

10) If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

11) The development hereby permitted shall be carried out in accordance with the following approved plans: 48TMR-PL01.

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

In determining this application, the Local Planning Authority has had regard to the following Development Plan Policies:

The South East Plan 2009 - Policies CC1, CC2, CC4, CC6, H4, H5, T4 and LF1

Sevenoaks District Local Plan - Policies EN1 and VP1

Sevenoaks District Core Strategy 2011 - Policies LO2, SP1, SP2, SP3, SP5 and SP7

The following is a summary of the main reasons for the decision:

The scale, location and design of the development would respect the context of the site and preserve the visual amenities of the locality.

Any potentially significant impacts on the amenities of nearby dwellings can be satisfactorily mitigated by way of the conditions imposed.

Informatives

1) The applicant should be aware that if a ramp up to the main access of the house is required by Building Regulations Consent a separate planning application may be necessary to gain approval for the ramp.

Description of Proposal

- 1 The application seeks outline approval for the erection of an end of terrace property. Details included in the application are access, appearance, layout and scale. Landscaping is therefore the only reserved matter.
- 2 The proposed house would be sited to the southern end of the terrace, being attached to 48 The Moor Road, the existing end of terrace property. The proposed dwelling would tie into the existing house in terms of its ridge height, eaves height and its depth. The house would, however, be 0.1m wider than the existing properties in the terrace having a width of 5.6m rather than a width of roughly 5.5m that the existing properties possess. The size and position of fenestration would generally match that of the existing properties and a single storey front projection is proposed to provide a porch area and bay window to the living room.
- 3 The proposal would result in the loss of a detached garage, sections of hedging and two small trees located to the south of the house adjacent to the plot frontage. Two parking spaces are proposed to provide off-street parking for both the existing and proposed dwellings. The proposal would also result

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in a vast reduction in the size of the plot on which No.48 stands, which would appear more in context with the plots that exist elsewhere in the locality.

- 4 The application follows the submission of a similar application for a new dwelling attached to the end of the existing terrace. This application was refused for the reasons that the excessive width of the proposed dwelling (6.4m) compared with the existing units would harm the character and appearance of the street scene, and that a completed legal agreement to secure an appropriate level of affordable housing provision or a viability assessment outlining the financial case against the need for a contribution had not been received.
- 5 This application seeks to overcome these two reasons for refusal by reducing down the width of the proposed house to a size that was more in keeping with the existing dwellings and by providing a completed legal agreement, outlining a financial contribution towards an off-site provision of affordable housing equal to that required by policy SP3 of the Core Strategy and the Affordable Housing Supplementary Planning Document (SPD).

Description of Site

- 6 The application site comprises an end of terrace property, a detached garage outbuilding and an associated curtilage that mainly sits to the side and rear of the house. The dwelling is two storey in design and possesses a single storey front projection. The house has a pitched roof with a hip end and is finished in brickwork and a tiled roof. The site lies at the southern end of The Moor Road, where the street widens slightly to provide a turning area. This part of the street is also used as an informal parking area for residents. A terrace of three properties stand at the southern end of the street, otherwise the street is mainly made up of terraces of six properties.

Constraints

- 7 The site lies within the built confines of Sevenoaks.

Policies

South East Plan

- 8 Policies – CC1, CC2, CC4, CC6, H4, H5, T4 and LF1

Sevenoaks District Core Strategy

- 9 Policies – LO2, SP1, SP2, SP3, SP5 and SP7

Sevenoaks District Local Plan

- 10 Policies – EN1 and VP1

Other

- 11 Planning Policy Statement 1: Delivering Sustainable Development (PPS1)

12 Planning Policy Statement 3: Housing (PPS3)

13 Affordable Housing Supplementary Planning Document (SDP)

Planning History

14 SE/11/01650 Outline application for a proposed 3 bedroom end of terrace property with some matters reserved. Refused 30.08.11

Consultations

Sevenoaks Town Council

15 Comments were received from Sevenoaks Town Council on 15.12.11.

‘Sevenoaks Town Council recommended refusal on the following grounds:

- Overdevelopment of the site
- The proposal's bulk and scale are out of keeping with the existing terrace.
- Damaging to the character and appearance of the street scene.
- No s106 affordable housing agreement has been included.
- The proposed driveway will prevent turning at the end of the cul-de-sac and an increase in parking congestion on the highways.
- No ecological scoping survey, or tree survey has been carried out.
- Loss of 2 fruit trees & mature hedge row.’

Kent Highways Engineer

16 Comments were received from Kent Highways on 01.12.11.

‘I write to confirm I have no objection to this proposal.’

Thames Water

17 Comments were received from Thames Water on 29.11.11.

No objections raised – for full comments see file note.

Tree Officer

18 Comments were received from SDC Tree Officer on 31.01.12

The Tree Officer confirmed that they were satisfied that sufficient distance would exist between the adjacent mature trees and the rear of the proposed house not to significantly harm the trees. It was also confirmed that due to the distance of separation and the existence of boundary fencing to the rear of the plot no tree protection measures would be required.

Representations

19 Eleven letters of representation have been received, two of which are submissions that have been made twice, highlighting concerns regarding the proposed development for the following reasons:

- Parking;
- Highways safety;
- Loss of light;
- Reduction in garden area;
- Loss of trees;
- External finish of the dwelling;
- Existing empty properties;
- Loss of amenity;
- Drainage;
- Impact on health;
- Impact of the construction period;
- Loss of access to the rear of No.48; and
- Inaccuracies, lies and misleading statements.

Head of Development Services AppraisalPrincipal Issues

20 The main issues in this case are whether the site is previously developed land or a greenfield site, the principle of the development, the potential impact on the character and appearance of the street scene, the potential impact on neighbouring amenity, parking provision, the potential impact on highways safety and provision for affordable housing. Other issues include impact on trees, sustainable development, impact on biodiversity, existing empty properties, impact of construction period and inaccuracies in the submission.

Previously developed land or greenfield site

21 PPS3 states that in identifying suitable locations for housing development 'priority for development should be previously developed land'. However, no explicit exclusion of development on greenfield sites is contained within the document.

22 Annex B of PPS3 provides a definition for previously developed land stating that it is land 'which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.' This definition excludes 'Land in built up areas such as private residential gardens, parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been previously developed.'

SE/11/03008/OUT Item No. 5.01

- 23 With the removal of garden land from the definition contained within PPS3, there is no longer a presumption towards developing the land for residential use, though such development may remain possible where it is appropriate to its surroundings. In this regard it is noted that the Government, through PPS3, sets a target of 60% of all housing development nationally to take place on Previously Developed Land. This logically means that 40% of new housing development will still take place on land not designated as being previously developed. Therefore, gardens within built confines such as Sevenoaks that are capable of accommodating a dwelling without harm to planning interests are still acceptable.
- 24 Given the fact that the site currently forms part of the private residential garden of 48 The Moor Road it is necessary to consider all other matters and balance the appropriateness of the development against the fact that it would take place on a private residential garden. This will be done later in the report.

Principle of the development

- 25 PPS1 and PPS3 considers that in determining planning applications for new housing the LPA should have regard to:
- Achieving high quality housing
 - Ensuring developments provide a good mix of housing reflecting the accommodation requirements of specific groups, in particular families and older people.
 - The suitability of a site including its environmental sustainability
 - Using land effectively and efficiently
 - Ensuring the development is in line with planning housing objectives, reflecting the need and demand for housing in the area and does not undermine wider policy objectives.
- 26 Core Strategy Policy SP7 states that within the urban area of Sevenoaks development will be expected to achieve a density of 40 dwellings per hectare provided the density is consistent with achieving good design and does not characterise the distinctive character of the area in which it is situated.
- 27 Given the policy presumption in favour of the use of land within urban areas, which have good access to a range of services (in this instance Sevenoaks town centre), there is no objection to the principle of re-development of the site for a more efficient housing use.
- 28 The existing site provides no housing density since it comprises the garden of an existing residential property. However, given the character of the area, which is characterised by high density, modest sized houses on varying sized plots, the proposed density of 50 dwellings per hectare (including the existing property) is deemed acceptable in this instance. Hence there is no objection to the principle of re-development of the site for a more efficient housing use.

Impact on the character and appearance of the street scene

- 29 Policy EN1 states that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. This policy also states that the design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.
- 30 In addition to this, PPS1 also emphasises the need to achieve good design standards for new development and a high quality of urban design in the wider context. This document recognises that design issues are matters of proper public interest and the relationships between buildings in their wider setting is often as important or more important than individual designs.
- 31 PPS3 also states that good design is fundamental to the development of high quality new housing, which contributes to the creation of sustainable, mixed communities. In addition to this it also states that good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.
- 32 The character of the area is defined by the many rows of terraced dwellings that lie on either side of the street. The number of properties in each terrace is generally 6 with some terraces in the locality also possessing 3, 4 and 5 properties. The proposal would result in a terrace made up of 7 units.
- 33 The house would be tied into the roof of the existing end of terrace property and would have a depth that matches the existing terrace of properties. The proposed dwelling would also possess a single storey front projection, comprising an open porch and a bay window for the living room, and size and location of fenestration which would generally match that of the existing properties.
- 34 In addition to this, the proposed dwelling would have a width of about 5.6m, compared with a width of about 5.5m for the existing properties. This proposed additional width would not be significant and would not result in a building that possessed a bulk and scale that would be excessive when viewed against the other properties in the terrace. The proposed dwelling would therefore retain the character of the existing terrace and create a seamless addition to it.
- 35 Representations made raise a concern regarding the matching of external materials. This can be controlled by way of condition, requiring the submission of samples of materials, to ensure that the finish of the proposed dwelling is in keeping with the existing terrace.
- 36 It is therefore considered that the proposal would result in a dwelling that was wholly in keeping with the existing terrace of houses and would preserve the character and appearance of the street scene.

Impact on neighbouring amenity

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- 37 Policies EN1 and H6B of the Sevenoaks District Local Plan require that any proposed development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants.
- 38 The proposed house would stand flush with No.48 and would therefore create relationships with the majority of surrounding dwellings that is not unusual in this urban area. The property most affected by the proposal would therefore be the existing house at No.48.
- 39 The existing house possesses two windows in the flank of the building, one serving a hallway and the other a cupboard. Since these are non-habitable rooms the loss of these windows would not cause a significant harm in terms of outlook and loss of light.
- 40 The proposal would also result in a significant loss of the amount of rear garden that the occupiers of No.48 currently enjoy. However, this again would be an arrangement that is not unusual in this area with other properties in the locality possessing a similar sized rear garden.
- 41 In terms of privacy and overlooking the relationship to the front of No.48 and the proposed house is one already found between Nos.48 and 46. To the rear it is proposed to locate a bathroom on the shared boundary with the proposed dwelling and No.48. This would provide the opportunity to obscure the glazing of this window and prevent a detrimental amount of overlooking and loss of privacy. With the proposed house being flush with the front and rear of the existing house outlook from No.48 would not be significantly impacted upon.
- 42 The proposed dwelling would stand to the south of No.48. The amount of sunlight received by the rear amenity area and lean-to utility area in the mid to late afternoon would therefore be affected. However, these areas would already be shaded by the existing house with the sun dropping down to the west and the impact that the new house would exert in terms of this matter would not be materially more harmful than the existing situation.
- 43 The amount of daylight received by the rear amenity area, rear facing windows and lean-to utility area would also be affected but again due to the position of the existing house the amount of daylight would currently be restricted in the afternoon. It is therefore the case that again the impact of the proposed situation would not be materially more significant than the existing.
- 44 The matter of a loss of access to the rear of No.48 is raised in several representations received. This is a civil matter and therefore one that does not form a material consideration to the assessment of the application.
- 45 Finally, one letter of representation highlights a concern regarding the impact of the development on their health. It is acknowledged that a period of construction can cause disruption to those who live close to development sites. However, this is not a material planning consideration.

- 46 Overall, it is considered that, on balance, the proposed dwelling would preserve the amenities currently enjoyed by the occupiers of the nearby properties.

Parking and highways safety

- 47 Policy EN1 of the Sevenoaks District Local Plan requires that proposed development should ensure the satisfactory means of access for vehicles and provides parking facilities in accordance with the Council's approved standards.
- 48 The proposal would result in an off-street parking space being provided for both the existing property and the new dwelling. The street currently offers limited off-street parking, with the large majority of vehicles being parking on the street itself. Due to the width of the street leading to the application site this creates a situation whereby access for larger vehicles is restricted.
- 49 The Highways Engineer has assessed the proposal and has confirmed there is no objection to the creation of an additional unit on the application site.
- 50 The point has been raised as part of representations received that the existing property possesses two parking spaces. This is not the case since one space is provided by the garage, which is not considered a parking space by current parking standards, and the other forms part of the highway to the front of the garage.
- 51 Since the parking on the street, which includes the area to the south of the application site where the street widens slightly, is not controlled and carried out on an informal basis the Council and Kent Highways have no control over it. It is an existing situation that may be impacted further by this proposal but an objection to the proposal related to this matter would not stand up at appeal.
- 52 With no objection raised by the Highways Engineer it is considered that the proposal would, on balance, provide sufficient off-street parking and preserve highways safety.

Affordable housing contribution

- 53 Policy SP3 of the Core Strategy requires that residential developments of less than 5 units, that involve a net gain in the number of units, a financial contribution based on the equivalent of 10% affordable housing will be required towards improving affordable housing provision off-site.
- 54 Since the proposal would result in the net increase of one unit then a financial contribution is required. The application has been accompanied by a completed legal agreement that contains a contribution in line with SP3 and the Affordable Housing SDP.
- 55 The proposal therefore complies with policy SP3 of the Core Strategy.

Other Issues

Impact on trees

- 56 PPS9 states that “Aged or ‘veteran’ trees found outside ancient woodland are also particularly valuable for biodiversity and their loss should be avoided. Planning authorities should encourage the conservation of such trees as part of development proposals.” Policy EN1 of the Sevenoaks District Local Plan requires that proposed development retains important features including trees, hedgerows and shrubs.
- 57 The Council’s Tree Officer has assessed the proposal and has concluded that the proposed house would retain sufficient distance from the mature trees that stand on the water works site, and overhang the rear of the plot slightly, not to have a detrimental impact upon the health of these trees. It is also felt that existing boundary treatment would provide the trees the necessary protection during the period of construction.
- 58 Reference is made by some representations to the loss of the small trees and some of the hedge that stand to the front and side of the existing house. Since neither of these are afforded any protection and suitable replacements can be proposed as part of the required soft landscaping scheme their loss is not deemed to be detrimental to the amenities of the area.
- 59 It is therefore considered that there would be no loss of important trees on or adjacent to the site.

Sustainable development

- 60 Policy SP2 of the Core Strategy requires that new homes will be required to achieve at least Level 3 of the Code for Sustainable Homes. No information relating to this has been submitted by the applicant, however it is possible for the achievement of Level 3 to be required by way of condition on any approval of consent.

Impact on biodiversity

- 61 No scoping surveys have been carried out on the site, however the applicant has stated that the development would result in the loss of two small trees that lie adjacent to the existing property and a section of hedging. In this instance a scoping survey is not deemed necessary since it is the larger trees to the rear of the site that would provide a habitat for wildlife and as noted above these trees would not be affected by the proposed development. In addition, the site does not form part of or lie adjacent to a Sites of Nature Conservation Interest.

Existing empty properties

- 62 It has been noted by several representation that the applicant owns several properties in the street, which are currently vacant or in need of some updating. This fact is not a material consideration in considering this planning application.

Impact of construction period

- 63 It has been noted above that vehicular access to the site for larger vehicles is limited. This is not an issue that can be considered as part of this application and it will be for the applicant to ensure that safe access is provided for any vehicles during the construction period.

Inaccuracies in the submission

- 64 Several representations received have raised the issue of inaccuracies in the submission of the application. These include apparent errors in the Design and Access Statement and Planning Statement mainly relating to the existing parking arrangements and highways safety.
- 65 The application was deemed to be valid when received since the required information and documents were provided. In terms of the content of the Design and Access Statement and Planning Statement, although these are important documents that provide more information relating to the application, these documents do not form the basis on which a decision is made. Instead, it is the plans that are relied upon and in this case the plans submitted appear wholly accurate.
- 66 Having visited the site, studied the plans and taken advice from consultees in the process of considering the application I am satisfied that in coming to my conclusion I have not been misled by any possible incorrect information.

Access Issues

- 67 Policy EN1 of the Sevenoaks District Local Plan requires that proposed development provides appropriate facilities for those with disabilities. The front entrance to the proposed house appears to be via a step up. The applicant can be notified by way of informative on any approval of consent that an application may be required for any ramp up to the entrance necessary for Buildings Regulations Consent.

Conclusion

- 68 It is considered that the principle of the development is one that is wholly acceptable. In addition, the proposed house would preserve the character and appearance of the street scene, neighbouring amenity and highways safety, and provides sufficient off-street parking and a suitable financial contribution towards affordable housing.
- 69 In balancing these matters up against the fact that the development would be carried out in a greenfield site, as defined by PPS3, it is evident that there is a significant amount of weight in favour of the development. For this reason, and the fact that PPS3 does not exclude development on greenfield sites, it is considered that in this case the proposed development is wholly acceptable.
- 70 Consequently the proposal is in accordance with the development plan and therefore the Officer's recommendation is to approve.

Background Papers

Site and Block Plan

Contact Officer(s): Mr M Holmes Extension: 7406

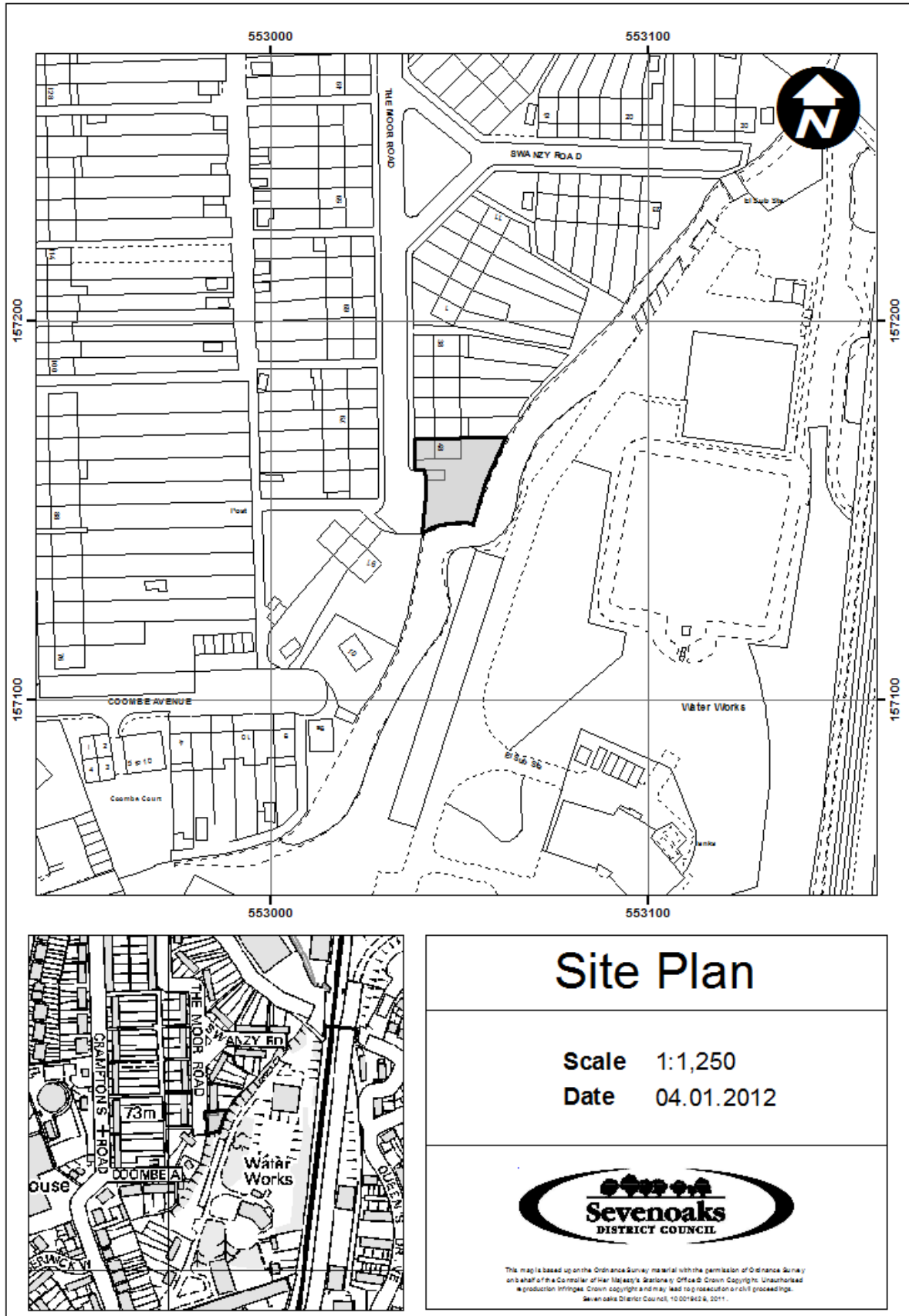
Kristen Paterson
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LV0FH8BK0CR00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LV0FH8BK0CR00>



Site Plan

Scale 1:1,250

Date 04.01.2012



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Sevenoaks District Council, 10/01/1624, 2011.



5.02 – SE/11/02864/FUL Date expired 20 January 2012

PROPOSAL: Erection of a two storey front and side extension with basement.

LOCATION: Denada, Solefields Road, Sevenoaks TN13 1PJ

WARD(S): Sevenoaks Kippington

ITEM FOR DECISION

This application has been referred to the Development Control Committee since the Officer's recommendation is at variance to the view of the Town Council and at the request of Councillor Eyre who agrees with the view of the Town Council.

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

The proposal would harm the character and appearance of the street scene due to the large and bulky appearance of the extension. The addition would also appear very prominent within its plot. Overall, the proposal would result in a dwelling that would have a dominant and overbearing effect on the street scene. This conflicts with policy EN1 of the Sevenoaks District Local Plan.

Description of Proposal

- 1 The application seeks the approval of the erection of a two storey extension that would project to the front of the main house and to the southern flank of the property. A subterranean basement is also proposed under the planned extension. As well as this, the addition would result in alterations to the existing property including a first floor extension to the southern end of the property, over an existing single storey side projection.
- 2 The proposed two storey extension would be L-shaped in design that would have a maximum width of just over 9m and a maximum depth of just over 10m, with a projection to the front of the main part of the house of 5m. The roof of the addition would partly tie into the extended roof of the existing dwelling, rising up to a height equal to the existing two storey side protection. This part of the roof would replicate the appearance of the roof of the existing, with a pitched roof up to a large flat roof section and barn hips. This would create a large gable end to the side of the addition.
- 3 External materials to be used to finish the extension are proposed to match those on the existing property and include concrete tiles and white rendered walls.

Description of Site

- 4 The application site comprises a detached dwelling located on the western side of Solefields Road, adjacent to playing fields to the south and

SE/11/02864/FUL Item No 5.02

neighbouring detached dwellings to the north and east. The architectural design of the building appears Mediterranean, with white washed rendered elevations, clay tile roofs, and brick and stone detailing to window openings.

- 5 The proportions of the property are modest with low pitched roofs. The main two storey element is sited to the north and the building then steps down with gradually lowered roof profiles to the southern elevation, which is predominantly single storey. The house is set back from the plot frontage with good levels of soft landscaping across the site.

Constraints

- 6 The site lies within the built confines of Sevenoaks and possesses several trees that are covered by a Tree Preservation Order (TPO).

Policies

South East Plan

- 7 Policy– CC6

Sevenoaks District Local Plan

- 8 Policies– EN1 and H6B

Sevenoaks District Core Strategy

- 9 Policies– LO2 and SP1

Others

- 10 Planning Policy Statement 1: Delivering Sustainable Development (PPS1)

- 11 Residential Extensions Supplementary Planning Document (SPD)

Planning History

- 12 SE/11/00722 Erection of a two storey front and side extension with basement. Withdrawn

- 13 SE/08/01083 Double garage with studio above. Granted 23.06.08

Consultations

Parish / Town Council

- 14 Sevenoaks Town Council – recommended approval on 15.12.2011.

Tree Officer - 05.01.12

- 15 Comments received from the Tree Officer on 05.01.2012.

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'This proposal is shown to be constructed between two mature trees. A single mature Cedar tree exists to the rear of the proposals with a mature Beech tree located adjacent to the frontage highway boundary.

No detail of the Cedar tree has been provided within this application. Neither has details of the protection of this tree been provided. I have estimated the diameter of the trunk of this tree to be in the region of 1 metre. This would then equate to a minimum Root Protection Area (RPA) of 12 metres. I have paced the area between the tree and the proposed basement construction area. This I have estimated at 12 metres, which is very much on the margins of acceptability.

A tree report accompanied 08/01083 and I understand that this report is to be referred to for issues concerning the Beech tree located to the front of the proposal. The Beech trees RPA should be a minimum of 6.2 metres. The measurement from the tree to the proposed Eastern elevation is strangely enough, 6.2 metres. The proposal appears to just fit between the two trees. Should adequate protection be implemented during works then the trees should survive the process.'

Representations

- 16 One letter of representation has been received highlighting concerns regarding overlooking, loss of privacy and a loss of light.

Head of Development Services Appraisal

Principal Issues

- 17 The main issues in this case are the potential impact on the character and appearance of the street scene, and the potential impact on neighbouring amenity. Other issues include the potential impact on trees.

Impact on the character and appearance of the street scene

- 18 Policy EN1 of the Local Plan states that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. This policy also states that the design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.
- 19 Policy EN1 is supported by policy H6B and Appendix 4 of the Local Plan as well as the Residential Extensions Supplementary Planning Document. This policy and guidance provides details relating to the design of residential extensions.
- 20 The surrounding area to the application site is mainly made up of large detached and semi-detached dwellings set on modest and large sized plots. Solefields Road also possesses some terraced properties to the northern end of the street close to the junction with Tonbridge Road. Properties are mainly

set back from their plot frontages, which are mainly treated with soft landscaping.

- 21 The proposed extension would project out to the left hand side of the existing building and also towards the frontage of the plot. The addition would reflect the design and appearance of an existing two storey projection located to the right hand side of the property, creating a U-shape to the front of the house. Alterations would also result in the roof of the central section of the dwelling being raised.
- 22 Together with the existing two storey projection and the proposed alterations to the roof of the central section of the dwelling, the proposed extension would result in a building that would have a significant spread across the width of the plot and a significant amount of bulk and scale. This impact would be further exaggerated by the fact that the proposed extension would project forward of the main part of the house towards the plot frontage.
- 23 The depth of the proposed extension is also a concern. During the months of the year when the trees lining the eastern boundary of the adjacent playing fields are without leaves, views of the southern elevation of the dwelling are available as the site is approached from the south. The combined depth, height and design of the roof form would add a significant amount of bulk and scale to the southern elevation of the dwelling to the detriment of the visual amenity of the locality.
- 24 It is acknowledged that the property has the benefit of a large plot compared with other properties in the locality, particularly in terms of the width of the plot. It is also acknowledged that some semi-detached and terraced properties would have a cumulative spread that would be on a similar scale to the dwelling that would result from the proposed extension and alterations. However, this is currently a modest sized detached property and the bulk and scale of the resulting house, in such a prominent position close to the frontage of the plot, would create a dominant building in the street scene that would have an overbearing effect on it.
- 25 The proposal would therefore have a detrimental impact upon the existing character and appearance of the street scene.

Impact on neighbouring amenity

- 26 Policies EN1 and H6B of the Sevenoaks District Local Plan require that any proposed development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants. The Council's Residential Extensions SPD also provides guidance relating to the design of extensions to dwellings.
- 27 The proposed extension would be sited away from the majority of the adjacent neighbouring properties, the only exception being Villa Marita to the rear of the plot. Properties opposite the site would be a minimum distance of about 20m from the front elevation of the extension. This distance is sufficient to ensure that the proposed addition would not significantly harm the amenities enjoyed by the occupiers of the properties on the opposite side of the street.

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- 28 Denada backs onto the front of Villa Marita and the proposed extension would be separated from Villa Marita by almost 30m. This is a significant distance and would ensure that the first floor windows proposed to be inserted into the rear of the proposed extension would be sufficient distance away from Villa Marita not to allow overlooking or cause a loss of privacy. Outlook from front facing windows would also not be significantly impacted upon due to this distance of separation.
- 29 A gap of almost 30m between the extension and Villa Marita would also result in no significant loss of light or overshadowing to the neighbouring property.
- 30 Overall it is therefore considered that the proposed extension would preserve the amenities currently enjoyed by the occupiers of neighbouring properties.

Other Issues

Impact on trees

- 31 PPS9 states that "Aged or 'veteran' trees found outside ancient woodland are also particularly valuable for biodiversity and their loss should be avoided. Planning authorities should encourage the conservation of such trees as part of development proposals." Policy EN1 of the Sevenoaks District Local Plan requires that proposed development retains important features including trees, hedgerows and shrubs.
- 32 The site possesses several trees of importance including a Beech tree to the frontage of the plot and a Cedar tree covered by a TPO to the rear. The Tree Officer has assessed the proposal and concludes that the proposed extension lies on the margins of acceptability for both trees.
- 33 Therefore, subject to adequate protection being implemented during works then the trees should survive the process. Details of tree protection can be required by way of condition on any approval of consent to ensure the long terms retention of the trees.

Access Issues

- 34 None relating to this application.

Conclusion

- 35 It is considered that the proposed extension and alterations would preserve neighbouring amenity. However, due to the size and scale of the proposed extension and the prominent position of the property in the plot it is considered that the proposal would have a detrimental impact upon the character and appearance of the street scene. Consequently the proposal is not in accordance with the development plan and therefore the Officer's recommendation is to refuse.

Background Papers

Site and Block Plan

Contact Officer(s): Mr M Holmes Extension: 7406

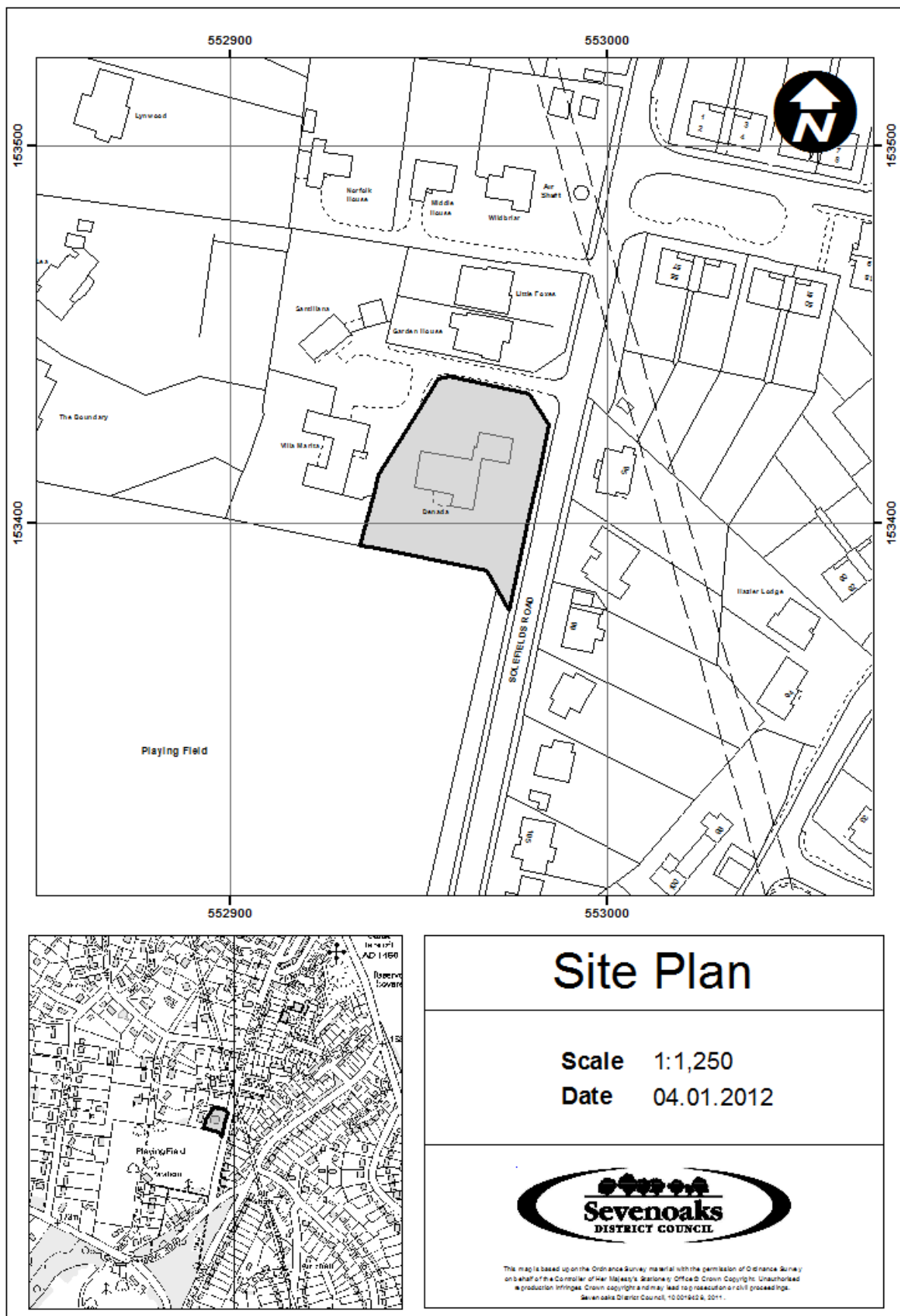
Kristen Paterson
Community and Planning Services Director

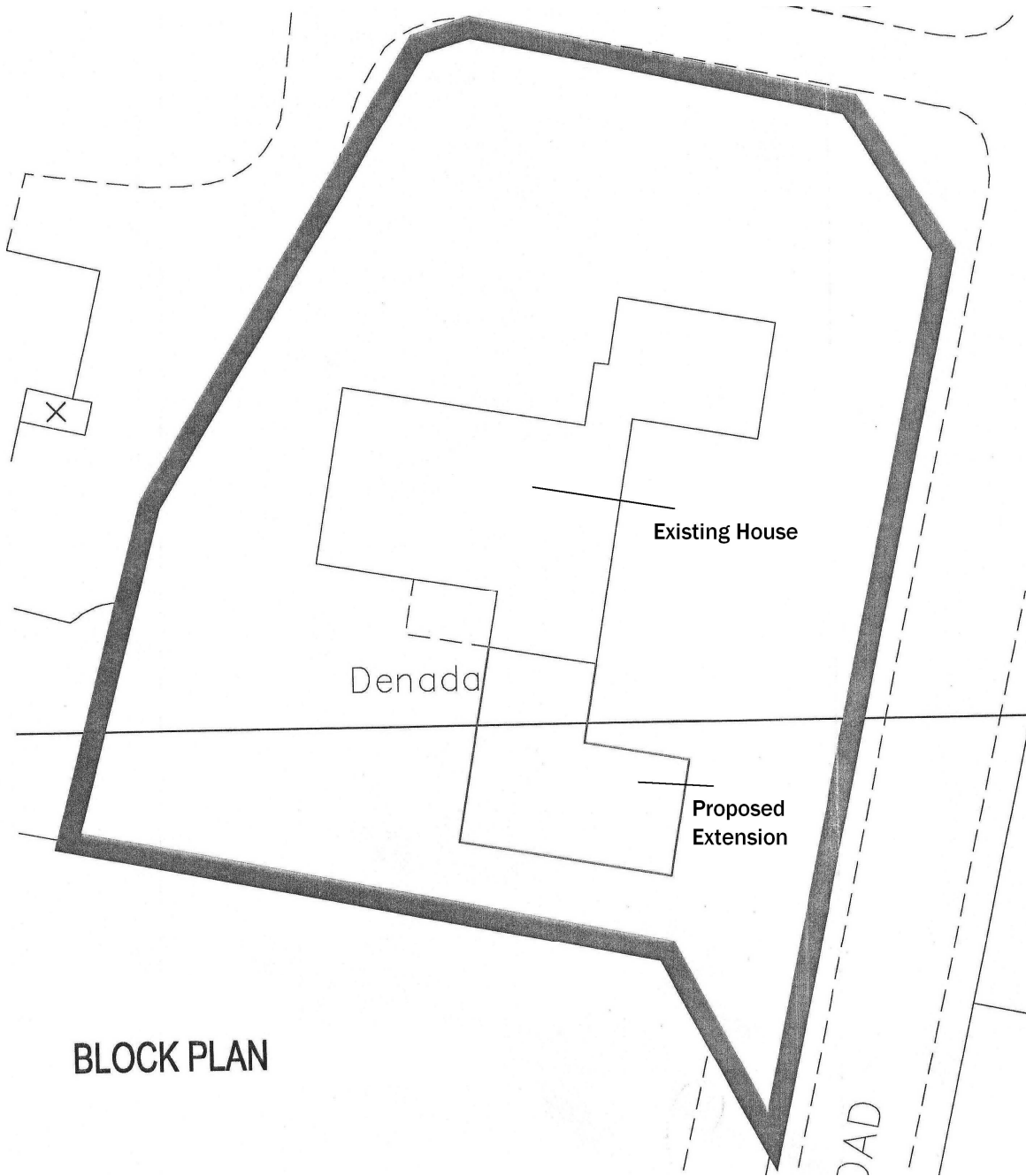
Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LU4SDWBK0CR00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LU4SDWBK0CR00>





BLOCK PLAN

5.03 - SE/11/02774/FUL Date expired 2 January 2012

PROPOSAL: Proposed construction of 3 new apartments with a link to the existing building as amended by 1114 P07B received 09.01.11

LOCATION: 46 South Park, Sevenoaks, Kent TN13 1EJ

WARD(S): Sevenoaks Town & St Johns

ITEM FOR DECISION

This application has been called to Development Control Committee as the Officer's recommendation varies from that of Sevenoaks Town Council and at the request of Councillors Raikes and Fleming who raise concern over the impact of the development upon the Conservation Area and the parking provision on the site.

RECOMMENDATION A: That planning permission be GRANTED subject to the following conditions and the receipt of a signed legal agreement, within 28 days of the date of this Committee, outlining financial contributions towards off site affordable housing provision:

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

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

2) No development shall be carried out on the land until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To ensure that the appearance of the development enhances the character and appearance of the Conservation Area as supported by Policy EN1 and EN23 of the Sevenoaks District Local Plan.

3) No development shall be carried out on the land until full details of soft landscape works have been submitted to and approved in writing by the Council. Those details shall include:

- planting plans (identifying existing planting and trees, plants and trees to be retained and new planting);

- a schedule of new plants and trees (noting species, size of stock at time of planting and proposed number/densities); and

- a programme of implementation. Soft landscaping works shall be carried out in complete accordance with the approved details prior to the first occupation of any of the additional apartments hereby permitted or otherwise in accordance with the agreed programme of implementation.

If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To safeguard the visual appearance of the area as supported by EN1 and EN23 of the Sevenoaks District Local Plan.

4) Prior to the commencement of the development, details of existing and proposed boundary treatments (in the form of scaled plans and details of materials) shall be submitted to and approved in writing by the Local Planning Authority. Proposed boundary treatments shall be provided prior to the first occupation of any of the dwelling units hereby permitted and shall thereafter be retained as such.

To safeguard the visual appearance of the area as supported by EN1 and EN23 of the Sevenoaks District Local Plan.

5) Prior to the commencement of the development, details of a scheme for the allocation of parking spaces, including details of marking up of the spaces as such, shall be submitted to and approved in writing by the Local Planning Authority. The spaces shall be completed and marked out in accordance with the approved details prior to the first occupation of any of the additional residential units hereby permitted and shall thereafter be maintained as such.

In the interests of highways safety and convenience in accordance with EN1 of the Sevenoaks Local Plan

6) Prior to the commencement of the development, details of secure bicycle storage for residents in the form of scaled plans and product information (as appropriate), shall be submitted to and approved in writing by the Local Planning Authority. Bicycle storage shall be made available prior to the first occupation of any of the additional residential units hereby approved and shall thereafter remain available for such use.

In the interests of sustainability in accordance with EN1 of the Sevenoaks Local Plan, SP1 of the Sevenoaks Core Strategy and PPS1.

7) The development shall achieve a Code for Sustainable homes minimum rating of level 3. Prior to the first occupation of any of the additional residential units hereby approved, evidence shall be provided to the Local Authority Prior that the development has achieved a Code for Sustainable Homes post construction certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority.

In the interests of environmental sustainability in accordance with SP2 of the Sevenoaks Core Strategy.

8) Prior to the commencement of the development, details in the form of scaled plans and elevations shall be provided to show the appearance of the proposed bin store (shown on drawing No 1114 P06A). The bin store shall be provided in accordance with the approved details prior to the first occupation of any of the

additional residential units hereby approved.

To ensure that the appearance of the development enhances the character and appearance of the Conservation Area as supported by Policy EN1 and EN23 of the Sevenoaks District Local Plan.

9) All windows shown on the south-east elevation of the extension hereby approved shall be obscure glazed and non-opening, with the exception of any high level lights (1.7m above internal floor area).

To safeguard the privacy of residents as supported by Policy EN1 of the Sevenoaks District Local Plan.

10) No window(s), other than those shown on the approved plan(s), shall be installed in south-east facing flank elevation(s) of the development hereby approved, despite the provisions of any Development Order.

To safeguard the privacy of residents as supported by Policy EN1 of the Sevenoaks District Local Plan.

11) The development hereby permitted shall be carried out in accordance with the following approved plans: 1114 P01A, P02A, P03A, P04A, P05A, P06A and P07B

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

In determining this application, the Local Planning Authority has had regard to the following Development Plan Policies:

The South East Plan 2009 - Policies SP1, CC6, BE6, LF1, H3, H4, H5

Sevenoaks District Local Plan - Policies EN1, EN23

Sevenoaks District Core Strategy 2011 - Policies LO2, SP1, SP2, SP3, SP5, SP7

The following is a summary of the main reasons for the decision:

Any potentially significant impacts on the amenities of nearby dwellings can be satisfactorily mitigated by way of the conditions imposed.

The development would preserve the special character and appearance of the Conservation Area.

RECOMMENDATION B: That in the event that the applicant does not enter into a Section 106 legal agreement within 28 days of the date of this Committee, the application be REFUSED for the following reason:

1) The application fails to make an appropriate provision for affordable housing contrary to the requirements of Policy SP3 of the Sevenoaks Core Strategy 2011.

Description of Proposal

1 Planning permission is sought for the extension of No 46 South Park to its side / rear to infill the gap between No 46 and No 44. No 46 is currently in

occupation as four self-contained flats and the extension would result in three additional self-contained flats.

- 2 The extension would constitute a main roughly rectangular section, approximately 6.5m wide at its frontage onto South Park and 13m deep, and a set back link element to attach the main section to the rear elevation of the existing building. The extension would have two conventional stories with an additional level of second floor accommodation in its mansard style roof. The extension is of a contemporary design. The overall height of the extended part (as shown on the amended plans received) is approximately 8.3m above ground level.
- 3 The plans provided show that a formal parking area, using the existing access, would be laid out in front of the extension providing parking for four cars. The remaining open area to the rear of the extension would be laid out with private terraces and a shared lawn area.

Description of Site

- 4 The site incorporates a large Victorian building, originally constructed as a single dwelling in yellow brick with red brick detailing and finished with a double gabled slate roof with decorative barge boards to the front elevation. The building is in occupation as four self-contained flats. The building is set on a corner plot to the south-eastern corner of junction of South Park and Argyle Road and the main façade of the dwelling faces towards the junction. Land to the south and east of the site is laid out for parking and as garden areas for the existing residents of the flats.
- 5 The site is inside the southern edge of the Granville Road / Eardley Road Conservation Area. The prevailing character, particularly to the north of the site, is of large Italianate villas (many divided into flats) set on a planned layout. The predominant style is Victorian with some Arts and Crafts elements. To the south of the site, outside of the conservation area, there is a mixed character created by the adjacent row of three detached dwellings of a later date and different character and from the nearby apartment building and primary school.

Constraints

- 6 The application site is located within the urban area of Sevenoaks and within the Granville Road / Eardley Road Conservation Area. The south-eastern boundary of the site with No 44 and the short section of boundary with the Auction Rooms on Argyle Road for the southern extent of the conservation area.

Policies

South-East Plan

- 7 Policies - SP1, CC6, BE6, LF1, H3, H4, H5

Sevenoaks District Local Plan

8 Policies – EN1, EN23

Sevenoaks Core Strategy

9 Policies – LO2, SP1, SP2, SP3, SP5, SP7

Other

10 Sevenoaks Affordable Housing Supplementary Planning Document 2011

11 Planning Policy Statement 1: Delivering Sustainable Development

12 Planning Policy Statement 3: Housing

13 Planning Policy Statement 5: Planning and the Historic Environment

Planning History

14 09/00086/WTCA - Fell 3 Thuja, 1 Lawson and 1 Sycamore tree. – No objection Lodged

15 06/00730/WTCA - Removal of Sycamore tree – No objection lodged

16 04/00747/FUL - Canopy over cellar steps and cellar door. Provision of off road parking for three cars – Granted

17 04/00310/FUL - Retention of replacement gates and fencing. – Granted

18 03/01542/FUL - Erection of Pergola and retention of Garden Fencing and Porch. – Granted

Consultations

Highways Officer

19 Thank you for inviting me to comment on this application. It is noted that the number of flats at this address will increase from 4 to 7 and a total of 4 parking spaces is proposed within the site with limited off road turning area. The site is within a residential parking zone. The access is unchanged and this is within a wide straight road with relatively good visibility characteristics although there are on street parking bays either side of the access. Traffic volumes are perceived to be generally low throughout the day but it is noted that there is a school a short distance from this site.

20 Bearing in mind these factors it is recommended that a nominated or managed use of the car parking spaces proposed in relation to the flat occupancies should be considered. Provision of secure cycle storage should also be considered and possibly a choice of new cycles offered with purchase of the new flats to promote and encourage sustainable transport and a healthy lifestyle. With this proposal, it is considered that the site will be reaching the maximum that can sensibly be accommodated. It would be preferable in terms of the possibilities for the layout of the site's car parking and turning

provision if two flats were added instead of 3. It is not considered however that the proposals warrant a recommendation for refusal.

Trees and Landscape Officer

- 21 There are trees upon this site, but they are upon the other side of the building. There are no trees of significance within the immediate area shown to be developed. I do not therefore have any objections to offer on this proposal.

Conservation Officer

(1. Comments on scheme 'as submitted', 2. Comments on amended roof design / materials)

- 22 'Scheme as submitted' - No 46 South Park is large detached Victorian 'villa;' just within the boundary of the Granville Road and Eardley Road CA and located at the junction of South Park and Argyle Road/ Granville Road. The building is orientated at an angle across the corner with its flank elevation open to view from South Park. Nearby to the south east is the High Street CA. The building is identified as 'contributing to character' in the CAMP. There is a mix of building types and designs in the vicinity along South Park, using a variety of materials. PPS5 policy HE7.5 states that development in CAs should make a positive contribution to character and distinctiveness in terms of scale, height, massing, alignment, materials and use, and the supporting Guidance in para 121 advises that 'this does not mean that new buildings have to copy their older neighbours in detail but rather that they together should form a harmonious group.' The new addition would be separate but linked to the original building, be of appropriate scale height, massing and proportions, and be complementary to the existing mixture of styles and materials nearby in South Park. Recommend approval subject to samples of the materials.
- 22 'Amended roof design / materials' - I note that the major change from the initial scheme is to the proposed roof material. The extension has specifically not been designed to match the original building, but to compliment it in a contemporary way. This includes the use of a different roof material, which would emphasise the distinctive character of the addition. The use of different material is especially important in the second floor 'link'. As now shown the result is likely to be a building of much bulkier appearance. Given the variety of building styles in South Park, I do not consider that the introduction of a contemporary element using a modern material would be out of character.

Sevenoaks Town Council

- 23 Sevenoaks Town Council recommended refusal on the following grounds:
- The proposal does not preserve or enhance the character of the Conservation Area.
 - The proposed design would be injurious to the street scene

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- The scale of the addition is too large and would constitute overdevelopment of the site.
- The design is unsympathetic to the original building
- There is insufficient parking provision.
- Loss of light to neighbouring properties as the neighbouring site lines shown on the plan are for ground floor extensions and the proposal is for a ground and first floor development.
- There does not appear to be any affordable housing contribution.

Representations

24 Nine letters have been received from twelve neighbours and local residents (one letter is submitted on behalf of five individuals). These letters raise the following concerns:

- Concern is raised over the felling of trees and removal of shrubs and that this would be detrimental to conservation area character and residential amenity.
- The proposal constitutes overdevelopment of the site. The scale of the development is too great for the site. The building is too tall and is not in keeping.
- The proposal is not in-keeping with neighbouring properties.
- There is insufficient off-road parking.
- There would be insufficient amenity space for the flats.
- The proposal extends beyond the rear building line of nos. 44, 42 and 40 resulting in loss of light to neighbours.

Head of Development Services Appraisal

Principal Issues

25 With reference to the relevant policies of the Development Plan, the main issues in this case are:

- a) The principle of residential development.
- b) The design and appearance of the development and its impact on the character and appearance of the Conservation Area.
- c) The impact of the development upon the amenities of neighbours.
- d) The living environment of future occupants.

- e) The availability and requirement for parking and the impact of the development in terms of highways safety and convenience.
- f) The requirement for affordable housing.
- g) Any other relevant issues.

These matters are dealt with in turn below:

Consideration

The principle of the development

- 26 The site is located within the urban confines of Sevenoaks in a position that is in proximity (within 1000m) of the Sevenoaks railway station and the main town centre area of Sevenoaks. In relation to its physical position, the site is sustainably located close to public transport links and to local retail and services.
- 27 Relevant policies of the Development Plan continue to place an emphasis on providing a high quality design of development which responds to its context. With the removal of garden land from the definition contained within PPS3 (2010), I do not consider that there is any longer a presumption towards developing the land for residential use, though such development may remain possible where it is appropriate to its surroundings. In this regard it is noted that the Government, through PPS3, sets a target of 60% of all housing development nationally to take place on Previously Developed Land. This logically means that 40% of new housing development will still take place on land not designated as being previously developed. Therefore, gardens within built confines such as Sevenoaks that are capable of accommodating a dwelling without harm to planning interests are still acceptable
- 28 Housing policies of the plan promote a mixture of housing types and sizes and an overall target of 40 dwellings per hectare with the Sevenoaks Town Area provided the density is consistent with achieving good design and does not compromise the distinctive character of the area (Core Strategy Policy SP7). Given that the site is approximately 0.1ha in area, this would equate to an expected provision of 4 homes within the site. The proposed scheme provides for seven flats (along with the four to be retained), giving a resultant density on the site of 70dpha.
- 29 Policy SP5 of the Core Strategy requires a mixture of housing types in residential areas with an emphasis on the provision of small units 'in suitable locations'.

The design and appearance of the development and its impact on the character and appearance of the Conservation Area.

- 30 The Granville Road / Eardley Road Conservation Area covers a predominantly residential area between the station and the town centre (to the east of the railway line). This area was largely developed with Italianate villas

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and large town houses as a commuter suburb of the market town after the arrival of the railway in the 19th Century.

- 31 No.46 itself is a large detached villa located on the inside edge of the southern extent of the Conservation Area. The building is identified as 'contributing to character' in the Conservation Area Appraisal. The dwelling is located at the junction of South Park with Argyle Road and is orientated with the main façade facing towards this junction in a westerly direction. This orientation leaves its south facing flank open to view from South Park. This elevation is characterised by a lesser amount of elaboration than the main façade with mostly unrelieved brick elevations facing the street.
- 32 The dwellings to the south-east of the site follow a common building line and consist of early 20th Century detached dwellings characterised by their front projection tile hung gables and timber and render style finishing. This area is effectively a gap between the Granville Road / Eardley Road Conservation Area and the Town Centre Conservation Area to the south. These buildings to the south result in the appearance of a mix of building styles and materials on the South Park street scene.
- 33 The proposed extension would infill a noticeable gap in the existing street scene at the point where the flank of no.46 is open to view. The dwellings to the south of the site have a much closer spacing with one another, with gaps of approximately 1.5–3.5m between flank elevations. The proposed extension would respect the front building line of Nos. 40 – 44 and the spacing between the extension and the flank of no.44 is considered adequate enough to prevent any unacceptable terracing effect (a gap of 1.5m is maintained to the boundary on this side, as is similar in the case of nearby dwellings). The extension maintains a degree of visual separation from the existing dwelling through the use of a link element that is set well back from the main façade of the proposed element so that it would be seen as a separate element to the original building.
- 34 The extension is generally of a contemporary style having some contrast with the existing dwelling and no.44 adjacent in terms of its massing and style. Guidance contained in PPS5 indicates that new buildings need not have to copy their older neighbours in detail, but rather that together they should form an harmonious group. With this in mind, it can be seen that the proposed extension picks up on the massing of adjacent dwellings, with the front elevation broken up with a small two storey front projection of differing materials as well as complementing the proportions of neighbouring dwellings and conforming to the established building line created by nos.40–44. The height of the extension was amended by drawing 1114 P07 B in response to comments received and now shows a shallower pitch of roof and a lower overall roof height being below that of the main roof of no.46 and level with the hip roof of no.44.
- 35 The Conservation Officer having originally recommended approval of the application, has raised some concern over the change in the proposed roof materials from the zinc cladding originally proposed to the slate finish now shown on the amended plans. This, in my view, could be simply controlled by way of a condition requesting later agreement of finished external materials.

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The Conservation Officer earlier indicated that the 'new addition would be separate, but linked to the original building, would be of appropriate scale, height, massing and proportions and would be complementary to the existing mixture of styles and materials nearby in South Park'. This would continue to be the case provided that suitable control is placed over the materials used in the construction of the development.

- 36 Concern has been raised over the loss of trees around the site and the impact of this upon the Conservation Area. The front of No 46 is largely obscured by mature trees alongside the front wall. The drawings submitted with the application appear to show a landscaping scheme with altered planting to the front of the building. The applicant has, however, indicated that these drawings are indicative only and do not seek to remove the trees to the front of the building at this stage. Detailed landscaping could be controlled by an appropriately worded condition. In any case, the Trees and Landscape Officer has raised no objections to the proposal. I also note that no objection was raised to a notification in 2009 for the felling of three Thuja, one Lawson and one Sycamore tree to the front and side areas of the building. This effectively gave two years (now expired) for the felling to take place, but it appears that the felling did not take place as permitted.
- 37 The drawings supplied appear to show an altered boundary treatment to replace the close boarded fencing around the site. The details show a low wall with railings atop. This boundary treatment appears to be better in keeping with the prevailing character of the Conservation Area. A condition could be used to ensure that the materials and finished detail of any change to boundary treatment is controlled.

The impact of the development upon the amenities of neighbours.

- 38 The extension would be located adjacent to the boundary of the site with No 44 South Park and the flank of the extension would have a depth approximately equal to the extent of the existing single storey rear extension to No 44. No 44 has recently been extended with a two storey extension to this facing flank elevation (SE/06/00525/FUL). Two obscure glazed windows in its facing flank elevation face towards the application site. The first floor window is an obscure glazed window to the landing area and the ground floor window in a glass block window that serves as a secondary window to the kitchen / dining area; two non-obscure glazed windows to this roof face rearwards into the garden. Whilst there will be some additional loss of light to these windows I do not consider this alone to be overriding because the windows either serve non-habitable rooms or, in the case of the ground floor window, are secondary to the main rear facing windows.
- 39 The extension extends past the main rear elevation of No 44 by approximately 3.5m and is approximately in line with the rear extent of the single storey rear element of No 44. The nearest window at first floor level is an obscure glazed window serving a bathroom. In any case, the extension complies with the 45 degree light test (as explained in the Residential Extensions SPD) both in plan and elevation form. It is not considered that there would be an unacceptable loss of light to any of the rear (or forward) facing windows of No 44 South

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Park. The existing outlook from front and rear facing windows would be similarly be preserved to an appropriate standard.

- 40 No 45 Argyle Road, attached to the buildings, is a Department for Transport driving test centre. The building to the north-east of the site is the Ibbett Moseley auction rooms.
- 41 The building to the opposite side of the street, No 5 South Park, is approximately 31m from the front of the proposed extension. Whilst there are two small balcony areas to the first and second floors of the extension at the front, this distance is considered to be significant enough as to avoid any significantly harmful impact.

The living environment of future occupants.

- 42 Policy EN1 of the Local Plan indicates that the proposed development should ensure 'a satisfactory environment for future occupants, including adequate provision for daylight, sunlight, privacy, garden space, storage and landscaped amenity areas'.
- 43 Concern has been raised over the loss of amenity land to the side and rear of the building currently in use by the occupants of the flats. An area would, nonetheless, be retained to the rear of the extension for use as private terraced areas and as a communal shared garden area. Combined with the open landscaping around the front of the dwelling, this would allow for an adequate outdoor space and landscaped area. No minimum quantum of amenity area is required by this policy.
- 44 All of the resultant flats are well proportioned and allow for a good internal living environment for future occupants. All benefit from an acceptable outlook and access to light. The extension has been arranged so that none of the habitable rooms of the flats look directly towards one another so that each is given an acceptable level of privacy.
- 45 One window of the test centre faces across the rear of the existing dwelling from the first floor of the testing centre. Given the use of this building and the fact that the window does not face directly into any of the habitable rooms of the extension, I do not consider that this would result in an unacceptable living environment.
- 46 Unless fencing is erected to screen the private terrace areas of ground floor flat Nos 4 & 5, the rear windows of these properties may be overlooked by users of the shared garden space. A condition could be applied to ensure that such screening is provided to an acceptable standard.

The availability and requirement for parking and the impact of the development in terms of highways safety and convenience.

- 47 The existing arrangements for parking on the site consist of a gravelled parking area leading from an access from South Park. This area is fairly limited in area and would allow for the parking of approximately 3 cars with turning. It has been indicated by the applicant that this parking area serves

only one of the flats on the site (the others not having any dedicated parking space). The application proposed a more formalised layout to allow for four cars with turning.

- 48 The Highways Authority's Interim Parking Guidance document recommends that a maximum of one allocated space be provided for one and two bedroom flats. The application is clearly within this figure.
- 49 The surrounding area is controlled as a permit parking area and the District Parking Officer has indicated that there is a waiting list for on-street parking. There is no guarantee that an occupant of the flats would be given a parking permit for on street parking. The site is in a sustainable location however, in proximity to the railway station and the town centre where car ownership should not be essential and sustainable transport should be encouraged.
- 50 With this in mind and so that there is no conflict between occupants of the development (and as suggested by the Highways Officer), a condition could be applied to require the marking out and allocation of the on-site spaces.
- 51 As raised by the Highways Officer, the use of cycles should be encouraged and a condition could require the provision of a cycle store. It is considered essential to require the operation of a cycle purchase scheme as suggested.

The requirement for affordable housing.

- 52 Policy SP3 of the Core Strategy indicates that for developments that result in a net gain in residential units of between one and five units, 'a financial contribution based on the equivalent of 10% affordable housing will be required towards improving housing provision off-site'. Detail on the delivery of this policy is set out in the Council's adopted Affordable Housing Supplementary Planning Document 2011.
- 53 An independent assessment of the value of the completed development has been provided. When the formula stated in the Council's Affordable Housing SPD is applied this would generate a requirement for a contribution of approximately £40,604
- 54 It is accepted in Policy SP3 and in the Affordable Housing SPD that there will be some situations where the provision of an affordable housing contribution would render a scheme unviable. An appraisal of build costs, including a number of independent quotes from builders, along with an appraisal of the viability of the scheme has been provided with the application. The appraisal submitted by the applicant suggests that the development would not be viable if the required affordable housing contribution was made.
- 55 The Council has had this information independently verified and it has been assessed that the scheme would not support the full contribution required. It has, however, been indicated that the scheme would be viable on the basis of a reduced contribution. A figure of £7,339 has been informally agreed, but at the time of writing this report, a completed s.106 undertaking has not been provided in an agreed and signed format.

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- 56 For this reason, the Officer's recommendation is (at this stage) for delegated powers to approve the application subject to the receipt of an acceptable s.106 undertaking within 4 weeks of the committee date. If an acceptable s.106 is not received before the expiration of this period, the application should be refused as failing to comply with SP3 of the Sevenoaks Core Strategy.
- 57 The Committee will be updated on any changes in this regard prior to 16th February 2012.

Other Issues

- 58 Policy SP2 of the Core Strategy requires that new dwellings achieve Code for Sustainable Homes Level 3. The applicant has supplied a Code for Sustainable Homes Pre-Assessment that demonstrates the development will achieve Level 3 as required. A condition could be imposed to ensure that this level is achieved and a certificate is provided to assess the finished code level prior to the first occupation of the development.
- 59 A bin store is shown adjacent to the proposed parking area on the proposed site plan. A condition could be imposed to ensure that this is appropriately designed and that it preserves the character of the Conservation Area.

Conclusion

- 60 With reference to the above, it is the Officer's view that the development is acceptable in terms of matters a), b), c), d), e) and g) subject to appropriate conditions. At this stage, however, the proposal does not adequately provide for an affordable housing contribution as required by Policy SP3 of the Sevenoaks Core Strategy 2011. It is recommended that a period of four weeks from the date of the committee be given to allow for the receipt of an acceptable s.106 undertaking, otherwise the application be refused as it does not comply with SP3.

Background Papers

Site and Block Plans

Contact Officer(s): Patrick Reedman Extension: 7451

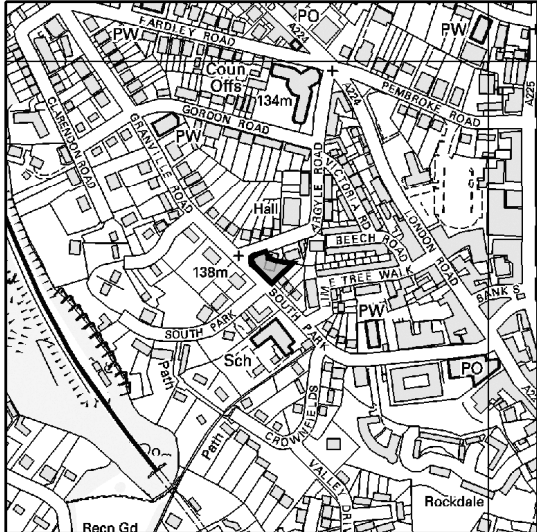
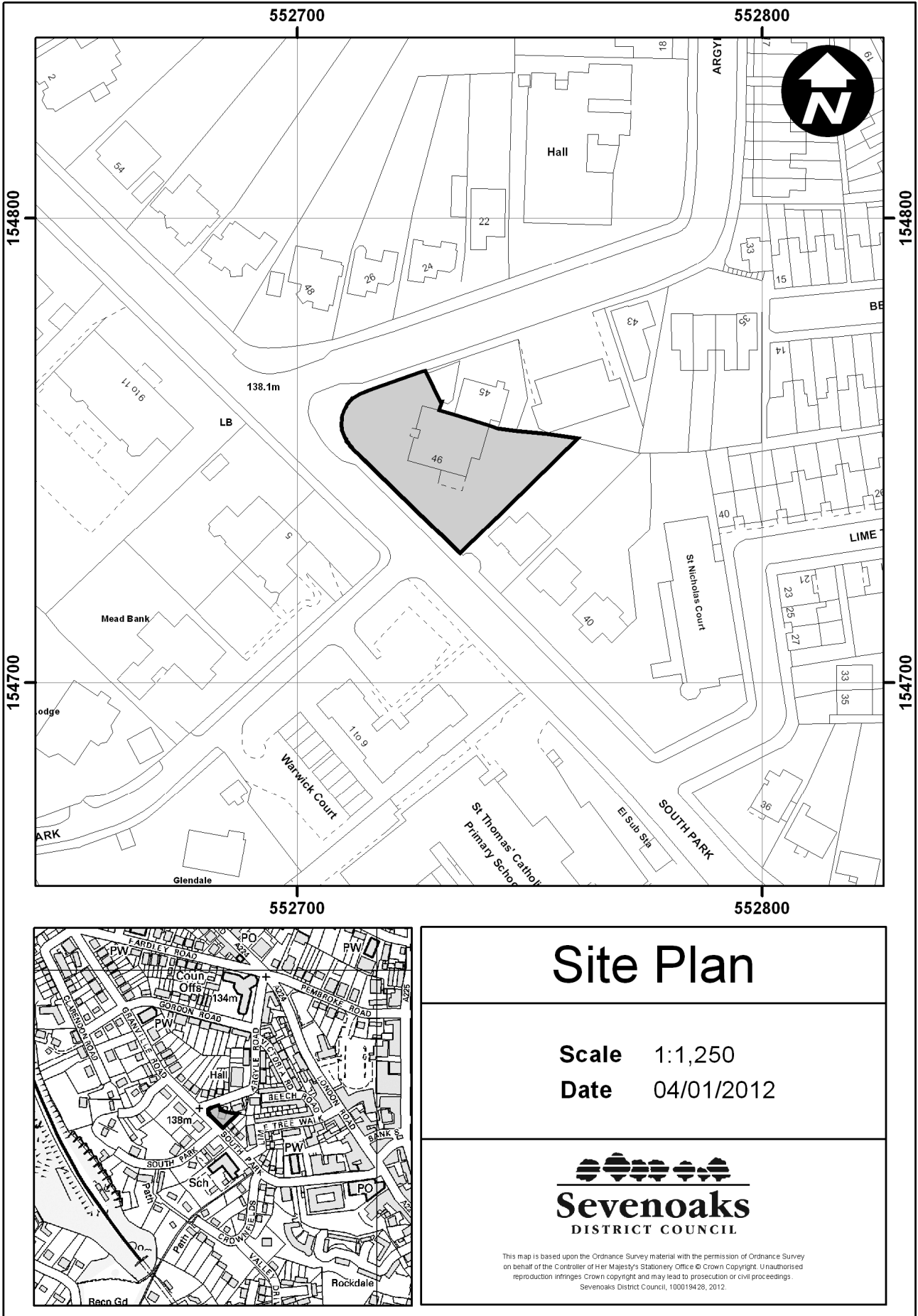
Kristen Paterson
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LTPQ71BK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LTPQ71BK8V000>



Site Plan

Scale 1:1,250
Date 04/01/2012



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Sevenoaks District Council, 100019428, 2012.



5.04 – SE/11/02698/FUL Date expired 14 December 2011

PROPOSAL: Erection of a triple garage. Erection of two bedroom bungalow on land adjacent to High Will Hayes.

LOCATION: High Will Hays, Main Road, Knockholt TN14 7JH

WARD(S): Halstead, Knockholt & Badgers Mount

ITEM FOR DECISION

This application has been referred to Development Control Committee by Councillor Grint as he feels the proposed development would lead to an undesirable intensification of the site.

RECOMMENDATION: That planning permission be GRANTED subject to a completed S106 legal agreement to secure an off-site affordable housing contribution and 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 shall achieve a Code for Sustainable homes minimum rating of level 3. Evidence shall be provided to the Local Authority –

i) Prior to the commencement of development, of how it is intended the development will achieve a Code for Sustainable Homes Design Certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority; and

ii) Prior to the occupation of the development, that the development has achieved a Code for Sustainable Homes post construction certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority.

In the interests of environmental sustainability and reducing the risk of climate change as supported in Planning Policy Statement 1, policies CC2 and CC4 of the South East Regional Plan and Policy SP2 of Sevenoaks District Council's Core Strategy.

3) No development shall be carried out on the land until full details of both hard and soft landscape works have been submitted to and approved in writing by the Council. Those details shall include:-planting plans (identifying existing planting, plants to be retained and new planting),-written specifications (including cultivation and other operations associated with plant and grass establishment),-schedules of new plants (noting species, size of stock at time of planting and proposed number/densities where appropriate), and-a programme of implementation.

To safeguard the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

4) All hard and soft landscaping works shall be carried out before the building is occupied. The landscape works shall be carried out in accordance with the approved details.

To safeguard the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

5) No extension or external alterations shall be carried out to High Will Hays or the dwelling hereby granted permission despite the provisions of any Development Order.

To safeguard the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

6) Before any equipment, machinery or materials are brought on to the land for the purposes of the development, the means of protection of the hedge on the western boundary are to be submitted and approved in writing by the Council. The means of protection shall be maintained until all equipment, machinery and surplus materials have been removed from the land.

To prevent damage to the hedge during the construction period as supported by Policy EN1 of the Sevenoaks District Local Plan.

7) No development shall be carried out on the land until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks District Local Plan.

8) No building or enclosure other than those shown on the approved plans, shall be erected within the curtilage of the dwelling hereby approved, despite the provisions of any Development Order.

To safeguard the visual appearance and residential amenities of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

In determining this application, the Local Planning Authority has had regard to the following Development Plan Policies:

The South East Plan 2009 - Policies CC1, CC3, CC4, CC6, H4, H5, M1, T4

Sevenoaks District Local Plan - Policies EN1, H10A

Sevenoaks District Core Strategy 2011 - Policies SP1, SP2, SP3, SP5, SP7, LO7

The following is a summary of the main reasons for the decision

The development would not have an unacceptable impact on the residential amenities of nearby dwellings.

The development would respect the context of the site and would not have an unacceptable impact on the street scene.

The development incorporates an element of affordable housing.

Description of Proposal

- 1 Erection of a triple garage. Erection of two bedroom bungalow on land adjacent to High Will Hayes.

Description of Site

- 2 Erection of two bedroom bungalow on land adjacent to High Will Hays. Erection of a triple garage to serve both the existing and proposed properties. The bungalow with a floor area of 151.44m² will rise to a height of 6.5m with a ridged roof with half hips. A projecting gable is proposed to a single storey front projection. A single dormer is proposed in the front roof slope to serve a bedroom in the roof space. The materials would comprise of stock face brickwork, plain roof tiles and UPVC windows and doors. The garage would possess a floor area of 44.82m² and would rise to a height of 4.8m with plain roof tiles with half hips and stock brickwork. The garage would provide parking for three cars, two in association with High Will Hays and one in association with the proposed new dwelling.

Constraints

- 3 Urban Confines of Knockholt

Policies

South East Plan (2009)

- 4 Policies - CC1, CC3, CC4, CC6, H4, H5, M1 and T4.

Sevenoaks District Local Plan (SDLP)

- 5 Policies - EN1, H10A

SDC Core Strategy

- 6 Policies - SP1, SP2, SP3, SP5 SP7 and L07.

Other

- 7 Planning Policy Statement 1: Sustainable Development
- 8 Planning Policy Statement 3: Housing
- 9 Affordable Housing Supplementary Planning Document

Planning History

- 10 11/001838 - Erection of triple garage. Erection of three bedroom bungalow on land adjacent to High Will Hayes -Refused 09/09/11.
- 11 10/01817/FUL - Erection of 1 No. two bedroom detached bungalow with detached garage. – Refused 09/08/10.
- 12 SE/79/1065 - Erection of detached bungalow – Refused 29/10/79.
- 13 SE/76/567 - Detached bungalow and garage - Granted 3/11/76. WK
- 14 SW/5/73/778 - Erection of 1 detached dwelling with garage – Granted 13/2/74.
- 15 /7/63/784 - Provision of sitting room/kitchen facilities – Granted 31/1/64.
- 16 Wk/7/61/61 - Detached bungalow – Refused 7/04/61 – Granted 15/05/62.
- 17 WK/7/52/112A - Amended plan showing dormer window and room in roof - Granted on 7/11/52.
- 18 WK/7/52/112 - Erection of a detached bungalow - Granted on May 1952

Consultations

SDC Arboricultural Officer

- 19 ‘There appears to be adequate room for the proposals to proceed with minimal affect on trees that have limited importance anyway. I have noted however that there is a mixed hedgerow on the western boundary that does not appear to be mentioned or shown on any of the supplied drawings. I would like to see this retained as part of the proposal and not removed. I suggest that it could be included as part of an agreed landscaping scheme.’

Knockholt Parish Council

- 20 ‘Object. We still believe that should there be any removal or diminution of the hedge it would expose the proposal as ‘cramming the site.’ Whilst we note the comments from KHS that the proposed access arrangements would be acceptable local knowledge tell us that this would not be the experience of people who live in the immediate vicinity and who already experience problems with access on this road. As far as traffic is concerned having the access to the site and the garage so close to the junction of Old London Road and Main Road is undesirable. As with the previous application we would also like the following discrepancies noted (i) that the name of the property is spelt in 3 different ways within the application; (ii) the description of the proposal is for a 3 bedroom bungalow but the plans indicate that this is a 2 bedroom bungalow.’

Kent Highway Services

- 21 'I refer to the above planning application and have no objections to the proposal in respect of highway matters.'

Thames Water:

Waste Water

- 22 Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

Surface Water Drainage

- 23 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason – to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Water Comments

- 24 On the basis of information provided, Thames Water would advise that with regard to water infrastructure we would not have any objection to the above planning application.
- 25 Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.'

Representations

- 26 Four letters received objecting to the proposal in respect to increased traffic, the limited access to the road, the increased density of the plot, the change of character that the development would create and the impact on light upon an adjacent property.

Head of Development Services Appraisal

Principal Issues

- 27 The principal issues are:

- The principle of new housing
- Affordable housing provision
- Impact on street scene
- Impact on the amenities of residents
- Impact upon trees
- Impact on traffic

Principle of the Development

- 28 PPS3 states that in identifying suitable locations for housing development 'priority for development should be previously developed land'. However, no explicit exclusion of development on greenfield sites is contained within the document.
- 29 Annex B of PPS3 provides a definition for previously developed land stating that it is land 'which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.' This definition excludes 'Land in built-up areas such as private residential gardens, parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been previously developed.'
- 30 The site comprises of the private residential gardens of High Will Hays and has not previously been developed. I would therefore conclude that the site would fall outside of the definition of previously developed land and so it would be defined as being greenfield.
- 31 PPS1 and PPS3 considers that in determining planning applications for new housing the Local Planning Authority should have regard to:
- Achieving high quality housing
 - Ensuring developments provide a good mix of housing reflecting the accommodation requirements of specific groups, in particular families and older people.
 - The suitability of a site including its environmental sustainability
 - Using land effectively and efficiently
 - Ensuring the development is in line with planning housing objectives, reflecting the need and demand for housing in the area and does not undermine wider policy objectives.
- 32 High Willhays is located within the heart of Knockholt village which provides access to community facilities, key services and infrastructure. The site, whilst not previously developed land could provide, in my view, a sustainable location where an additional dwelling would in principle be acceptable, subject to the proposal meeting the relevant policy requirements.

11/02698/FUL Item No. 5.04

- 33 Policy LO7 of the Core Strategy allows for limited infilling and redevelopment on a small scale within the settlement confines at Knockholt. Policy SP7 states that residential development in rural settlements will be expected to achieve a density of 30 dwellings per hectare provided the density is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated.
- 34 Given the character of the area, which is characterised by detached houses and bungalows on varying sized plots, the proposed density is deemed acceptable. Hence there is no objection to the principle of re-development of the site for additional housing.

Affordable housing

- 35 Policy SP3 of the Sevenoaks District Core Strategy requires that in order to meet the needs of people who are not able to compete in the general housing market, the Council will expect the provision of affordable housing in all types of residential development including specialised housing. The location, layout and design of the affordable housing within the scheme should create an inclusive development.
- 36 The applicant has offered a contribution of £15,617.00 which complies with Sevenoaks District Council policy as set out within the Affordable Housing Supplementary Planning Document. The applicant has submitted a draft S106 Agreement which is proposed to be signed before Committee.

Impact on the character of the street scene

- 37 Policy EN1 of the SDLP identifies a broad range of criteria to be applied in the consideration of planning applications. Criteria 1 states that the form of the proposed development, including any buildings or extensions, 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. Criteria 3) of policy EN1 of the SDLP states that the proposed development must not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements. Policy H10A states that proposals for residential development must have regard to the existing visual character, spaciousness, architectural quality and rural setting of the area and achieve an appropriate standard of design and external appearance. PPS1 states that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.
- 38 In addition to this, PPS1 also emphasises the need to achieve good design standards for new development and a high quality of urban design in the wider context. This document recognises that design issues are matters of proper public interest and the relationships between buildings in their wider setting is often as important or more important than individual designs.

- 39 PPS3 also states that good design is fundamental to the development of high quality new housing, which contributes to the creation of sustainable, mixed communities. In addition to this it also states that good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.
- 40 This part of Main Road, Knockholt is rural in nature and is open and green in character, with a mix of architectural styles, plot sizes, age and height – there are terraces of cottages nearby, that are close to the road and other detached house which are set further back, allowing good views of the landscape.
- 41 High Will Hays is situated close to the junction of Waylands Close and Main Road and to the junction of Main Road with Old London Road. This area has some wide open grass verges which add to the feeling of spaciousness, which means that a new dwelling on this site could be potentially prominent.
- 42 The proposed dwelling would be a modest bungalow of a scale similar to that of High Will Hays and the bungalow on the adjacent site known as Warblers Wood. High Will Hays also has a dormer window in the roof slope.
- 43 The proposed development would lead to a small bungalow that would incorporate appropriate materials and would possess an appropriate architectural design, that is sympathetic to the other architectural designs in the area.
- 44 At its closest, one corner of the proposed dwelling would be 1.4m from the boundary. However, as the road curves away from the site, the rear corner would be 6.8m in from the boundary. The distance from the proposed side elevation to the road would vary from 11.5m to 14.9m.
- 45 This set back from the boundary of the highway, the wide verge, the retention of the existing hedge and the modest scale of the dwelling proposed would in my view protect the open, green character of this part of Knockholt. A new dwelling in this location would be visible, but being visible is not necessarily in itself harmful. The modest scale of the proposed dwelling is in character with other properties and would not in my view be unduly prominent or incongruous even though it would be seen as a feature in the street scene.
- 46 For all the above reasons, I am satisfied this proposal would protect the character and spaciousness of the area and complies with policies EN1 of the Sevenoaks District Local Policy and PPS 1 Sustainable Development.

Impact on residential amenities

- 47 Policy EN1 of the SDLP lists a number of criteria to be applied in the consideration of planning applications. In particular, Criteria 3) of policy EN1 of the SDLP states that the proposed development must not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements.

11/02698/FUL Item No. 5.04

- 48 The only property potentially impacted upon would be Warblers Wood, located approximately 14m to the south of the proposed development. The boundary between the two properties comprises of a close boarded fence rising to a height of approximately 1.8m high with a row of recently planted conifers of approximately 2m high and a bush rising to a height of approximately 3m located in front of a bay window.
- 49 In light of the existing boundary treatment, the existing limited views from the bay window and the distance from the proposed development it would in my opinion have only a minimal impact upon the amenities of Warblers Wood.
- 50 The proposed garage would be located within the north eastern corner of the site, partially on the site of the existing garage. The proposed garage would be shielded from the property to the east, The Bungalow and Westlands Close to the north by a screen of mature trees and hedges rising to a minimal height of 2m.
- 51 I am satisfied that the proposal would protect the amenity of residents and comply with Sevenoaks District Council policies EN1 and PPS 1 Sustainable Development.

Impact on trees

- 52 The proposed development lies adjacent to a number of trees and a hedge lying adjacent to the western boundary of the property. SDC's Arboricultural Officer was consulted on the application who responded, as set out above, that they were not concerned with the impact on the trees but were concerned in respect to the impact of the development upon the hedgerow but identified that this could be incorporated within a landscaping scheme. Accordingly, conditions and informatives are proposed to address this.

Impact upon traffic

- 53 The proposed development would result in the creation of a two bedroom bungalow for which parking provision for one car is required which is provided. Access to Main Road will be through the existing access drive which connects with the access drive for those properties to the south.
- 54 KCC Highways have been consulted on the proposal and have no objections to the development or to the access that is being used to the public highway.

Other issues

- 55 The site has been subject to two previous planning applications 10/01817/FUL and 11/001838 which were both refused. 10/01817/FUL was refused due to its impact upon the residential amenities of Warblers Wood to the south.
- 56 Application 10/01817/FUL was subject to a planning appeal which was dismissed, see Appendix 1.

- 57 Application 11/001838 proposed a new siting for the dwelling to address the issues raised at appeal. This application was refused for lack of an affordable housing contribution.

Conclusion

- 58 The proposed development would protect the character and appearance of the street scene, neighbouring amenities and highways safety, and provides sufficient off-street parking and a suitable financial contribution towards affordable housing.
- 59 In balancing these matters up against the fact that the development would be carried out in a greenfield site, as defined by PPS3, it is evident that there is a significant amount of weight in favour of the development. For this reason, and the fact that PPS3 does not exclude development on greenfield sites, it is considered that in this case the proposed development is acceptable and complies with relevant policies.

Background Papers

Site and Block Plans

Appeal Decision

Contact Officer(s): Guy Martin Extension: 7351

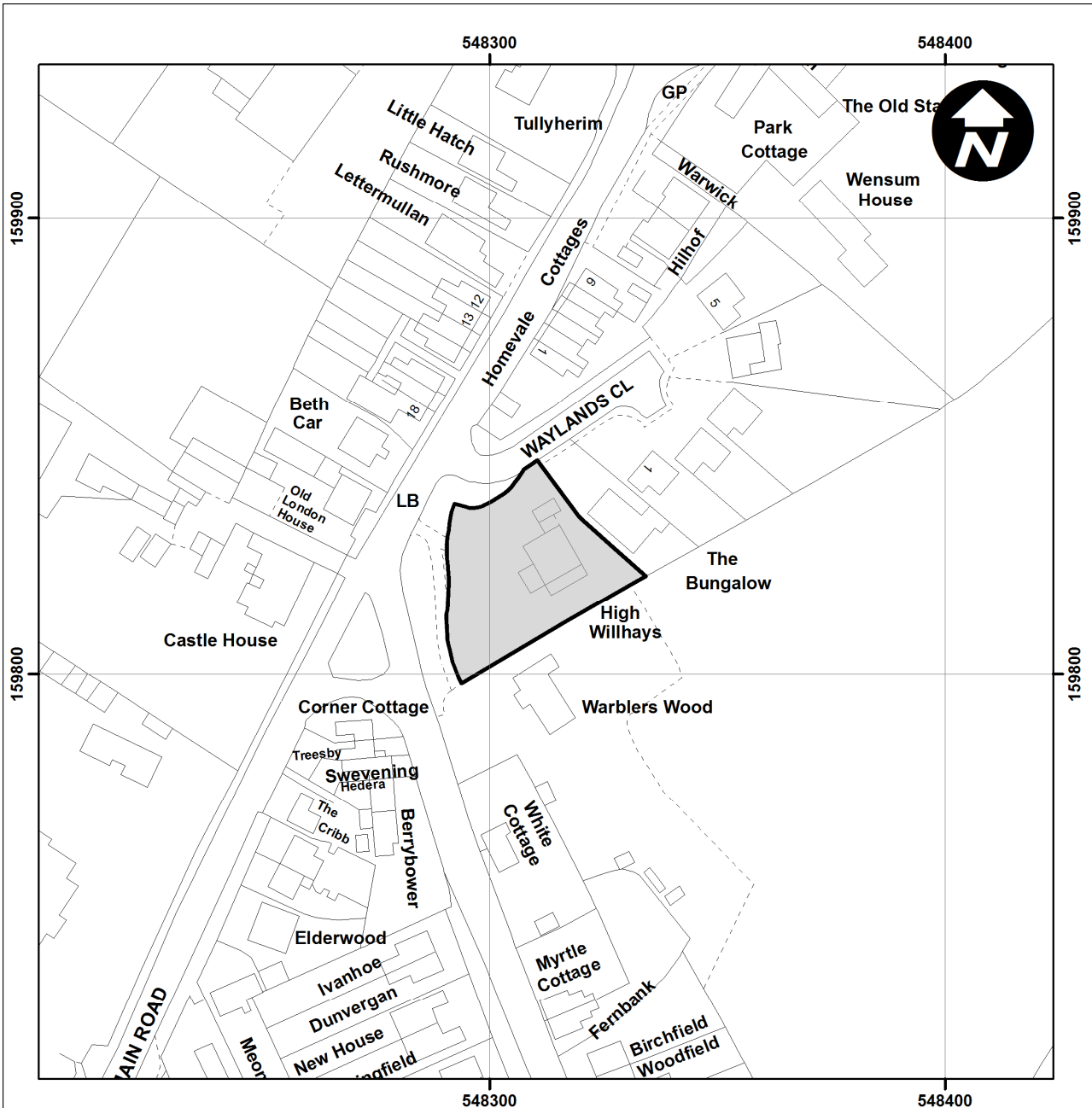
Kristen Paterson
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LTBGKJBK0CR00>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LTBGKJBK0CR00>



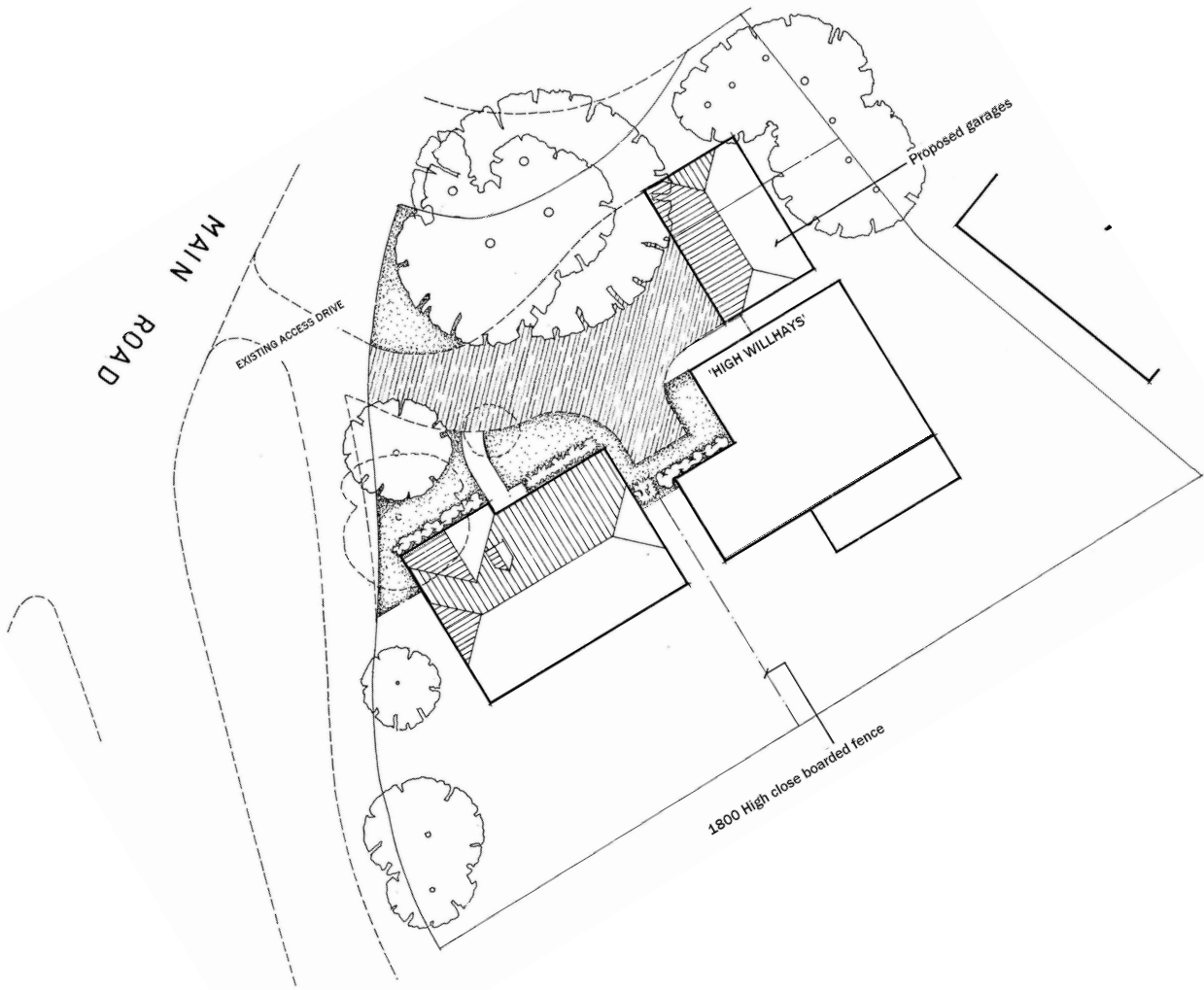
Site Plan

Scale 1:1,250

Date 04.01.2012



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 Sevenoaks District Council, 100019428, 2012.



SE/11/02650/VAR106 Item No. 5.05

5.05 - SE/11/02650/VAR106 Date expired 16 December 2011

PROPOSAL: Revocation of Section 106 Agreement dated 11 November 1993 in relation to Planning Application Ref SE/93/0845.

LOCATION: Graceful Gardens Ltd, Hever Lane, Hever TN8 7ET

WARD(S): Edenbridge South & West

ITEM FOR DECISION

The application has been referred to Development Control Committee as the Officer recommendation is contrary to the request of Edenbridge Town Council and Councillors Davison and Orridge request clarification of the issue of land disposal contained in the Section 106 Agreement.

RECOMMENDATION: That the Section 106 Agreement be revoked.

Description of Proposal

- 1 Revocation of S106 Agreement dated 11 November 1993 in relation to planning application ref SE/93/0845

Description of Site

- 2 The property lies on the boundary between Hever Parish and Edenbridge Town and as such is within both.

Constraints

- 3 Area of Outstanding Natural Beauty
- 4 Metropolitan Green Belt

Policies

- 5 None.

Planning History

- 6 200693/00845/HIST - Building for storage, workshop, mess-room, toilet, office and residential accommodation. Granted on 15/11/1993
- 7 93/00845/HIST - Building for storage, workshop, mess-room, toilet, office and residential accommodation. Granted on 15/11/1993

Consultations

Edenbridge Town Council

SE/11/02650/VAR106 Item No. 5.05

- 8 Edenbridge Town Council have objected to the application with the following comments:

‘At the time the condition was applied, the Planning Authority and the Town Council fully investigated the need for accommodation and granted the application with a condition to ensure that the property was protected for agricultural occupancy. Although it may no longer be needed by the current land owners it could provide agricultural occupancy for another worker or, if the property is no longer required for its purpose it could be demolished and the land returned to Green Belt.

- 9 Hever Parish Council have raised no objection.

Representations

- 10 Councillors Robert Orridge and Richard Davison wish this item be referred to Development Control Committee in order to clarify the issues of land disposal contained in the 106 Agreement dated 11-11-93.

Head of Development Services Appraisal

Principal Issues

- 11 The application seeks the revocation of a Section 106 Agreement which is attached as Appendix 1. The principal issue in consideration of this request is whether the agreement has any useful purpose given changes in the planning status of the property since the agreement was signed.

- 12 Planning permission SE/93/0845 dated 15/11/93 (Appendix 2), as detailed above contained a condition (5) which required:

‘5) The occupation of the dwelling shall be limited to a person solely or mainly occupied in the locality in agriculture, as defined in Section 336 of the Town and Country Planning Act 1990 or a dependant of such a person residing with him or her.

Reason: This permission is granted specifically because of the special circumstances of this case, the proposal would otherwise be contrary to policies of the development plan.’

- 13 This condition was fortified with a Section 106 Agreement dated 11/11/93 which reiterated that the land is subject to Green Belt policies and the Council would not grant planning permission for the proposed development if it were not directly related to agriculture and therefore functionally appropriate in Green Belt terms. For this reason as stated, the agreement required the Applicants:

‘Not to sell lease dispose of or in any way part with possession of any part of the land separately from the land as a whole.’

- 14 On 30/5/06, a Certificate of Lawfulness (Appendix 3) was issued confirming the lawfulness of the occupation of the property in non compliance with condition 5 of SE/93/0845. Sufficient evidence was provided to demonstrate

SE/11/02650/VAR106 Item No. 5.05

that the residential accommodation had been occupied for more than 10 years by persons not employed in agriculture.

- 15 The sole reason within the S106 for preventing the sale, lease, disposal or parting of any separate part of land is related to its agricultural use. However now that the residential element of the property is not tied to an agricultural use because of the Certificate of Lawfulness, the S106 Agreement has outlived its purpose.
- 16 The physical dismemberment of the land and the residential use of any agricultural parcel of land would be controlled through the normal planning process. Should the land be used for any purpose other than agriculture, a planning application would be required. Therefore the Council would still be able to control non agriculture development on the site.
- 17 Given that the site has operated since at least May 1996 without residential occupation connected to the agricultural use of the land, such use is clearly not required for the proper functioning of the agricultural site. There would therefore be little justification for any future application for a residential (agricultural occupancy) building.
- 18 The reason for the revocation of the S106 is not related to planning policy and is not based on consideration of the planning merits of the land or use. It is purely based on the fact that the unit is no longer tied to agricultural occupancy and therefore a S106 Agreement based on its agricultural occupancy is no longer relevant. The request for its revocation is reasonable and justified.

Conclusion

- 19 That revocation of the S106 Agreement dated 14/11/93 be agreed and actioned.

Background Papers

Site Plan

Appendices S106 Agreement dated 14/11/93
Planning permission dated 15 November 1993
Certificate of Lawfulness issued 30/5/06

Contact Officer(s): Joanna Russell Extension: 7367

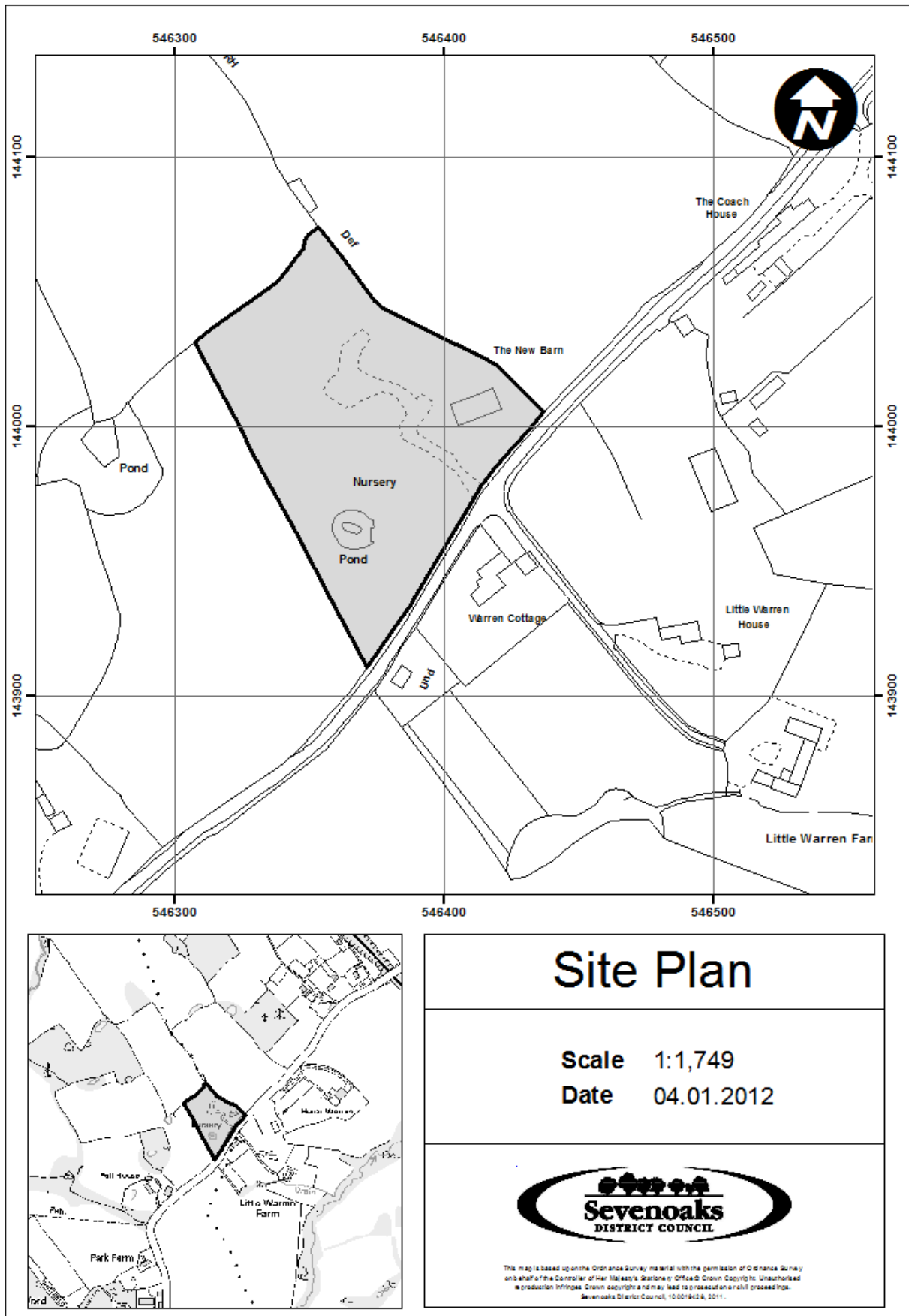
Kristen Paterson
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LT0431BK0CR00>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LT0431BK0CR00>



THIS AGREEMENT is made the 11th day of November
1993 BETWEEN THE DISTRICT COUNCIL OF SEVENOAKS of
Council Offices Argyle Road Sevenoaks Kent TN13 1HG (hereinafter
called "the Council") of the one part and GRACEFUL GARDENS
(HEVER) LIMITED (formerly Graceful Gardens Limited) Company
Registration Number 1196350 whose registered office is situate at Hever
Lane Hever Kent TN8 7ET of the other part (hereinafter called "the
Applicants")

SE 11 02650

WHEREAS

- (1) The Council is the local planning authority for the purposes of the
Town and Country Planning Act 1990 for the area of the District Council
of Sevenoaks
- (2) The Applicants are the freehold owners of land at Warren Lane
Edenbridge Kent shown outlined in red on the plan attached hereto
(hereinafter called "the Land") and registered as such at HM Land
Registry with Absolute Title under Title Number K387313
- (3) The Applicants have by written application dated as valid on 25th
June 1993 (dealt with under reference SE/93/0845) applied to the Council
for planning permission for a building for storage workshop messroom
toilet office and residential accommodation on the Land

(4) The Land is subject to Green Belt policies and the Council would not be disposed to grant planning permission for the proposed development if it were not directly related to agriculture and therefore functionally appropriate in Green Belt terms

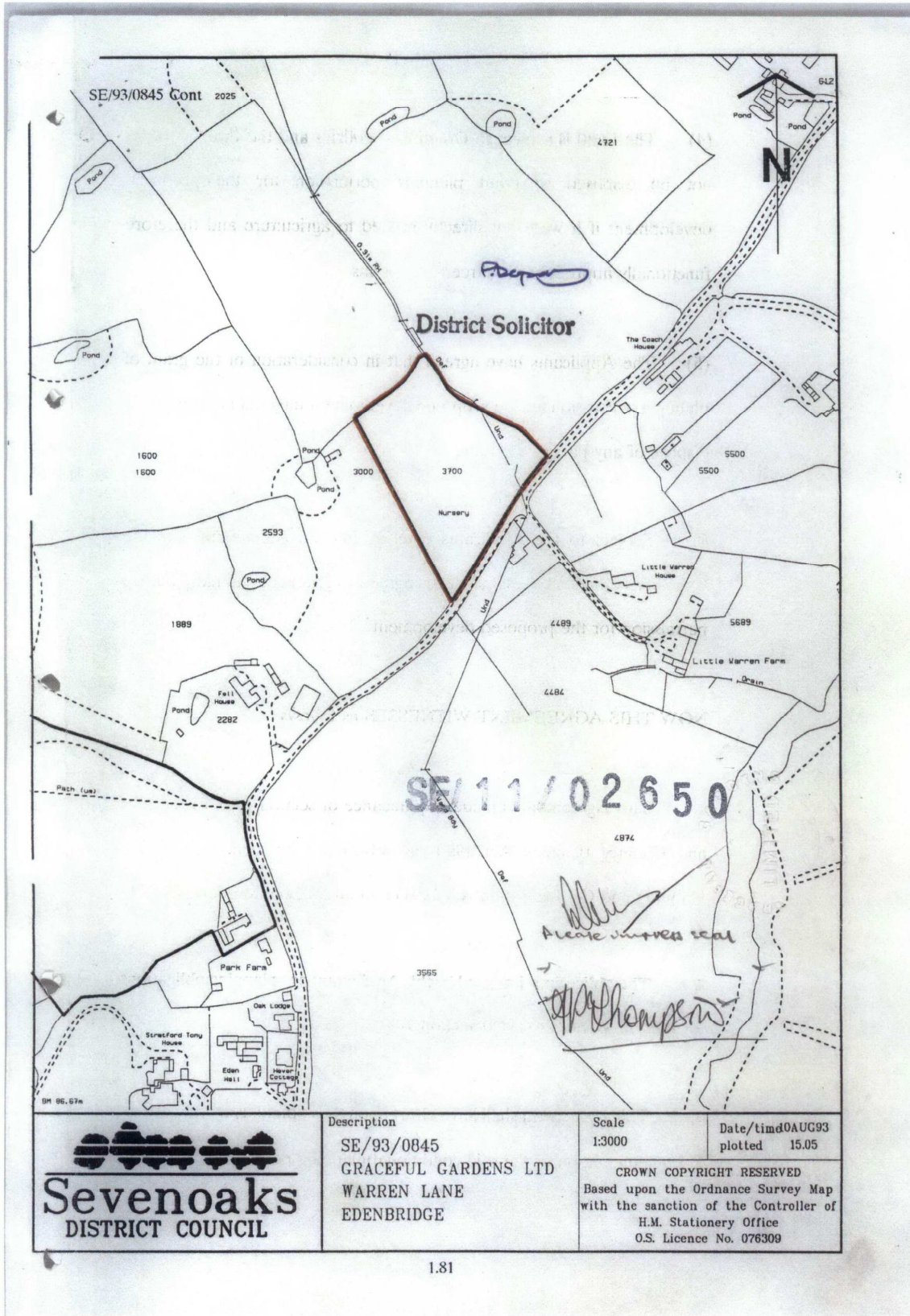
(5) The Applicants have agreed that in consideration of the grant of planning permission for the proposed development they will not separately dispose of any part of the Land

(6) Subject to the Applicants entering into an Agreement with the Council as aforesaid the Council has agreed to grant conditional planning permission for the proposed development

SE 11 02 650

NOW THIS AGREEMENT WITNESSES as follows

1. This Agreement is made in pursuance of section 106 of the Town and Country Planning Act 1990 (as substituted by section 12 of the Planning and Compensation Act 1991) and all other powers enabling
2. The obligations imposed by this Agreement are planning obligations for the purposes of the said section 106
3. This Agreement shall have effect upon the commencement of works in implementation of the said conditional planning permission




Sevenoaks
 DISTRICT COUNCIL

Description
 SE/93/0845
 GRACEFUL GARDENS LTD
 WARREN LANE
 EDENBRIDGE

Scale 1:3000	Date/time 0AUG93 plotted 15.05
CROWN COPYRIGHT RESERVED Based upon the Ordnance Survey Map with the sanction of the Controller of H.M. Stationery Office O.S. Licence No. 076309	

1.81

4. The obligations imposed by this Agreement shall not be binding on the Applicants or their successors in title in respect of any period when they no longer have any interest in the Land

5. The Applicants HEREBY AGREE with the Council as follows

(1) Not to sell lease dispose of or in any way part with possession of any part of the Land separately from the Land as a whole

(2) To pay to the Council its reasonable costs incurred in the preparation and engrossment of this Agreement

SE 11 / 02650

IN WITNESS WHEREOF the Council and the Applicants have caused their Common Seals to be affixed hereto the day and year above written

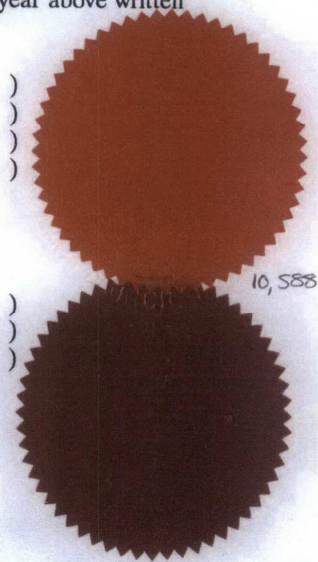
THE COMMON SEAL of THE DISTRICT COUNCIL OF SEVENOAKS was hereunto affixed in the presence of:-

[Signature]
District Solicitor

THE COMMON SEAL of GRACEFUL GARDENS (HEVER) LIMITED was hereunto affixed in the presence of:

Director *[Signature]*

Secretary *[Signature]*



SEVENOAKS DISTRICT COUNCIL
Argyle Road, Sevenoaks, Kent, TN13 1RG
Local Government Act, 1972
Town and Country Planning Act 1990
Town and Country Planning General Development Order 1988

Application Ref. No. SE/93/0845

Graceful Gardens Ltd
c/o I.K.Wyatt Building Design Ltd
11 Woodlands Road
Orpington
Kent BR6 6EB

Application accepted as valid on 25th June 1993.

PROPOSAL: Building for storage, workshop, messroom, toilet, office and residential accommodation.
LOCATION: Graceful Gardens Ltd, Warren Lane, EDENBRIDGE, TN8

The Sevenoaks District Council, as the District Planning Authority, HEREBY GRANTS PLANNING PERMISSION in respect of the proposal described above SUBJECT TO THE FOLLOWING CONDITION(S):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
Reason: In pursuance of Section 91 of the Town and Country Planning Act, 1990.
2. No development shall take place until full details of the colour and texture of the external finish of the building has been submitted to, and approved in writing by, the District Planning Authority; the development shall be constructed in accordance with the approved details.
Reason: To ensure a satisfactory appearance on completion of the development.
3. No development shall take place until there has been submitted to and approved in writing by the District Planning Authority a scheme of landscaping, including type and size of species, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.
Reason: In the interests of amenity.
4. Details of the parking and turning area including surface materials shall be submitted to and approved in writing by the District Planning Authority prior to the commencement of works and the development shall be carried out in accordance with the approved details.
Reason: In the interests of visual amenity and highway safety.
5. The occupation of the dwelling shall be limited to a person solely or mainly employed in the locality in agriculture, as defined in Section 336 of the Town and Country Planning Act 1990 or a dependent of such a person residing with him or her.
Reason: This permission is granted specifically because of the special

Local Government Act, 1972
 Town and Country Planning Act 1990
 Town and Country Planning General Development Order 1988

Application Ref. No. SE/93/0845

circumstances of this case, the proposal would otherwise be contrary to the policies of the Development Plan.

6. The office shall be used only for purposes ancillary to the main use of the site.
 Reason: Unrestricted occupation, in the absence of adequate car parking to acceptable standards, would be likely to result in parking in the highway and additional vehicle movements to the detriment of highway safety and amenity.
7. The ground floor of the building hereby permitted and shows as barn, workshop, rest room and toilets shall be used only for the purpose of agriculture as defined in Section 336 of the Town and Country Planning Act 1990.
 Reason: This permission is granted specifically because of the special circumstances of this case, the proposal would otherwise be contrary to the policies of the Development Plan.
8. No aerials or satellite dishes shall be fixed externally to any of the buildings. Notwithstanding the provisions of any development order.
9. Within two months of the occupation or use of the building hereby approved and the existing caravan/office shall be removed from the site.
 Reason: In the interests of the visual amenities of the area.
10. No part of the building hereby permitted shall be used for retail sales.
 Reason: The site is in an area considered unsuitable for retail use because of its location in the rural Green Belt.
11. No extension or external alteration shall be carried out to the dwelling hereby permitted without the prior written permission of the District Planning Authority. Notwithstanding the provisions of any Development Order.
 Reason: A larger dwelling is likely to result in a visually prominent and excessive development detrimental to rural amenities and contrary to the policies for the control of development in this area.
12. The surface water drainage system shall be provided with a petrol/oil interceptor.
 Reason: In order to prevent pollution of controlled water.
13. No sewage or trade effluent (including vehicle wash or vehicle steam cleaning waters) shall be discharged to any surface water drainage system.
 Reason: In order to prevent pollution of controlled waters.

Local Government Act, 1972
Town and Country Planning Act 1990
Town and Country Planning General Development Order 1988

Application Ref. No. SE/93/0845

14. Any above ground oil/chemical storage tank/container and associated pipework shall be sited and banded in a manner so as to retain any spillage.

Reason: In order to prevent pollution of controlled waters.

Dated: 15th November 1993

Signed: 

A J GAYNOR
Planning Director
(The proper officer of the authority)

IMPORTANT. This is a planning permission granted under the Town and Country Planning Act and does not operate so as to grant any lease, tenancy or rights of occupation of or entry on to the land to which it refers, nor does it dispense with the need to comply with any other enactment, bye-law or provision whatsoever.

ATTENTION IS DRAWN TO THE ATTACHED NOTES

Community and Planning Services Director:
Kristen Paterson



Mr And Mrs Williams
c/o Accrus Rural Property Services
Old Market Office
10 Risbygate Street
Bury St. Edmunds
IP33 3AA

SE/06/00634/LDCEX
Valid on 5th April 2006

TOWN AND COUNTRY PLANNING ACT 1990

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)
ORDER 1995**

**GRANT OF CERTIFICATE OF LAWFUL EXISTING
USE/DEVELOPMENT**

Site : The New Barn (Graceful Gardens Ltd) Hever Lane Hever

Development : Lawful Development Certificate Existing Use to establish unrestricted occupation of residential accommodation.

Sevenoaks District Council, as the District Planning Authority, pursuant to powers in the above mentioned Act and Order, HEREBY CERTIFY, that on the date of the application given above, that the existing use/development described in the First Schedule, in respect of the land specified in the Second Schedule and stippled grey on the attached plan was lawful within the meaning of Section 191 of the Town & Country Planning Act 1990 (as amended), for the following reason(s):

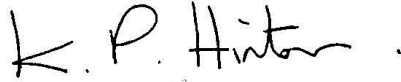
1 Use of residential accommodation comprising that part of the building detailed as residential within application SE/93/0845 by persons other than persons solely or mainly employed in agriculture

FIRST SCHEDULE

1 Evidence has been provided to show that the residential accommodation has been occupied by persons not employed in agriculture for a period of more than ten years.

SECOND SCHEDULE

2 The eastern part of The New Barn, Hever Lane, Hever as shown hatched black on the attached plan.



SIGNED
Kelvin Hinton
Head of Development Services

DATED: 30th May 2006

INFORMATIVES

1. This certificate is issued solely for the purpose of section 191/192 of the Town & Country Planning Act 1990 (as amended).
2. It certifies that the use/development specified in the First Schedule taking place on the land described in the Second Schedule was lawful, on the specified date and, thus, was not liable to enforcement action under section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the use/development described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.



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LAWFUL DEVELOPMENT CERTIFICATE

SE/06/00634/LDCEX

Scale 1:2500
 Date 30/05/2006

The New Barn, (Graceful Gardens Ltd.) Hever Lane, Hever, Kent

5.06 – SE/11/03229/FUL Date expired 10 February 2012

PROPOSAL: Construction of a police office within the undercroft of the existing offices including replacement of 5 Louvres to front elevation, with 4 no. windows (obscured glass), and 1 no. brick infill panel all to match existing.

LOCATION: Sevenoaks District Council, Council Offices, Argyle Road Sevenoaks TN13 1HG

WARD(S): Sevenoaks Town & St Johns

ITEM FOR DECISION

This has been referred to Development Control Committee as it is an application submitted by Sevenoaks District Council

RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:-

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

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

2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.

To ensure that the appearance of the development is in harmony with the existing character of the building as supported by Policy EN1 of the Sevenoaks District Local Plan.

3) The development hereby permitted shall be carried out in accordance with the following approved plans: 1001/037/01, 02, 03, 04, 05, 06, 07, 08, 09, 10.

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

In determining this application, the Local Planning Authority has had regard to the following Development Plan Policies:

The South East Plan 2009 - Policies T4, BE4, S6, LF1

Sevenoaks District Local Plan - Policies EN1, VP1, EP8, ST1A

Sevenoaks District Core Strategy 2011 - Policies LO1, LO2, LO3, SP1, SP8.

The following is a summary of the main reasons for the decision:

The scale, location and design of the development would respect the context of the site and safeguard the visual amenities of the locality.

The development would not have an unacceptable impact on the residential amenities of nearby dwellings.

The development makes adequate provision for the parking of vehicles within the application site.

Description of Proposal

- 1 This application seeks planning permission to extend the Council building to provide office accommodation for use by Kent Police. Members will be aware that the Council building already accommodates a public counter for Kent Police in the main reception area of the building.
- 2 The accommodation is sought as the current police office in Akehurst Lane is due to close. The planning application states that it is the District Council's wider policy to, wherever possible, facilitate joint working with other public bodies.
- 3 The extension would be built within an existing undercroft parking area below the first and second floors of the building, so it would not increase the footprint of the existing building. It would be sited to the south of the existing reception area, and would incorporate a modified police reception area, an open plan office, an Inspector's office, interview room and lockers. A separate access to this part of the building would be provided to the rear of the site, via the car park.
- 4 The extension would measure 11.6m x 9.37m in footprint. It would necessitate the replacement of existing louvres and windows in the Argyle Road elevation, but otherwise this aspect of the building would remain unchanged. The extension would enclose part of the existing car park but would still be contained within the footprint of the existing building.
- 5 The proposal would result in the loss of 10 car parking spaces. In addition, 5 further spaces would be allocated specifically for police use.

Description of Site

- 6 Members will naturally be well aware of the existing building and site. It forms the main administrative offices for the District Council and is located within the Sevenoaks town centre. The building is a large 1980's purpose built office and marks a point in the town where surrounding largely residential areas start to give way to larger scale commercial buildings marking the transition to the town centre.
- 7 The site is classified under the local plan as being within a Business Area. The Granville and Eardley Road Conservation area wraps around the southern and western boundaries of the site, but does not include the site.

Constraints

8 Defined Business Area

Policies

South East Plan

9 Policies– T4, BE4, S6, LF1

Sevenoaks District Local Plan

10 Policies–EN1, VP1, EP8, ST1A

Sevenoaks Core Strategy

11 Policies– LO1, LO2, LO3, SP1, SP8

Other –

12 PPS1 – Delivering Sustainable Development

13 PPS4 – Planning for Sustainable Growth

14 PPG13 - Transport

Relevant Planning History

15 SE/83/01677 – demolition of existing building and erection of new offices –
Approved

Consultations

Sevenoaks Town Council

16 Recommend approval subject to a condition requiring matching materials.

Kent Highways

17 I confirm that the Highway Authority would not wish to object to this proposal.
Other than recommending liaising with your own parking management team, I
further do not consider that other stipulations are appropriate.

Representations

18 None received.

Head of Development Services Appraisal

Principal Issues

19 The site is in the town centre and a defined business area where business
development is generally accepted and promoted. Policy EP8 of the local plan
promotes the use of Class B business uses in main business areas. Policy

ST1A of the local plan seeks to permit proposals that improve the range, quality and diversity of services, including community needs. Policy SP8 of the Core Strategy seeks to support office development in Sevenoaks town centre.

- 20 The existing Council offices do not fall neatly into the realm of “B1 business accommodation” as the offices provide a wider community service through the District Council and Police functions. However it is fair to say that the use of the building in the main reflects that of a typical office use, but that there are some more unique elements to the operation of the Council offices – such as the use of committee rooms and the public reception area (and current police counter). Nonetheless, I consider that the existing use of the building, and that of the proposed police office extension, would accord with the above policies which seek to accommodate business development and services for the community in sustainable and accessible town centre locations. The relocation of the police office from Akehurst Lane would maintain a police facility in the town centre which is clearly of benefit to the wider community.
- 21 The physical alterations to the existing building to accommodate the additional office space are very limited. In itself, the extension proposed is very small in scale in relation to the existing building. From Argyle Road, the external changes would be minimal, relating only to swapping out louvres and existing windows in the current elevation of the building. From Gordon Road, the extension would be visible across the existing Council car park, but would be contained wholly under the existing first floor of the building, and of very limited size. As such, I do not consider that the extension would cause any undue harm to either the character and appearance of the area or to the amenities of neighbouring properties, given the small scale nature of the proposal and distance to neighbouring buildings. In this respect, the proposal would comply with Policy EN1 ((1) and (3)) of the local plan, and SP1 of the Core Strategy.
- 22 The main issue in my opinion would be the resultant loss of car parking within the existing staff car park area. The scheme would result in the loss of 10 spaces as proposed. This would reduce the total car parking on site to 172 spaces. Taking into account the floor area of the building (including the proposed police office), this would equate to 1 parking space per 28 sqm of office space.
- 23 Policy EN1(6) of the Local Plan states that development should provide car parking facilities in accordance with the Council’s own standards. The Council no longer has local approved standards (these ceased to exist when the Kent and Medway Structure Plan was replaced). However Policy T4 of the South East Plan (which replaced the Structure Plan) states that restraint based maximum parking levels for non-residential development in accessible locations should be adopted, and sets maximum parking standards for business development of between 1:30 sqm and 1:100sqm.
- 24 Annex D of PPG13 (Transport) is also relevant as it sets out the Government’s maximum parking standards to be applied to development (More recent Govt advice in PPS4 also states that where there are no local standards, then the national standards in PPG13 should be applied). Annexe

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D of PPG13 specifies that a maximum standard of 1 space per 30 sqm should be applied to B1 uses, including offices.

- 25 Although the Council offices do not fall neatly into a “B1 business use”, I consider these to be the most relevant standards to apply to test the level of car parking at the Council offices. In this respect, it is evident that even with the proposed loss of car parking, the Council Offices would still retain more car parking spaces than both PPG13 and Policy T4 of the SE Plan set as a maximum. Adding in the fact that the site is in a sustainable town centre location and in close proximity to the train station, I do not consider in planning terms that an objection to the loss of car parking could be justified. I also note that Kent Highways raise no objection to the proposed level of car parking. On this basis, I do not consider that the level of resultant car parking would conflict with development plan policies.
- 26 It is noted that the staff car park is well used to above capacity, and the Council currently allows all its staff the opportunity to park in the car park. The application refers to the fact that some 15 members of existing staff will soon be relocated to Dartford and that this would mitigate against the loss of the spaces as proposed. Kent Highways have advised that liaison with the Council’s own car parking team should take place to consider any potential impacts. Having discussed this verbally with the car parking team, they would be concerned if staff parking began to spill out onto surrounding roads, albeit that these roads have restrictions which prevent parking for longer than 2 hours. However if car parking problems did occur, the Council may need to consider whether it should adopt a different strategy for staff car parking. However I would stress that this would be a matter for the Council to self govern and, as stated above, there are no good grounds in planning policy terms to resist the development.

Conclusion

- 27 The extension would maintain a greater police presence in the town, in an accessible and sustainable town centre location. The extension proposed to facilitate this would be small in scale and of little, if any impact on either the character and appearance of the area or neighbouring amenities. The proposal would result in the loss of existing staff car parking spaces, but would still accord with development plan policies relating to car parking levels. On this basis, the application is considered to be acceptable and in accordance with the development plan.

Background Papers

Site and Block Plans

Contact Officer(s): Mr A Byrne Extension: 7225

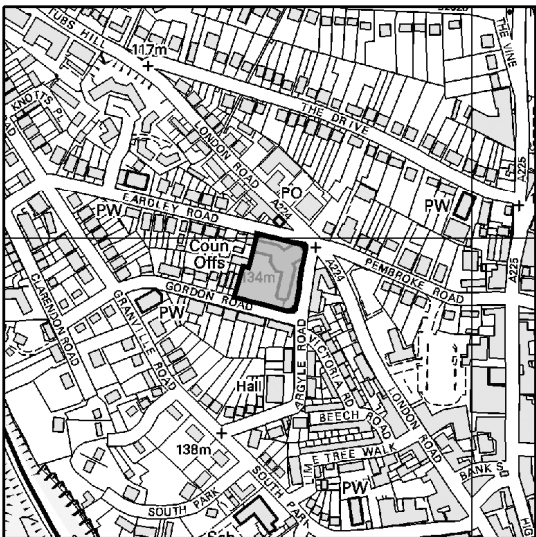
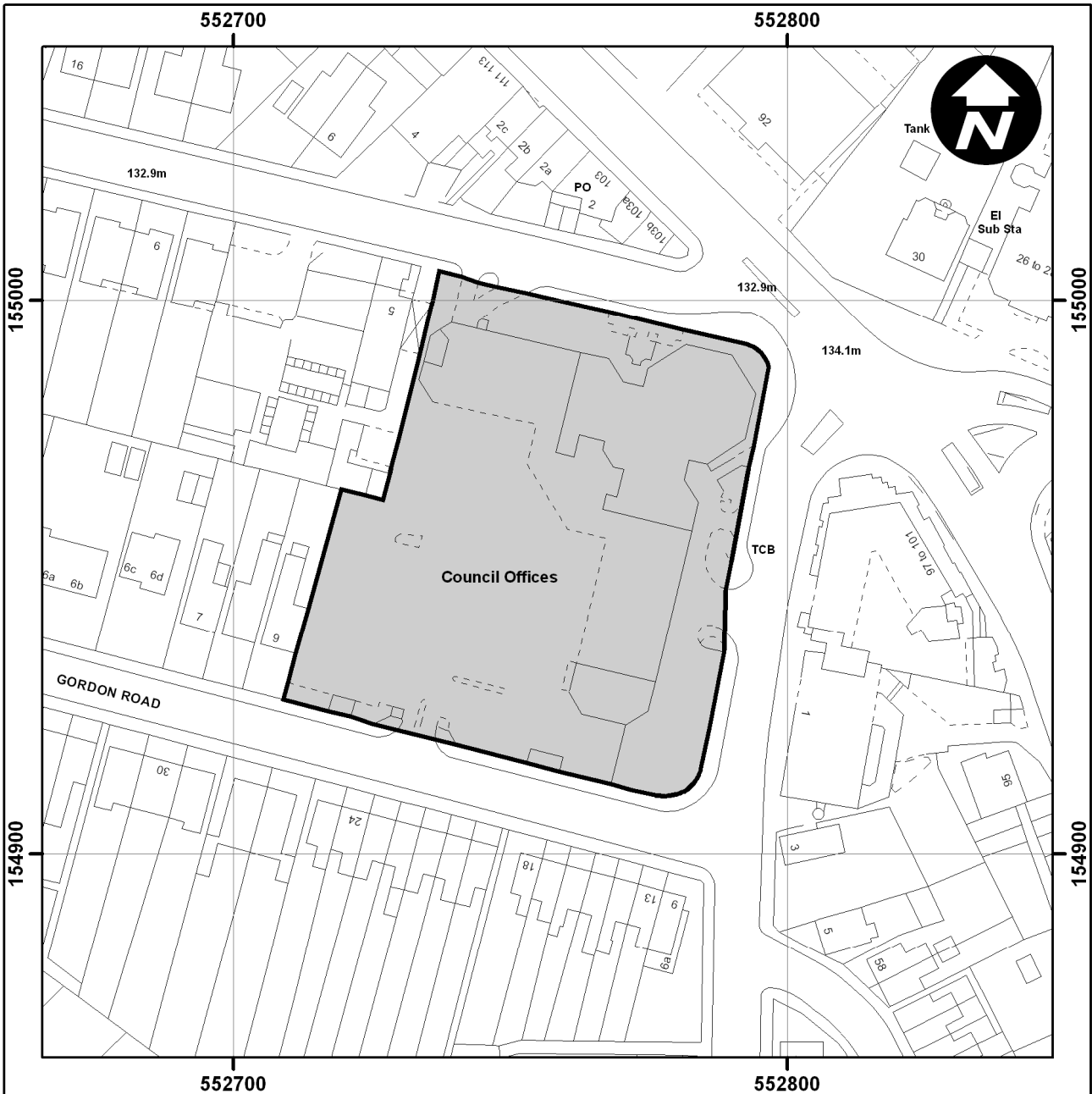
Kristen Paterson
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LW3PY2BK0CR00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LW3PY2BK0CR00>



Site Plan

Scale 1:1,250
 Date 03/02/2012



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GROUND FLOOR PLAN