



Sevenoaks
DISTRICT COUNCIL

Despatched: 15.08.12

DEVELOPMENT CONTROL COMMITTEE

23 August 2012 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

AGENDA

Membership:

Chairman: Cllr. Mrs. Dawson

Vice-Chairman Cllr. Williamson

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

Apologies for absence

1. **Minutes** (Pages 1 - 30)
Minutes of the meetings of the Committee held on 26 July 2012 and 1 August 2012
2. **Declarations of Interest or Predetermination**
Including any interests not already registered
3. **Declarations of Lobbying**
4. **Planning Applications - Group Manager - Planning's Report**
 - 4.1. **SE/12/01279/FUL - Caffyns PLC , 80 London Road, Sevenoaks TN13 2JD** (Pages 31 - 62)
Demolition of existing buildings and erection of a Lidl food store with 70 car parking spaces, 12 covered secure bicycle spaces & 4 short term bicycle spaces and associated landscaping. Closure of existing site access and creation of new site access. Erection of 2m high boundary fencing to rear & North West side of site.
 - 4.2. **SE/11/03327/FUL - Land Adjacent To Woodseaves, 5 Knole Paddock, Seal Hollow Road, Sevenoaks TN13 3RX** (Pages 63 - 72)
Erection of detached dwelling with integral garage

- 4.3. SE/12/01107/HOUSE - Ringsdown , Crockenhill Lane, Eynsford (Pages 73 - 80)
Dartford DA4 OJL

Demolition of existing asbestos garage and erection of a steel structure garage

- 4.4. SE/12/00345/HOUSE - 10 Woodside Road, Sundridge TN14 6DW (Pages 81 - 86)

Installation of external insulation system

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, 20 August 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 held on 26 July 2012 commencing at 7.00 pm

Present: Cllr. Mrs. Dawson (Chairman)

Cllrs. Mrs. Ayres, Brown, Clark, Cooke, Davison, Dickins, Gaywood, McGarvey, Orridge, Mrs. Parkin, Piper, Scholey, Miss. Thornton and Underwood

Apologies for absence were received from Cllrs. Williamson, Brookbank, Ms. Lowe and Walshe

Cllrs. Ayres, Mrs. Bracken, Ms. Chetram, Mrs. Davison, Firth, Mrs. Purves and Miss. Stack were also present.

41. Minutes

Members clarified that on application SE/12/00803/FUL – The Old Wheelwrights, The Green Brasted TN16 1JL they believed parking should be self-sufficient.

Resolved: That the minutes of the meetings of the Development Control Committee held on 28 June 2012, as amended, and 4 July 2012 be approved and signed by the Chairman as a correct record.

42. Declarations of Interest or Predetermination

No declarations of interest or predetermination were made.

43. Declarations of Lobbying

Cllr. McGarvey declared that he had been lobbied in respect of items 4.1 SE/11/01324/FUL - Farningham Mill & Associated Buildings, High Street, Farningham Kent DA4 ODG and 4.2 SE/11/01325/LBCALT - Farningham Mill & Associated Buildings, High Street, Farningham Kent DA4 ODG.

44. 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 for the following reasons:

Item 4.7 SE/12/00571/LBCALT – 10 St Ediths Road, Kemsing TN15 6PT: The item has previously been deferred for further information which had now been provided and assessed. Consideration at the meeting would avoid further delay in the final decision.

Item 4.8 SE/12/01020/HOUSE – Byways, Scords Lane, Brasted, Kent TN16 1QE: To avoid undue delay in determining the application which had already exceeded the statutory period.

Reserved Planning Applications

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The Committee considered the following planning applications:

45. SE/12/00571/LBCALT - 10 St Ediths Road, Kemsing TN15 6PT

The item had been deferred from the meeting on 24 May 2012 for the applicant to provide an independent survey on the condition of the windows in the property. That survey was included as an appendix to the report.

The proposal was for listed building consent to replace all the existing windows at the property with white painted wood double glazed windows. The report advised that there needed to be a clear and convincing justification for the replacement of the historic fabric of a designated heritage asset. The survey report of the condition of the windows showed that the windows were suffering from wet rot and/or were swollen. No assessment had been made that the windows could not be repaired and therefore the proposal would result in partial loss of the heritage asset.

Some Members agreed with the Officers that planning policy advised repairs should be made where possible and that the applicant's survey had dealt inadequately with the option to repair the windows.

Other Members felt the applicant had produced the survey, as requested, and this survey had shown problems in each of the windows. They also noted that there would be difficulty in replacing all the windows in the same style if they were not replaced at the same time.

It was MOVED and was duly seconded that:

“That listed building consent be GRANTED subject to the following conditions:

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

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 11-003(08)002, 11-003(02)001 and layout of front window received on the 2 March 2002.

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

3) No works shall take place until window details, at a scale of not less than 1:20; have been submitted to and approved in writing by the Council. The works shall be carried out in accordance with the approved details.

To maintain the integrity and character of the Listed Building as supported by the National Planning Policy Framework.”

The motion was put to the vote and there voted –

11 votes in favour of the motion

2 votes against the motion

Cllr. Dickins requested that his abstention be recorded because he was absent for part of the debate when this item was considered at the meeting of the Committee on 24 May 2012.

Resolved: That listed building consent be GRANTED subject to the following conditions:

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

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 11-003(08)002, 11-003(02)001 and layout of front window received on the 2 March 2002.

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

3) No works shall take place until window details, at a scale of not less than 1:20; have been submitted to and approved in writing by the Council. The works shall be carried out in accordance with the approved details.

To maintain the integrity and character of the Listed Building as supported by the National Planning Policy Framework.

46. SE/11/01324/FUL - Farningham Mill & Associated Buildings, High Street, Farningham Kent DA4 ODG

The application proposed a combination of new build residential dwellings and the renovation and conversion of existing buildings to residential use, together with ancillary works to address the renovation of the listed folly, flood alleviation works, car parking and landscaping works.

Officers considered that the works required were substantial and would have an adverse impact upon the significance of this site and its many listed buildings and structures. However the level of harm was considered to be less than substantial and great weight should be given to the conservation of all affected designated heritage assets. The proposals would affect surrounding residents and the visual amenities of the area. It was considered that the changes proposed would be sympathetic to the existing character of the site and wider area.

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: Nigel Glaister

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For the Application: Nicholas de Lotbiniere

Parish Representative: -

Local Member: Cllr. Ms. Chetram

A Member requested that condition 33 be amended so that materials were to be white, as he felt this would be more in keeping with the area. Officers agreed to amend conditions 33 so it also included approval of "colour".

In response to a question Officers confirmed 43 parking spaces had been provided for 20 units, including those dwellings already on site.

Discussions about the section 106 agreement were still ongoing and one of the heads of terms was the phasing of development. Members were concerned that, although the conservation works should be carried out, they did not want the project to collapse due to cost. Officers reminded Members that the folly had to be restored no later than once half the site had been occupied. One Member proposed that the developer submit a bond for the conservation works.

A Member was concerned that all dwellings ought be fitted with modern separate sewerage disposal. Officers advised this was a concern for Building Control and conditions should not be added to the planning permission duplicating other controls. An informative would be added instead.

Members noted the possible flood risk at Tiger Cottages. Officers clarified that Tiger Cottages could not be developed until a scheme had been submitted to demonstrate the loss of flood storage arising from the two dwellings would not result in increased flood levels elsewhere.

Officers advised that since the late observations sheet there were to be further amendments to the conditions. The consent in Condition 6 should be from the Local Planning Authority in agreement with the Environment Agency. The plans in Condition 9 should be submitted and approved by the Local Planning Authority. Condition 47 would be added to ensure obscure glazing on some properties, in order to reduce overlooking.

The local Member who sat on the Committee and was also Chairman of the local parish council noted the present application was more modest than previous ones. Concerns such as parking had been resolved and overlooking would now be controlled by condition 47. Officers had duly considered the need to ensure the renovation elements would be carried out and the condition on developing Tiger Cottages was strong.

It was MOVED and was duly seconded that the recommendation in the report, as amended, to grant permission subject to conditions be adopted. The motion was put to the vote and it was unanimously

Resolved: Subject to completion of an appropriate S106 Obligation with the following Heads of Terms: - Management Plan, Restoration of the Folly and Phasing of Development, 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) Prior to the commencement of works to implement this permission, details shall be submitted to and approved in writing by the Local Planning Authority (LPA) of the means of protection for all retained trees. The details to include the specification and position of any such fencing or other means of protection. The scheme shall be implemented in accordance with the approved plans prior to any site clearance works, or before any equipment, machinery or materials are brought on the land for the purposes of development and shall be retained until all equipment, machinery and surplus materials have been removed from the site. Within the areas of tree protection the following works shall not be carried out:- levels shall not be altered in relation to ground levels - no roots shall be cut, trenches dug, or soil removed - no buildings, roads or other engineering operations shall be constructed or carried out - no fires shall be lit- no vehicles shall be driven or parked over the area- no materials or equipment shall be stored unless otherwise approved in writing by the LPA.

To ensure the protection of trees within the site.

3) Prior to the commencement of development details shall be submitted to and approved in writing by the LPA, of the precise location, construction and means of enclosure of any temporary construction compound, including any temporary buildings sited within, storage areas for materials, access/turning areas for delivery of materials and goods and parking for construction staff. The scheme shall be implemented in accordance with approved details prior to the commencement of development.

To minimise the impact of this development upon the surrounding village and to ensure the protection of buildings and features of this site in accordance with the provisions of policy EN1 of the Sevenoaks District Local Plan.

4) Prior to the commencement of works on Lion Yard, Tiger Cottages and the Greenhouse, details shall be provided to the LPA of site levels, including details of existing and proposed ground levels and the proposed ground floor slab level. The scheme shall be carried out in accordance with the approved plans.

To ensure a satisfactory appearance upon completion and to ensure the protection of retained trees within the site.

5) Prior to the commencement of any development in connection with the construction of Tiger cottages, details shall be submitted to and approved in writing by the LPA, in conjunction with the Environment Agency, of a scheme to demonstrate that the loss of flood storage resulting from the proposed two dwellings and associated flood wall, will not result in increased flood levels elsewhere. These details shall use approved hydraulic modelling techniques and should include precise details of all additional flood mitigation and defences, flood storage compensation areas and confirmation that the post development model accurately reflects these measures.

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To reduce the impact of flooding resulting from the proposed development elsewhere.

6) No works within the channel of the Mill Leat or main channel of the River Darent or to any structure within either channel shall take place without the applicant first obtaining written consent from the LPA in consultation with the Environment Agency.

To ensure no increased risk of flooding as a result of the development.

7) Details of all landscaped flood bunds, flood walls and flood gates to individual dwellings shall be submitted to and approved in writing by the LPA. This should include flood proof garden walls which separate the rear gardens of dwellings from the Counting House to Gardeners Cottage.

To ensure flood risk to individual dwellings will be minimised.

8) No sleeping accommodation within any of the proposed dwellings are to be located below 33.95mODN.

To minimise risk to life.

9) Details shall be submitted to and approved in writing by the LPA prior to the first occupation of any dwelling to demonstrate that each dwelling will have an unobstructed pedestrian access route to an area of the High Street within Flood Zone 1 during flood conditions and the scheme shall be carried out in accordance with the approved details. Occupants of each dwelling should have guaranteed legal rights of access.

To ensure safe access under flood conditions, to all occupants and emergency services.

10) Prior to the commencement of development, a scheme to demonstrate that the disposal of surface water will not increase the risk of flooding on site or elsewhere shall be submitted to and approved in writing by the LPA. The scheme shall be carried out in accordance with the approved details.

To prevent increased risk of flooding.

11) Prior to the commencement of work on the Mill House, details shall be submitted to and approved in writing by the LPA of works to waterproof the basement to the mill house. The scheme shall be carried out in accordance with the approved details.

To prevent groundwater flooding.

12) Prior to the first occupation of any new dwellings on site details shall be submitted in writing to and be approved by the LPA, in consultation with the EA of those works required to ensure the safe removal of the existing Mill sluice and replacement with any alternative flow control structure required, to enable control of water levels. The scheme shall be carried out in accordance with the approved

details prior to the first occupation of any of the new dwellings within flood zone 2 or 3.

To prevent increased risk of flooding.

13) Prior to the commencement of works, a detailed mitigation and enhancement strategy for all protected species shall be submitted, incorporating the information provided in Section 4.2 of the EECOS Protected Species Report. This information shall include a timetable for the implementation of the strategy. The scheme shall be implemented in accordance with the approved details.

To ensure adequate protection of protected species during the construction period of the development hereby approved.

14) Prior to the first occupation of the development a written strategy shall be submitted to and approved in writing by the LPA advising how the Ecology Mitigation and enhancement strategy will be monitored upon completion of the development. This strategy shall include a timetable for assessing the impact of the development and include details of what steps will be implemented in the event that the initial mitigation proposed is unsuccessful. The scheme shall be implemented in accordance with the approved details.

To ensure long term protection of protected species on the site.

15) Details of any outside lighting shall be submitted to and approved in writing by the LPA before the related residential units are occupied. Despite the provisions of any Development Order outside lighting shall only be provided in accordance with the approved details, or such additional details as shall have been previously submitted to and agreed in writing by the LPA.

To safeguard the visual appearance of the area and protect the habitat of wildlife species on site.

16) Prior to commencement of development a detailed method statement in respect of Japanese Knotweed on the site shall be submitted to and be approved in writing by the LPA. The statement shall include the proposed means to prevent the spread of Japanese Knotweed during any operations such as mowing, strimming or soil movement. It shall also contain means to ensure that any soil brought to the site are free of the seeds/roots /stem of any invasive plant covered under the Wildlife _ Countryside Act 1981. Development shall proceed in accordance with the approved method statement.

Japanese Knotweed is an invasive plant the spread of which is prohibited under the Wildlife _ Countryside Act 1981. Without measures to prevent its spread as a result of development there would be a risk of an offence being committed and avoidable harm to the environment occurring.

17) Prior to the first occupation of the site, details shall be submitted to and approved in writing by the LPA of a plan indicating the allocations of parking spaces to individual dwellings. The scheme shall be carried out in accordance with the approved details.

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To ensure a convenient allocation of parking space to future residents to ensure maximum use of those spaces.

18) No development shall take place until the applicant or their agents or successors in title has secured the implementation of:- archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the LPA and- following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved in writing by the LPA.

To ensure that historic building features are properly examined and recorded..

19) No development shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved in writing by the LPA.

To ensure that historic building features are properly recorded and examined.

20) No development shall begin until details of foundations design and any other proposals involving below ground excavation have been submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details.

To ensure that due regard is had to the preservation in situ of important archaeological remains.

21) The parking spaces, and accesses and turning spaces shown on the approved plans shall be provided prior to the first occupation of the related dwellings and shall be permanently maintained for such purposes thereafter. The garages shown on the approved plans shall be made available for parking prior to the first occupation of the related dwellings and no development shall take place to prevent their retention thereafter for the purposes of the parking of a motor car.

To ensure adequate on site turning and parking space in accordance with policy VP1 of the Sevenoaks District Local Plan.

22) Visitor or communal spaces shown on the approved drawing shall be provided and kept available for use at all times for such purpose and shall not be allocated to or reserved for individual properties.

In the interests of the provision of adequate visitor parking on site.

23) The development at Lion Yard and the Greenhouse shall not be occupied until the access and parking/turning space has been laid out and surfaced, and visibility splays provided in accordance with the details approved by the LPA.

To ensure adequate off street parking for the residents of Lion Yard and to protect highways safety on the adjacent highway.

24) The newly created residential dwellings (apart from Lion Yard and the Greenhouse) shall not be first occupied until details have been submitted to and approved in writing by the LPA of works to the access drive and the scheme implemented in accordance with the approved details. The details shall include:- existing and proposed land levels- details of any surface drainage- details of the construction of the access drive- details of the surface materials proposed.

To ensure adequate off street parking and vehicular access to the newly created units .

25) Prior to the first occupation of the newly created residential units, details shall be submitted in writing to and approved by the LPA of all proposed hard landscaping within the site. The scheme shall be implemented in accordance with the approved details. No areas of hardstanding shall be implemented other than those approved pursuant to this condition.

To ensure a satisfactory appearance upon completion.

26) Details of a phased programme of soft landscaping works shall be submitted to and approved in writing by the LPA. The details for each phase shall include:- planting plans (identifying existing planting, plants to be retained and new planting)- a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities)- programme of implementation. The landscaping shall be undertaken fully in accordance with the approved plans for each phase, and in accordance with the approved programme of implementation.

To ensure a satisfactory appearance upon completion of the site as supported by policy EN1 of the Sevenoaks District Local Plan and policy SP1 of the Core Strategy.

27) If within a period of 5 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 ensure a satisfactory appearance of the site in accordance with the provisions of policy EN1 of the Sevenoaks District Local plan.

28) No satellite dishes or aerials shall be fixed externally to any of the buildings, despite the provisions of any Development Order unless otherwise agreed in writing by the LPA.

To safeguard the appearance of this sensitive site in accordance with the provisions of policy SP1 of the Sevenoaks District Core Strategy.

29) No extensions, additions, additional windows or other openings, other than those show on the approved plans, shall be made to the scheme hereby permitted, despite the provisions of any Development Order without the prior written approval of the LPA.

To ensure a satisfactory appearance to this sensitive site in accordance with the provisions of policy EN1 of the SDLP and policy SP1 of the Core Strategy.

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30) No fences, walls or other means of enclosure, buildings, swimming pools or other development forming part of Class E of the Town _ Country Planning (General Permitted Development) Order (or any legislation re-enacting that Order) order shall be constructed without the prior written approval of the LPA.

To ensure the protection of the sensitive historic character of this site in accordance with the provisions of policies EN1 and EN23 of the SDLP and policy SP1 of the Core Strategy.

31) No areas of hard standing shall be constructed within the site, other than those approved as part of the permission without the prior written approval of the LPA.

To protect the sensitive character of this sensitive heritage site.

32) Prior to the first occupation of the development hereby permitted, details shall be submitted in writing to and be approved by the LPA of proposed means of refuse storage other than that within the Cart Sheds. The scheme shall be implemented in accordance with the approved scheme.

To ensure a satisfactory appearance upon completion in accordance with the provisions of policy EN1 and EN23 of the Sevenoaks District Local Plan and policy SP1 of the Sevenoaks Core Strategy.

33) Prior to the commencement of development, samples shall be submitted to and approved in writing by the LPA of all the materials, including the colour proposed, to be used in the construction of the external surfaces of the buildings hereby permitted. The scheme shall be implemented in accordance with the approved details.

To ensure a satisfactory appearance upon completion in accordance with the provision of policy EN1 of the SDLP and policy SP1 of the Core Strategy.

34) Within 2 months of the commencement of development, details of all rainwater goods and any external soil or waste pipe and vent pipes have been submitted to and approved in writing by the LPA. The scheme shall be completed in accordance with the approved scheme.

To ensure a satisfactory appearance upon completion in accordance with the provisions of policy EN1 of the SDLP and policy SP1 of the Core Strategy.

35) Prior to the installation of any rooflights hereby approved, the manufacturers details shall be submitted to and approved in writing by the LPA, in consultation with English Heritage of the proposed rooflights. The scheme shall be carried out in accordance with the approved details.

To ensure a satisfactory appearance upon completion in accordance with the provisions of policy EN1 and EN23 of the SDLP and policy SP1 of the Core Strategy.

36) Notwithstanding the details hereby approved, details shall be submitted to and approved in writing by the LPA of both proposed footbridges prior the first

occupation of the scheme. The details shall include the siting, design and materials of both bridges. The scheme shall be completed in accordance with the approved details in accordance with a timetable to be submitted to and approved in writing by the LPA.

To ensure a satisfactory appearance upon completion in accordance with the provisions of policy EN1 of the SDLP and SP1 of the Core Strategy..

37) No development shall be carried out on the land until door and window details, at a scale of not less than 1:20 have been submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved details

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by policies EN1 of the SDLP and SP1 of the Core Strategy.

38) Prior to the commencement of development on site, details shall be submitted in writing to and be approved by the LPA of wheelwashing facilities. The scheme shall be implemented in accordance with the approved details and shall be permanently retained during the development period.

To prevent the spread of mud to the adjacent public highway.

39) No site clearance, demolition, construction or associated activities including deliveries, loading, unloading, servicing vehicle parking or the manoeuvring of vehicles shall be carried out on the premises outside the hours of 0800 and 1800 hours Mondays to Saturdays and not at all on Sundays or bank holidays.

To protect the amenities of the nearby residents.

40) No development shall take place on the site until a report detailing the investigation and recording of any contamination within the site has been submitted to and approved in writing by the LPA. This would include detailed proposals for the means of removal, containment or otherwise rendering harmless such contamination and in the event such works are required the submission of a post development report to verify that the required works regarding contamination have been carried out in accordance with any approved method statement. The scheme shall be carried out in accordance with the approved details.

In the interests of pollution prevention and safety.

41) Within 3 months of the commencement of development, details shall be submitted to and approved in writing by the LPA in consultation with the Environment Agency of any proposed solar panels, water source heat pumps and the proposed water driven turbine. The scheme shall be carried out in accordance with the approved details.

To ensure an acceptable impact upon the character and heritage significance of this site as a result of the proposed works.

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42) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan (as amended), FARN/PL-10-001,002B, FARN/PL-10-004F, 05D,006A, 007A, 010D, FARN/PL-13-001 Rev A,002,003C,004C,005D, FARN/PL-13-046, 047B, FARN/PL-13-050 RevA,051A,052C,053C054,056B, FARN/PL-13-060,061F,065G,067D,068D, FARN/PL-13-071C, 072B, FARN/PL-13-057,058, G3620-CH-E,G,1, G3620-MH-B,E,G,M,1,2, G3620a-1

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

43) No occupation shall take place prior to details being agreed and works carried out to the satisfaction of the Highway Authority, Kent County Council and Sevenoaks District Council at the tie-in between the vehicular access to the site and the High Street. These works will include a revised surface treatment required to better define the edge of carriageway in the High Street and associated location of the give way marking which in turn will improve junction visibility to the south.

To improve visibility and highways safety at the entrance to the site.

44) Prior to the commencement of any works to the Counting House, Carriage House, Stables, Gardeners Cottage and Coach House details shall be submitted in writing to and approved by the LPA in consultation with English Heritage and the Environment Agency of the proposed means of flood protection to the walls of these buildings. The scheme shall be carried out in accordance with the approved details.

To ensure the proposed development is in harmony with the existing listed building.

45) Prior to the commencement of works to the Folly, a full schedule of works required to ensure its full restoration shall be provided in writing to and approved in writing by the Local Planning Authority in consultation with English Heritage. Work shall be implemented in accordance with the approved details.

To ensure that the proposed works are in harmony with the listed building.

46) Prior to the commencement of works to the Cow Shed and the greenhouse (within the walled garden) details shall be submitted to and approved in writing by the LPA of the extent of the works proposed. The scheme shall be carried out in accordance with the approved plans.

To ensure a satisfactory appearance upon completion.

47) No occupation of the individual units shall take place until the following windows have been glazed with obscured glass:

- The second floor rear facing windows in Tiger cottages
- The lower half of the ground floor flank dining room windows in Tiger cottages
- The lower half of the first floor flank study windows in Tiger Cottages
- All first floor flank windows to unit 1 Lion Yard

- The first floor flank study and bathroom windows to both units 2 & 3 Lion Yard
- The flank second floor window to unit 3 Lion Yard

To ensure the privacy of the adjacent residents in accordance with the provisions of policy EN1 of the SDLP.

Informatives

- 1) In connection with Condition 5, the relevant sections of the EA Hydraulic model can be made available for reference and for re-use for external parties through the EA's charging and licensing for Flood Risk Information Procedure. Please note the sliding scale of fees applicable to this type of information and that the EA can advise of the potential cost of obtaining modelling data.
- 2) You are advised that in respect of condition 12 a weir structure or similar is considered an appropriate means of ensuring water flow into the leat can be increased at times of flood. Such details shall be covered by an application to the Environment Agency for Flood Defence Consent under the terms of Section 109 of the Water Resource Act 1991.
- 3) You are advised that in connection with condition 15, any external lighting should, as far as possible, be low or zero UV installations. Lighting should include light shades to reduce the impact upon bats, should only see to illuminate ground floor areas and should not include lamps greater than 2000(150w) lumens. Lights should not be directed at or close to any bat roost, access points or flight paths and should not illuminate any brick bats and boxes placed on buildings or trees.
- 4) Care should be taken during and after construction to ensure that all fuel, oils and any other potentially contaminating materials shall be stored so as to prevent accidental discharge into the ground. The area of storage shall not drain to any surface water system.
- 5) Where it is proposed to store more than 200 litres of any type of oil it must be stored in accordance with the control of pollution (Oil Storage)(England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the oil.
- 6) You are advised to upgrade the drainage systems of the existing cottages on site as part of the works hereby approved to ensure that they do not rely upon a mixed rainwater/foul water sewage system.

Members thanked the Officer for her comprehensive report.

47. SE/11/01325/LBCALT - Farningham Mill & Associated Buildings, High Street, Farningham Kent DA4 ODG

The proposal was for listed building consent for those works associated with the conversion of existing buildings into residential and ancillary accommodation.

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Officers considered that some elements of the scheme would cause harm to the significance of the estate and the buildings on it both in terms of actual physical harm to the fabric of the buildings and in terms of harm to the setting of the estate. However the harm would not amount to substantial harm and the benefits that would accrue from securing the future use and on-going maintenance in the manner proposed could outweigh the reduced harm to significance.

There were still matters to be resolved and these would be dealt with by means of a section 106 obligation and conditions.

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

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

Members' attention was drawn to those facts also stated in minute item 46. There were no further public speakers for this item.

The local Member, who sat on the Committee, was concerned how significantly the site had deteriorated in the last 12 months. Buildings were in danger of falling apart soon. He would not have accepted development at any cost, but he felt these proposals were appropriate.

It was MOVED and was duly seconded that the recommendation in the report, as amended by the Late Observations Sheet, to grant listed building consent subject to conditions be adopted. The motion was put to the vote it was unanimously –

Resolved: To refer this application to the Secretary of State for consideration under the call in procedure. If the application is not called in then subject to completion of an appropriate S106 Obligation with the following Heads of Terms: - Management Plan, Restoration of the Folly and Phasing of Development, that Listed Building Consent be GRANTED subject to the following conditions:-

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

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

2) Prior to the commencement of works, a structural engineers method statement for carrying out structural works and repairs to the Mill House shall be submitted to and approved in writing by the Local Planning Authority, in consultation with English Heritage. The works shall be carried out in accordance with the approved details.

To ensure minimum harm to the fabric and character of this heritage asset.

3) Prior to the commencement of works on any existing buildings on this site, large scale drawings showing the proposed methods of providing any new insulation and sound separation to all dwellings shall be submitted and approved in writing by the Local Planning Authority in consultation with English Heritage. The scheme shall be carried out fully in accordance with the approved details.

To ensure the proposed development is in harmony with the existing listed building.

4) Prior to the commencement of work on any existing buildings on site, joinery details shall be provided to the LPA in consultation with English Heritage of all new and replacement windows and doors (including to the Carriage House and Coach House) including full scale sections for glazing bars, sills, heads and details of protective finishes. The scheme shall be carried out fully in accordance with the approved details.

To ensure the proposed works are in harmony with the existing listed building.

5) Prior to the commencement of works on site, details shall be provided of all works to construct new pedestrian bridges on site, including full details of siting materials and design. The details shall be submitted to and approved in writing by the Local Planning Authority in conjunction with English Heritage and the scheme shall be carried out in accordance with the approved plans.

To ensure the proposed development is in harmony with the listed building and protects the character and setting of the site in accordance with policy SP1 of the Core Strategy.

6) Prior to the commencement of works on site drawings at a scale of 1:5 fully detailing all new or replacement bargeboards, weatherboarding, balconies, roof verges and roof eaves to the mill shall be submitted to and approved in writing by the Local Planning Authority in consultation with English Heritage. The works shall be carried out fully in accordance with the approved details.

To ensure the proposed works are in harmony with the listed buildings and to protect the character and setting of the site in accordance with the provisions of policy SP1 of the Core Strategy.

7) Prior to the commencement of works on site, details shall be provided to and approved in writing by the LPA in consultation with English Heritage of any new floor surface to the stables. The scheme shall be carried out in accordance with the approved details.

To ensure the proposed works are in harmony with the listed building in accordance with the provisions of policy SP1 of the Core Strategy.

8) Prior to the commencement of works on site, manufacturers details of all new roof lights shall be submitted to and approved in writing by the LPA in consultation with English Heritage. The scheme shall be carried out fully in accordance with the approved details.

To ensure the proposed development is in harmony with the listed building in accordance with the provisions of policy SP1 of the Core Strategy.

9) Prior to the commencement of works to Tiger Cottages drawings to a scale of 1:5 fully detailing eaves, verges, porch canopies and windows to Tiger Cottages shall be submitted to and approved in writing by the LPA in consultation with

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English Heritage. The scheme shall be carried out in accordance with the approved details.

To ensure a satisfactory appearance upon completion in accordance with the provisions of policy EN1 of the Sevenoaks District Local Plan and policy SP1 of the Core Strategy.

10) Prior to the commencement of works on site details shall be submitted in writing to and approved by the LPA in consultation with English Heritage of all rainwater goods. The scheme shall be carried out in accordance with the approved details.

To ensure a satisfactory appearance upon completion in accordance with the provisions of policy SP1 of the Core Strategy..

11) Before any work is commenced, the position, type and method of installation of all new and relocated services and related fixtures (including plumbing, grilles, flues, vents, alarms, lighting, cameras, ductwork and communications and information technology servicing), shall be specified and agreed in writing with the Council wherever these installations are to be visible. Any works shall be implemented only in accordance with such approval.

To ensure a satisfactory appearance upon completion and impact upon the character and significance of the listed buildings.

12) Prior to the first occupation of the development hereby approved, samples shall be submitted to and approved in writing by the Local Planning Authority in consultation with English Heritage of all the hard surfacing materials and materials to be used in the external surfaces of the development hereby approved. The scheme shall be carried out in accordance with the approved details.

To ensure a satisfactory appearance upon completion in accordance with the provisions of policy SP1 of the Core Strategy.

13) Prior to the commencement of the development hereby approved, details shall be submitted to and approved in writing by the LPA in consultation with English Heritage of the proposed landscaping scheme showing details of all hard and soft landscaping, including any phasing scheme. The scheme shall be carried out in accordance with the approved details.

In order to secure a satisfactory appearance upon completion in accordance with the provisions of policy SP1 of the Core Strategy.

At 8.40 p.m. the Chairman adjourned the Committee for the convenience of Members and Officers. The meeting resumed at 8.53 p.m.

48. SE/12/01055/FUL - Land To Rear Of Garden Cottages, Powder Mill Lane, Leigh Kent

The proposal was for the development of the site with 13 dwellings, including 4 affordable dwellings, consisting of a mixture of two storey detached, link detached semi-

detached and terraced dwellings arranged around a shared access leading from Hollow Trees Drive. The proposal additionally included the demolition and replacement of the existing garage serving The Cottage, Powder Mill Lane. Hollow Trees Drive will be increased to a width of 3.5m with 3 no. 6m wide passing bays.

Officers considered that the proposal was acceptable in its current form except that, in the absence of a section 106 agreement, the proposal failed to secure on-site affordable housing in accordance with SP3 and fails to secure necessary developer contributions.

The site was within the built confines of Leigh and part of the drive was in the Green Belt.

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

The Committee was addressed by the following speakers:

Against the Application:	Claire Denison
For the Application:	Lucy Stone
Parish Representative:	-
Local Member:	-

Officers responded to Members questions. They stated they did not believe the allotments had been statutory allotments. The density across the site as a whole was 23 dwellings per hectare and 25 per hectare if the road were excluded.

A Member felt the access route was too narrow. Another suggested that a narrow road would assist in reducing speed.

It was MOVED and duly seconded that the 2 recommendations in the report be adopted. The motion was put to the vote and there voted –

12 votes in favour of the motion

2 votes against the motion

Resolved:

a) That, subject to receipt of a signed and valid S106 Obligation to secure on-site affordable housing and the necessary developer contributions on or before 2 August 2012, authority be delegated to the Community and Planning Services Director to GRANT planning permission 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. 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 dwellings hereby permitted have been submitted to and approved in writing by the

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Local Planning Authority. 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 in accordance with EN1 of the Local Plan and as supported by the National Planning Policy Framework.

3. No development shall be carried out on the land until full details of soft and hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:- details of proposed hard surfaces, including details of the proposed resurfacing and widening of Hollow Trees Drive and internal roads, pathways, driveways and patios. The details provided shall include a schedule of the materials to be used on the finished surface. The details provided shall, as far as is reasonably practicable, include an enlarged turning area for refuse and delivery vehicles. -planting plans (identifying existing planting, plants and trees to be retained and new planting);- details of pruning and works to retained hedges. -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. The details submitted shall detail the treatment of the area to the north of the repositioned boundary to The Cottage, Powder Mill Lane. Soft and hard landscaping shall be carried out before the first occupation of any of the dwellings hereby approved 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 and in the interests of highways safety and convenience in accordance with EN1 of the Local Plan and SP1 of the Core Strategy.

4. No development shall commence until an updated tree survey for Hollow Trees Drive and a scheme for tree protection has been submitted to and approved in writing by the Local Planning Authority. Where necessary, the scheme shall include details of tree pruning. The development shall be carried out in accordance with the approved scheme.

To ensure the retention and long term health of trees in accordance with EN1 of the Local Plan.

5. No development shall commence until full details of boundary treatments (including the reconstructed wall to the northern boundary of The Cottage, Powder Mill Lane) have been submitted to and approved in writing by the Local Planning Authority. The details provided shall include details of retained and proposed boundary treatments, their heights and the materials used in their construction. Boundary treatments shall be erected and provided in complete accordance with the approved details prior to the first occupation of any of the dwellings hereby approved.

To safeguard the character and appearance of the area in accordance with EN1 of the Local Plan.

6. No dwelling to be occupied until kerb build-outs have been constructed in Powder Mill Lane adjacent the junction with Hollow Trees Drive in accordance with revised details to be submitted to and agreed in writing by the Local Planning Authority. The build-outs must be between 0.3 metres and 0.35 metres wide and tapered at an angle of no steeper than 1-in-60.

In the interests of highways safety in accordance with EN1 of the Local Plan.

7. Prior to the first occupation of any of the dwellings hereby approved, passing places shall be fully laid out and provided along Hollow Trees Drive in accordance with drawing no 03/001 Rev.D, or as otherwise approved in writing by the Local Planning Authority.

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

8. No dwelling is to be occupied until a 2.4metre x 54 metre visibility to the west has been provided where Hollow Trees Drive meets Powder Mill Lane in accordance with drawing 03/001 Rev D. This visibility splay is to be maintained free from any obstruction over 1 metre height at all times.

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

9. Prior to the commencement of the development, details of internal pedestrian and vehicular visibility splays (where shared driveways meet the shared access road) shall be submitted to and approved in writing by the Local Planning Authority. Internal visibility splays shall be provided prior to the first occupation of any of the dwellings hereby approved. Pedestrian and vehicular visibility splays shall be kept clear of obstructions over 0.6m and 1m in height respectively.

In the interests of pedestrian and highways safety in accordance with EN1 of the Local Plan.

10. No freestanding street lights shall be erected or provided at any time within the site.

In the interests of visual amenity and to preserve the character and appearance of the area in accordance with EN1 of the Local Plan and SP1 of the Core Strategy.

11. 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 in accordance with SP2 of the Core Strategy.

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12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no window(s) or other opening(s), other than those shown on the approved plans, shall be inserted at any time:- within the west facing flank of bedrooms 2 and 3 in plot 1, - at or above first floor level in the west facing elevation of plot 11, - at or above first floor level in the east facing flank of plot 13.

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

13. Notwithstanding the details submitted within the application, the following windows shall be obscure glazed and fixed shut at all times, with the exception of any high level light(s) (above 1.7m above internal floor level):- The west facing upper floor landing window to plot no.11, and - The east facing upper floor landing window to plot no. 13.

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

14. No development shall take place until full details of the proposed foul and surface water drainage systems have been submitted to and approved in writing by the Local Planning Authority. Foul and surface water drainage systems shall be provided in complete accordance with the approved details prior to the first occupation of any of the dwellings hereby approved.

To ensure adequate drainage and reduce the risk of localised flooding in accordance with guidance contained within the NPPF.

15. No development shall be commenced until:

a) a site investigation has been undertaken to determine the nature and extent of any land contamination; and

b) the results of the investigation, together with an assessment by a competent person and details of a scheme to contain, treat or remove any contamination, as appropriate, has been submitted to and approved in writing by the Local Planning Authority. The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or pollution of adjoining land. The scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking of the development hereby permitted, including a requirement to notify the Local Planning Authority of the presence of any such previously unidentified contamination. Prior to the first occupation of any part of the development hereby permitted;

c) the approved remediation scheme shall be fully implemented insofar as it relates to the part of the development occupied; and

d) a certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted use. Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

In the interests of amenity and public safety in accordance with the NPPF.

16. Prior to the commencement of the development a full reptile survey shall be carried out and a full report including proposed mitigation measures (as necessary) shall be submitted to and approved in writing by the Local Planning Authority. Mitigation measures shall be carried out in complete accordance with the approved details.

In the interests of biodiversity and ecological conservation in accordance with the recommendations of the NPPF.

17. Notwithstanding the requirements of condition 16 above, the development shall be carried out in complete accordance with the mitigation measures outlined in paragraphs 4.8, 4.9 and 4.11 of the 'Tom la Dell' ecology survey dated April 2012 and submitted with this application.

In the interests of biodiversity and ecological conservation in accordance with the recommendations of the NPPF.

18. The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 'Promap' site location plan received 24/4/12, 325/01, 325/P1.01, P1.02, P2.01, P2.02, P3-4.01, P3-4.02, P5.01, P5.02, P6.01, P6.02, P7.01, P7.02, P8.01, P8.02, P9.01, P9.02, P10.01, P10.02, P11-13.01, P11-13.02, Ga.01, Ga.02, Ga.0303/001 Rev.D, 03/002 Rev.B and 1028/12/5.

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

Informatives

1. Works on Powder Mill Lane and at the entrance to Hollow Trees Drive will need to be carried out under a section 278 agreement (or letter of agreement) with the highway authority.

2. You are advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel.01962 858688).

3. You are advised that details submitted pursuant to conditions 3 and 5 should show the formation of a hedge to the eastern boundary of the site (with post and rail fence as necessary) and should as far as is reasonably practicable show the retention and management of the hedge to the southern boundary of the site.

b) Failing the receipt of an acceptable s.106 agreement to provide affordable housing and the relevant contributions on or before 2 August 2012, that planning permission be refused for the following reason:

The proposal fails to make adequate provision for affordable housing contrary to Policy SP3 of the Sevenoaks Core Strategy and fails to provide necessary

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contributions towards new / improved community and social infrastructure contrary to Policy SP9.

49. SE/12/01207/HOUSE - Fairlawn, Wildernesse Avenue, Sevenoaks Kent TN15 OEA

Members were informed that this item had been WITHDRAWN from the agenda.

50. SE/12/01208/CAC - Fairlawn, Wildernesse Avenue, Sevenoaks Kent TN15 OEA

Members were informed that this item had been WITHDRAWN from the agenda.

51. SE/12/01234/HOUSE - 49 Hartslands Road, Sevenoaks, Kent TN13 3TW

The proposal was for an amendment to extant planning permission SE/11/00120/FUL. The changes included altered height, width and position of both the front and rear dormers to the side facing roof slope, the enlargement of the first floor side facing window to the small bedroom and an amended design to the single storey rear element, omitting in particular the ground floor glazing to the flank.

The application site was located within the urban area of Sevenoaks and within the Hartslands Conservation Area. The dwelling was not listed and there were no Tree Preservation Orders in force on the site.

Officers considered that the proposal was in accordance with the policies of the Development Plan. The development would respect the context of the site and would not have an unacceptable impact on the street scene. Any potentially significant impacts on the amenities of nearby dwellings could be satisfactorily mitigated by way of the conditions imposed.

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

The Committee was addressed by the following speakers:

Against the Application:	Nichola Williams
For the Application:	-
Parish Representative:	-
Local Member:	Cllr. Mrs. Purves

A representation from Cllr. Walshe was read out as he was unable to attend the meeting.

Members were concerned that they were again considering a matter where significant construction work had taken place contrary to the permission which had been granted. Members strongly believed that the Planning Enforcement Team should be more pro-active.

In response to a question Officers confirmed that the previous decision had been made under delegated authority and they were unaware of other dormers on neighbouring properties.

The Committee commented that the white plastic cladding on the dormers was out of keeping with the surrounding area. Under the amended proposals the dormers would also increase in volume by approximately 41%.

It was MOVED and was duly seconded:

“That planning permission be refused on the following grounds:

1) The dormers due to their size and through the use of inappropriate materials results in harm to the character of the Conservation Area as well as being visually detrimental to the streetscene. The dormers also have an overbearing impact on the residential amenity of the neighbouring property. As such the proposal is contrary to the saved policies EN1 and EN23 of the Sevenoaks District Local Plan.”

The motion was put to the vote and it was unanimously

Resolved: That planning permission be REFUSED on the following grounds:

1) The dormers due to their size and through the use of inappropriate materials results in harm to the character of the Conservation Area as well as being visually detrimental to the streetscene. The dormers also have an overbearing impact on the residential amenity of the neighbouring property. As such the proposal is contrary to the saved policies EN1 and EN23 of the Sevenoaks District Local Plan.

52. SE/12/01020/HOUSE - Byways, Scords Lane, Brasted, Kent TN16 1QE

The proposal was for the addition of 7 roof lights, the replacement of an existing doorway with an aluminium sliding door and the replacement of a window and a French window with sliding doors. The site had been granted permission as a replacement dwelling in 2003 at which point permitted development rights had been removed.

Officers considered that the proposed development would not have a detrimental impact upon local amenities, the Area of Archaeological Potential, the Area of Outstanding Natural Beauty or the Metropolitan Green Belt.

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:	-
For the Application:	Peter Wright
Parish Representative:	Cllr. Hocknell
Local Member:	Cllr. Firth

At 10:28 p.m. it was MOVED by the Chairman that, in accordance with rule 16.1 of Part 2 of the Constitution, Members extend the meeting beyond 10.30 p.m. to enable the

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Committee to complete the business on the agenda. The motion was put to the vote and it was

Resolved: That the meeting be extended past 10.30 p.m. to enable the Committee to complete the business on the agenda.

A Member suggested that the roof lights could look inappropriate if the windows were made of white plastic.

The Committee noted the concern of the local Member that the roof lights could be visible from the front. However, Members believed that the roof lights would only be visible from the driveway, not the road.

It was MOVED and was duly seconded that the recommendation in the report to grant permission subject to conditions be adopted together with an additional condition for the approval of materials used for the windows. The motion was put to the vote and there voted –

11 votes in favour of the motion

2 votes against the motion

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

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

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans: D.013B, 014A, 015A, 016, 018B, 019, 020B, 021A, 022B

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

3) No development shall be carried out on the land until details of the materials to be used in the construction of the rooflights 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 EN1 as supported by Policy EN1 of the Sevenoaks District Local Plan.

THE MEETING WAS CONCLUDED AT 10.42 PM

CHAIRMAN

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 1 August 2012 commencing at 7.00 pm

Present: Cllr. Mrs. Dawson (Chairman)

Cllrs. Mrs. Ayres, Brookbank, Clark, Davison, Dickins, Gaywood, Ms. Lowe, Mrs. Parkin, Piper, Scholey, Miss. Thornton and Walshe

Apologies for absence were received from Cllrs. Williamson, Brown, Cooke, McGarvey, Orridge and Underwood

Cllrs. Ayres, Mrs. Davison, Grint and Neal were also present.

53. Declarations of Interest or Predetermination

Cllr Dickins clarified that he lived $\frac{3}{4}$ miles from the application site of item 3.2 – SE/12/01062/FUL - The Dyehurst Stud, Greenlands Farm, Uckfield Lane Hever Kent TN8 7LN. He had advised people involved in the application, mostly objectors. However, he had been prepared to advise both sides equally and he had retained an open mind about the application.

54. Declarations of Lobbying

Cllr Dickins declared that he had been lobbied in respect of item 3.2 – SE/12/01062/FUL - The Dyehurst Stud, Greenlands Farm, Uckfield Lane Hever Kent TN8 7LN.

Unreserved Planning Applications

There were no public speakers against the following items. Therefore, in accordance with Part 7 3.5(e) of the constitution, the following matter was considered without debate:

55. SE/12/01799/AGRNOT - Grange Farmhouse, Pootings Lane, Crockham Hill TN8 6SA

The report advised that the proposal was for the demolition of two existing grain silos, and replacement with a 2-bay extension to the existing portal frame building. The extension would comprise a steel portal framed building with a concrete panelled plinth, Yorkshire boarding in grey to clad the walls and a reinforced cement fibre roof. The extension was proposed to provide 166ml of additional floor space for general storage purposes.

The site was within the Metropolitan Green Belt and Special Landscape Area.

It was MOVED by the Chairman that the recommendation in the report be adopted.

Resolved: That no objection be lodged

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The proposed development complies with the criteria set out in Schedule Two, Part 6, Class A, of the Town and Country Planning General Permitted Development Order 1995.

Reserved Planning Applications

The Committee considered the following planning applications:

56. SE/12/01435/FUL - 8 Johnsons Avenue, Badgers Mount, Kent TN14 7AX

The proposal was for a two storey front and side extension, a single storey extension across the front of the house, a single storey extension across the rear of the proposed house, the provision in the rear garden of two additional parking spaces lying next to the existing off street parking and the division of the house into two self contained dwellings. The original house would be retained as a two-bedroom unit with the extension accommodating a one-bedroom house.

The site was within the built confines of Badgers Mount and an Area of Outstanding Natural Beauty.

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

Officers considered that the design of the extensions would be acceptable within the street scene, fitting sympathetically with the existing house and terrace. The conversion would result in an acceptable sized garden and sufficient off street parking being allocated to each house. So long as the section 106 obligation was signed the application would also fulfil the requirements for a financial contribution to towards the Council's Affordable Housing Strategy.

Members' attention was drawn to the tabled Late Observations sheet. Officers updated Members that further amendments would be made to 2 of the conditions. Conditions 3 and 4 should both begin "No occupation shall take place until...". At the end of the reason for condition 4 there should also be added "...and to ensure satisfactory residential amenity".

The Committee was addressed by the following speakers:

Against the Application:	Eileen Lessey
For the Application:	-
Parish Representative:	Cllr. Dallimore
Local Member:	Cllr. Grint

Members noted the concerns of the speakers concerning possible overdevelopment of the junction, aggravation to the existing parking difficulties and the possible hazard of sight-lines from the new opening onto Badgers Road. However, the Committee agreed with the Officers that the extensions were not significant in the context of the terrace, they felt there was sufficient parking added and that there would be no significant highways hazard from the development.

It was MOVED and was duly seconded that the recommendation in the report, as amended, to grant permission subject to conditions be adopted. The motion was put to the vote and there voted –

10 votes in favour of the motion

2 votes against the motion

Resolved:

A) That, subject to the completion within one calendar month of a S106 Obligation in respect of an affordable housing contribution, 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 area as supported by Policy EN1 of the Sevenoaks District Local Plan.

3. No occupation shall take place until the garaging and car parking spaces shown on the approved drawings, including works to provide a widened pavement crossover, shall be provided and shall be kept available for the parking of cars at all times.

In the interests of highways safety.

4. No occupation shall take place until details shall be submitted in writing to and approved in writing by the Local Planning Authority of the proposed landscaping scheme, to include details of hard landscaping including details of any levels change in respect of the provision of off street parking, means of boundary enclosure, any trees to be removed, and new planting. Details shall be provided of species, planting size, planting densities and a planting schedule. The hard landscaping and boundary enclosure shall be implemented in accordance with the approved details prior to first occupation and the soft landscaping in the first available planting season following substantial completion of the works.

To ensure a satisfactory appearance upon completion and to ensure satisfactory residential amenity.

5. The development hereby permitted shall be carried out in accordance with the following approved plans: Existing block plan, ground floor plan, 1st floor plan, West East and South elevations, Sections AA, BB and roof plan, Proposed block Plan (revised , ground and first floor plans, west, east, south elevations, roof plan and sections AA and BB.

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

B) If within one calendar month a S106 Obligation has not been signed, planning permission be REFUSED for the following reason:

The proposed scheme makes no provision for a financial contribution towards the Councils Affordable Housing Strategy and a viability statement has not been submitted to demonstrate the non –viability of this scheme. This is contrary to the provisions of policy SP3 of the Sevenoaks Core Strategy.

57. SE/12/01062/FUL - The Dyehurst Stud, Greenlands Farm, Uckfield Lane Hever Kent TN8 7LN

The proposal sought the conversion of the eastern part of the existing barn building to a two-bed holiday let. Only internal works would be necessary to separate the holiday let from the retained stabling area.

Officers considered the proposed part change of use of the building to a holiday let would be appropriate development in the Green Belt, as only a small area adjacent to the residential curtilage of the main house was to be set aside for paraphernalia linked to use as a holiday let. This meant it would appear as only a small extension to the existing curtilage and would have a marginal impact. The proposal would also conserve the distinctive character and the setting of the Area of Outstanding Natural Beauty and would preserve neighbouring amenity.

Members' attention was drawn to the tabled Late Observations sheet. Officers updated Members that 2 amendments would be made to condition 5. Paragraph (i) should begin "No development shall commence until details have been provided to show how it is intended...". Paragraph (ii) should begin "No occupation shall take place until details have been provided to show that the development has achieved BREEAM...".

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:	Gerry Ryan
For the Application:	Margaret Watts
Parish Representative:	-
Local Member:	Cllr. Neal

Officers responded to Members' questions. They clarified that although the building was called a barn in the application it was used as a stables. The Case Officer expected fencing to be a low post and rail design up to 1.5m in height. The permission granted in 2004 allowed for the placement of concrete hardstanding around the apron of the stables but Officers believed it was unlikely the applicants would build this as it would conflict with their intention to use the site for a holiday let.

A Member was concerned how the condition that it would not be let to the same occupier or occupiers for a period of 28 days in any calendar year would be enforced. The

Planning Enforcement Team would act on complaints and would investigate the manner in which the property was advertised. Action would be taken if there appeared to be a breach of the condition.

The meeting felt that the proposal could be considered less detrimental than the existing permission, as the present application did not include a concrete apron. Members believed it important to help support diversification into tourism and believed there was a need for holiday lets.

It was MOVED was duly seconded that the recommendation in the report, as amended, to grant permission subject to conditions be adopted. The motion was put to the vote and there voted –

10 votes in favour of the motion

1 vote against the motion

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 eastern half of the building shall only be used for holiday letting purposes and shall not be let to the same occupier or occupiers for a period of more than 28 days in any calendar year.

To accord with the terms of Policies LO8 and SP8 of the Sevenoaks Core Strategy, which prioritise the re-use of buildings for business and tourism related activities.

3) No development shall be carried out on the land until details of the fence to be erected adjacent to the existing barn and outbuilding have been submitted to and approved in writing by the Council. The development shall be carried out in accordance with the approved details and the fence shall be retained thereafter.

To safeguard the rural character of the area as supported by the National Planning Policy Framework.

4) The car parking areas shown on the approved plans shall be provided and shall be kept available for the parking of cars 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) The conversion and extension of the building to a holiday let shall be designed to achieve BREEAM "Very Good" standards, unless agreed otherwise in writing by the Local Planning Authority. The following details shall also be provided to the Local Authority –

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Development Control Committee - 1 August 2012

i) No development shall commence until details have been provided to show how it is intended the development will achieve BREEAM "Very Good" standards, or alternative as agreed in writing by the Local Planning Authority; and

ii) No occupation shall take place until details have been provided to show that the development has achieved BREEAM "Very Good" standards or alternative as agreed in writing by the Local Planning Authority, through the submission of a post-development certificate from an appropriate assessor.

In the interests of environmental sustainability and reducing the risk of climate change as supported by policy SP2 of the Sevenoaks Core Strategy.

6) No extension or external alterations shall be carried out to the holiday let building hereby approved, despite the provisions of any Development Order.

To safeguard the rural character of the converted building and surrounding area as supported by Policy GB3A of the Sevenoaks District Local Plan.

7) No building or enclosure shall be erected within the curtilage of the holiday let building hereby approved, despite the provisions of any Development Order.

To safeguard the rural character of the converted building and surrounding area as supported by Policy GB3A of the Sevenoaks District Local Plan.

8) No boundary walls, fences or other means of enclosure, other than those shown on the approved plans, shall be erected on the site boundary of the holiday let accommodation, despite the provisions of any Development Order.

To safeguard the rural character of the converted building and surrounding area as supported by Policy GB3A of the Sevenoaks District Local Plan.

9) The unit shall not be occupied until details of any external lighting required to the holiday let building have been submitted to and approved in writing by the Council. The lighting scheme shall be designed to be sensitive to bats and in accordance with best practice guidelines contained within the document "Bats and Lighting in the UK" by the Bat Conservation Trust. The scheme shall be implemented in accordance with the approved details and shall thereafter be maintained in full working order at all times.

In the interests of biodiversity and nature conservation, in accordance with policy SP11 of the Sevenoaks Core Strategy.

10) The development hereby permitted shall be carried out in accordance with the following approved plans: WAT 1, 2, 3, 4, 5, 8 and 10.

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

THE MEETING WAS CONCLUDED AT 8.37 PM

CHAIRMAN

4.1 – SE/12/01279/FUL Date expires 13 September 2012

PROPOSAL: Demolition of existing buildings and erection of a Lidl food store with 70 car parking spaces, 12 covered secure bicycle spaces & 4 short term bicycle spaces and associated landscaping. Closure of existing site access and creation of new site access. Erection of 2m high boundary fencing to rear & North West side of site. Amended landscaping plan received 24.07.12

LOCATION: Caffyns PLC , 80 London Road, Sevenoaks TN13 2JD

WARD(S): Sevenoaks Kippington

ITEM FOR DECISION

This application has been referred to Development Control Committee at the request of the Director of Community and Planning Services.

RECOMMENDATION A: That, subject to the receipt of an acceptable completed S.106 undertaking before 13th September 2012 to limit the type of retail use on the site to a ‘deep discounter’ type store and to provide an acceptable contribution towards air quality measures, 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) 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 building 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 surroundings as supported by Policy EN1 of the Sevenoaks District Local Plan.

3) No development shall commence until details of all external lighting, including floodlighting (whether temporary or permanent in nature), have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and so maintained thereafter.

In the interests of the visual amenities of the area in accordance with EN1 and EN31 of the Sevenoaks Local Plan.

4) Prior to its installation, full details of the type and position of proposed plant (including air conditioning, refrigeration and similar plant) shall be submitted to and approved in writing by the Local Planning Authority. Details shall include product details and noise specifications where appropriate and scaled drawings to show appearance and position of the plant on the site.

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In the interests of visual and residential amenity in accordance with EN1 of the Sevenoaks Local Plan.

5) The premises shall not be open to visiting members of the public outside the hours of 08:00 to 21:00 Monday to Saturday and 10:00 to 17:00 Sundays and Bank Holidays. Deliveries shall not be taken in or dispatched from the site outside the hours of 07:00 to 22:00 Monday to Saturday and 09:00 to 17:00 Sundays and Bank Holidays.

To safeguard the amenities of the occupiers of properties nearby to the site as supported by Policy EN1 of the Sevenoaks District Local Plan.

6) The net sales area within the development hereby approved shall be no more than 1,286sqm and of this no more than 322sqm shall be used for display and sale of comparison goods.

To define the scope of this permission, to ensure adequate parking and to prevent an adverse impact upon Sevenoaks Town Centre in accordance with policy LO2 of the Core Strategy, EN1 of the Sevenoaks Local Plan and in accordance with guidance contained within the NPPF.

7) Boundary treatments shall be provided in accordance with approved drawing 11063-LO1.02 prior to the first use or occupation of the building hereby permitted and shall thereafter be maintained as such.

In the interests of visual amenity in accordance with EN1 of the Sevenoaks Local Plan.

8) Irrespective of the provisions the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no improvement, enlargement or other alteration to the building and the site the subject of this application, including further horizontal subdivision to provide a mezzanine floor, shall be undertaken.

To define the scope of this permission, to ensure adequate parking and to prevent an adverse impact upon Sevenoaks Town Centre in accordance with policy LO2 of the Core Strategy, EN1 of the Sevenoaks Local Plan and in accordance with guidance contained within the NPPF.

9) The retail unit shall be occupied as a single retail unit only and shall not be subdivided into separate units.

To define the scope of this permission, to ensure adequate parking and to prevent an adverse impact upon Sevenoaks Town Centre in accordance with policy LO2 of the Core Strategy, EN1 of the Sevenoaks Local Plan and in accordance with guidance contained within the NPPF.

10) No part of the development shall be occupied until vehicle parking and turning space has been provided in accordance with the approved drawing 11063-LO1.02. The space approved shall be retained for parking and turning in association with the development.

To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety in accordance with EN1 of the Sevenoaks Local Plan.

11) No part of the development shall be occupied until secure cycle parking facilities

have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.

To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport in accordance with SP2 of the Core Strategy

12) Throughout the course of construction of the development, tree protection measures shall be carried out in complete accordance with the recommendations of the 'Arbtech Consulting Ltd' Arboricultural Development Report dated 9th May 2012 and accompanying Tree Protection Plan ATC-TPP 02 Rev A.

To ensure the long term retention of trees in accordance with EN1 of the Sevenoaks Local Plan.

13) No development shall be carried out on the land until full details of soft and hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:

- details of proposed hard surfaces, including details of the materials to be used on the finished parking, access and pathway surfaces.
- planting plans (identifying existing planting, plants and trees to be retained and new planting).

Notwithstanding the details shown on drawing no.1093, the proposed planting plans shall show native tree planting to the boundary of the site with London Road:

- 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 and hard landscaping shall be carried out before the first use of the unit hereby approved 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 in accordance with EN1 of the Local Plan.

14) No groundworks, other than the demolition of the existing buildings, shall be commenced until:

a) a site investigation has been undertaken to determine the full nature and extent of any land contamination, and

b) the results of the investigation, together with an assessment by a competent person and details of a scheme to contain, treat or remove any contamination, as appropriate, has been submitted to and approved in writing by the Local Planning Authority.

The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or pollution of adjoining land. The scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking of the development hereby

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permitted, including a requirement to notify the Local Planning Authority of the presence of any such previously unidentified contamination. Prior to the first use of the development hereby permitted:

c) the approved remediation scheme shall be fully implemented, and d) a certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted use. Thereafter, no works shall take place within the site such as to prejudice the effective of the approved scheme of remediation.

In the interests of amenity and public safety in accordance with the NPPF.

15) Works to trees and / or hedgerows shall only be undertaken outside of the bird breeding season (between September and February inclusive) and at no other time unless supervised by an appropriately qualified ecologist. If any nesting birds are found, work must cease until after the juveniles have fledged.

In the interests of biodiversity and ecological conservation in accordance with the recommendations of the NPPF.

16) The development shall achieve BREEAM 'Very Good' standard including at least a 10% reduction in total carbon emissions through the on-site installation and implementation of decentralised, renewable or low-carbon energy sources. Evidence shall be provided to the Local Authority

i) Prior to the commencement of development, a design stage assessment to demonstrate how it is intended the development will achieve BREEAM 'Very Good' standard (including a 10% reduction in total carbon emissions) 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 BREEAM 'Very Good' standard (including a 10% reduction in total carbon emissions) or alternative as agreed in writing by the Local Planning Authority.

In the interests of sustainable development in accordance with SP2 the Core Strategy and the NPPF.

17) Prior to the commencement of the development full details of surface water drainage including, where practical, the use of Sustainable Urban Drainage Systems (SUDS), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

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

18) Prior to the commencement of the development, a scheme for the management of car parking spaces to ensure that the use of the spaces is reserved for customers and staff of the unit hereby permitted only shall be submitted to and approved in writing by the Local Planning Authority. The recommendations of the approved scheme shall be fully carried out and put into place prior to the first use of the building and thereafter maintained in operation.

To ensure adequate parking for the proposed use and to prevent spill-over parking harmful to highways safety and convenience in accordance with EN1 of the Local Plan.

19) No development shall take place within the application area until the applicant

has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

The site is within an area of archaeological potential. A programme of work is required to mitigate the impact of development and ensure preservation "by record" of any surviving remains in accordance with EN25A of the Local Plan.

20) No display or storage of goods, materials, plant or equipment shall take place other than within the building.

In the interests of the visual amenities of the area in accordance with EN1 of the Local Plan.

21) Notwithstanding the details submitted with this application, prior to the commencement of the development, an appropriate 'measures based' travel plan identifying specific measures to encourage sustainable methods of travel to and from the site shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include a programme of implementation of the recommended measures (including monitoring where appropriate) and the measures shall be put into place in accordance with this programme of implementation.

To encourage the use of sustainable forms of transportation in the interests of sustainable development in accordance with SP2 of the Sevenoaks Core Strategy.

22) No development shall take place on the site until the proposed junction improvement and access works shown on approved drawing 3768.001 Rev.D (or an alternative submitted to and approved in writing by the Local Planning Authority) have been secured through appropriate agreement with the Highways Authority. The agreed highways improvements and access shall be fully carried out in accordance with the agreed details prior to the first use of the building hereby approved.

In the interests of highways safety and convenience in accordance with EN1 and T10 of the Local Plan

23) The development shall be carried out in accordance with the following approved plans: 11063-L01.01 Rev A, 11063-L01.02, 11063 L02.01, 11063 L02.02, 11063-L04.01, 3768.001 Rev D, ATC-AIA 02 Rev A, ATC-TPP 02 Rev A and 1093

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 CC2, CC4, CC6, RE3, LF1, LF2, LF5
Sevenoaks District Local Plan - Policies EN1, EN4A, EN25, T8, T10, EP8, ST10
Sevenoaks District Core Strategy 2011 - Policies L01, L02, L03, SP1, SP2, SP8.

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

It has demonstrated that there is no suitable and available sequentially preferable site for this proposal in or adjoining the town centre and that a deep discount retail store in the proposed location will not significantly adversely affect the vitality, viability or attractiveness of Sevenoaks town centre.

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It has been demonstrated that a 'deep discounter' retail store in this location would not have an adverse impact upon highways safety or convenience and that adequate parking provision has been made for this use.

The proposal would not otherwise have any other adverse impacts that cannot be adequately mitigated by conditions.

Informatives

- 1) You are advised to contact the County Highways Officer for advice on the content of an appropriate 'measures based' travel plan (Condition 21).
- 2) You are advised to contact the Council's Environmental Health Officer for advice on the appropriate position and type of external plant to be installed. Consideration should be given to the installation of necessary plant on the north-west facing elevation (Condition 4)

RECOMMENDATION B: That, in the event that an acceptably worded and completed S.106 undertaking is not provided before 13th September 2012, planning permission be REFUSED for the following reason:

In the absence of information to the contrary, the unrestricted A1 (retail) use of the site would likely result in unacceptable traffic generation to and from the site, resulting in insufficient parking provision on the site detrimental to traffic conditions on the surrounding road network and an adverse and unmitigated impact upon air quality. To permit the development would therefore be contrary to policy EN1 of the Sevenoaks Local Plan, SP2 of the Sevenoaks Core Strategy and the National Planning Policy Framework

Description of Proposal

- 1 Planning permission is sought for the demolition of the existing buildings on the site and the erection of a 1,918sqm (gross external floor area) 'Lidl' food store building. The proposal also includes the provision of 70 car parking spaces, cycle parking, landscaping and the repositioning of the site access.
- 2 The proposed building would be arranged in a roughly rectangular form with its longest edge abutting the south-eastern boundary of the site. The warehouse and loading area is located to the eastern portion of the building. The width of the frontage of the building would be approximately 21m. The building would have a single pitch roof to a maximum height of approximately 7.3m at the entrance and a height of approximately 4.6m to the rear (south-eastern side). The building would be finished with large glazed areas, render panels and aluminium cladding.
- 3 Parking would be provided to the north-western side of the site (to the front of the building) and adjacent to the road to the southern side of the building. The existing cross-over would be removed and repositioned approximately 25m to the west.

Description of Site

- 4 The application site consists of a 0.5ha (approx.) rectangular portion of land having a frontage of approximately 43m onto London Road and an overall depth of approximately 120m. The land currently contains two building used until

recently as a car sales premises and car servicing workshop (totalling 1,175 sqm). The site has since been used as a car sales garage to the front and car wash and commuter car park to the rear. There does not appear to be any planning permission for this new mix of uses. The building to the front of the site is a pitched roof building with predominantly glazed elevations. The larger building comprises the workshop building to the rear of the site with corrugated metal valley roof.

- 5 On the London Road frontage, to the north-west of the site, stands the Sevenoaks Medical Centre, a modern three storey flat roof building appearing to date from the mid-20th Century. To the south of the site on the road frontage is located the Halfway House pub, a two storey rendered building and the adjacent Quarry Cottages. The site is otherwise bounded to the north by the buildings comprising the small industrial / trading estate and to the south and east by the car park serving Sevenoaks Railway Station. A residential area is located on the opposite side of the road, predominantly screened from view by the wall fencing and planting here.
- 6 The application site is located in proximity to the Sevenoaks Railway Station and adjacent to London Road (A224), an arterial route linking Sevenoaks to outlying areas to the north and the nearby trunk roads.

Constraints

- 7 The application site is located within the urban area of Sevenoaks and is not located within or adjacent to any Conservation Areas. None of the surrounding buildings are listed and there are no Tree Preservation Orders in force on the site. The site located within an Area of Archaeological Potential.

Policies

South East Plan

- 8 Policies – CC2, CC4, CC6, RE3, LF1, LF2, LF5

Sevenoaks Local Plan

- 9 Policies – EN1, EN4A, EN25, T8, T10, EP8, ST10

Sevenoaks Core Strategy (CS)

- 10 Policies – L01, L02, L03, SP1, SP2, SP8

Other

- 11 National Planning Policy Framework (NPPF)

Planning History

- 12 I refer only to the most recent / relevant planning history -

10/02469/TELNOT - Replacement of a 15m pole with a 15m sharable mono pole, two equipment cabinets and ancillary equipment. – Granted

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08/02699/ADV - 1no internally illuminated fascia 1no internally illuminated double sided flex face pole sign – Granted

02/00621/FUL - Retention of existing wall mounted and pole mounted external lighting. – Granted

99/02104/FUL - Demolition of existing showroom and office block/toilets. Replacement showroom building. – Granted

78/01270/HIST - Demolition of existing cottages garages and toilet block and erection of new workshop messroom office and reception area buildings and construction of parking area – Granted

Consultations

County Archaeologist –

13 Awaiting response / response to follow.

County Ecologist –

14 'The Extended Phase 1 Habitat Survey report has been submitted in support of this application. We are satisfied that the potential for ecological impacts as a result of the proposed development have been appropriately considered.

15 There is limited potential for ecological impacts, with the exception of nesting birds. As recommended in the report, we advise that work to vegetation that may provide suitable nesting habitats should be carried out outside of the bird breeding season (bird breeding season is March to August) to avoid destroying or damaging birds nests in use or being built. If works during the bird nesting period cannot be avoided, an inspection by a suitably experienced ecologist must immediately precede the works (no more than 48 hours before scheduled works). If any nesting birds are found, work must cease until after the juveniles have fledged.

16 One of the principles of the National Planning Policy Framework is that 'opportunities to incorporate biodiversity in and around developments should be encouraged'. No ecological enhancement recommendations have been included in the report but we note that BREEAM credits are to be sought for the enhancement of the site's ecology.

17 We advise that the submitted landscape proposal should be improved, with the inclusion of native species planting, in order to provide ecological enhancements on the site. Additional enhancements could include the provision of bird and / or bat boxes on the site and/or proposed building.

County Highways Officer –

18 'From a highway perspective, it is initially important to understand the impact of the proposed A1 food retail use from both a general perspective and from the restricted perspective being promoted for this site.

19 A general unrestricted A1 food retail use would potentially allow any food retailer to use the site and hence, in such a case it would be necessary to test the worse case highway impact of such an unrestricted use. In this particular case however

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the applicant is proposing to enter into a legal agreement with the District Council to restrict the use of the site by way of restricting the number of available product lines sold on site. This will prevent other major non-discount food retailers operating from the site under the restrictions of any potential permission and associated agreement as those retailers operate in such a way that the restriction of product line numbers to any single store would not be operationally viable. Hence, it is appropriate in this case to test the worse case highway impact of a discounted foodstore only (i.e. one that operates to a restricted number of product lines).

- 20 Furthermore, it should be noted that should permission be considered for an unrestricted A1 food retail use at this site, then the current level of proposed off-street parking would be of concern and the associated Transport Assessment does not test the associated traffic impact that would result.
- 21 The applicant has provided an accompanying Transport Assessment (TA) to show the impact of proposed Lidl store on the local highway network and to justify the proposed level of off-street parking on offer. The traffic impact has been discounted to reflect existing potential movements to and from the site under its current permitted use(s) and also to reflect an element of pass-by, diverted and transferred trips. Some concern was raised by KCC Highways during pre-planning discussions about the relatively high level of discounted movements associated with pass-by, diverted and transferred trips suggested by the applicant's consultant and as such, the consultant agreed to sensitivity test the proposal against a much reduced discounted rate suggested by KCC Highways and in line with other sensitivity tests carried out for other proposals in a similar context. This sensitivity test accounts for pass-by trips but not diverted/transferred trips as there is no guarantee that all of these trips would have passed this actual locality previously. In reality, the likely level of discounted movements will fall between the 2 scenarios within the TA as some diverted and transferred trips will have previously taken the driver past the store site and so as a result, the sensitivity test movement projections provide a very robust worse case scenario of the projected traffic impact of the proposed store.
- 22 The projected traffic flows from the store are based on trips rates derived from similar discounted food stores taken from the TRICS database. They show a worse case increase in peak hour movements as follows (these represent combined total of in and out movements):
- weekday a.m. peak (08:00 – 09:00) +3
- weekday p.m. peak (17:00 – 18:00) +96
- weekend peak (Sat) (14:00 – 15:00) +167
- 23 Against the surveyed respective peak hour flows this represents a percentage increase in single way flows as follows (using the same east/west percentage split as recorded by traffic survey at the site):
- weekday a.m. peak +0.13% westbound & +0.17% eastbound
- weekday p.m. peak +3.85% westbound & +3.25% eastbound
- weekend peak +7.0% westbound & +6.4% eastbound

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- 24 These figures represent a very robust worse case scenario but it can be seen that the movement percentage increases are still small compared to existing background flows. Nevertheless, a minor junction improvement scheme at the site access has been identified which seeks to improve accessibility to and from the site and to mitigate the impact of the proposal at the location of the access and I am satisfied that this represents an appropriate highway solution for this proposal.
- 25 With regard to parking provision, whilst it is noted that both rail and in particular bus facilities are located near to the store, the nature of the use in question is likely to attract a high percentage of visitors by car. As a result, it is welcomed that the applicant has taken worse case parking accumulation profiles for appropriate discounted A1 food retail stores on the TRICS database and provided a level of parking to mirror that worse case total. I am therefore satisfied that proposed parking provision is appropriate for this site in light of the restricted nature of the permission being sought. It is however noted that the nearby location of Sevenoaks Railway Station could potentially impact on availability of parking spaces for customers should no form of time/access control be placed on the use of the car park. Furthermore, there is a lack of clarity with regard to on-site cycle parking provision both within the TA and on the layout plan. However, scope exists within the proposed layout to secure an appropriate facility and this could be secured via a condition requiring the parking and access arrangements to be approved in detail prior to the store opening.
- 26 Finally, it is noted that the applicant is promoting a monitoring-based travel plan in support of the proposal. Whilst it is welcomed that a travel plan is being offered, with a proposal of this nature it is often more appropriate to secure a measures-based plan which ensures that measures are put in place prior to the store opening which can then be maintained and/or activated without the need for additional monitoring. Such measures would include the securing of appropriate cycle parking facilities and car park controls as discussed above as well as outlining potential methods by which staff would be encouraged to use sustainable methods of travel to and from the site.
- 27 In conclusion, there are no KCC Highways objections to the proposals subject to appropriate conditions being secured relating to the following:
- 1, An appropriate Agreement being entered into between the LPA and applicant to restrict the number of product lines sold from the store to a level which would prevent a non-discount food retailer from operating from this site in its proposed form.
 - 2, Proposed junction improvement works as outlined in the application submission should be secured through appropriate agreement with the Highway Authority, KCC and implemented prior to the store opening (specific details of the highway layout will be determined through the technical and safety audit process associated with the highway agreement).
 - 3, An appropriate form of parking control to restrict or prevent the use of the car park by others should be identified and agreed prior to the store coming into use.
 - 4, A condition requiring the detailed internal access and parking layout to be agreed prior to the store opening (in order to secure appropriate cycle parking facilities)

5, A condition requiring an appropriate measures-based travel plan to be agreed prior to the store opening.'

Kent Wildlife Trust –

28 No response

Natural England (summary) –

29 ...The application is in close proximity to Sevenoaks Gravel Pits Site of Special Scientific Interest (SSSI). However given the nature and scale of this proposal, Natural England raises no objection to the proposal being carried out according to the terms and conditions of the application and submitted plans on account of the impact on designated sites..

30 Further comment is given on the assessment of for biodiversity interests and biodiversity enhancements.

SDC Environmental Health Officer –

Contaminated Land

31 I accept the submitted geo investigation report and accept the recommendations for further site investigations as set out in section 10.0 of the report. Should planning permission be granted then I am satisfied that this can be achieved by means of a suitable condition.

Air Quality

32 I am satisfied with the submitted air quality assessment. The assessment predicts a small impact on air quality as a result of the proposed development. Whilst the impact of the development is shown to be low it does not assist the traffic reduction sought by the Council's Air Quality Action Plan and adds to creeping traffic growth in the area. I therefore request the developer be asked to make a Section 106 contribution to assist with measures in the air quality action plan to improve air pollution in the general area. I suggest £10,000.

Noise

33 Having regard to proposed residential development in Morewood Close ,I would request that a condition be added restricting opening times for the store to those specified in the application ,namely from 0800 to 2100 Monday to Saturday and to within the 1000 to 1700 range specified for Sundays. In addition I would request that collections from and deliveries to the store are restricted to between 0700 to 2200 Monday to Saturday and 0900 to 1700 on Sundays. Outside of these times there shall be no goods loaded or unloaded and no commercial vehicles shall arrive, depart or wait for access to the application site.

Reason: In the interests of protecting the amenity of adjoining/nearby residential properties.

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- 34 I am concerned that the proposed positioning of the refrigeration and air conditioning condenser plant (total six units) on the rear eastern corner of the store at a maximum height of 2.4 will lead to audibility of the units in the gardens of the nearest noise sensitive properties. I would therefore request that consideration be given by the applicant to repositioning the six units on the rear north –eastern elevation of the building.

Reason: In the interests of protecting the amenity of adjoining/nearby residential properties.

SDC Planning Policy Officer –

- 35 The key strategic planning policy issues are considered to be:

- Principle of retail on allocated employment site
- Retail impact on town centre
- Highways
- Sustainability

Overview

- 36 The proposal is for a deep-discount Lidl food-store (1918m² GEA and 1286m² sales area) on London Road in Sevenoaks. The site falls within the Sevenoaks Urban Area but outside the designated town centre.
- 37 Core Strategy Policy L02 (Development in Sevenoaks Urban Area) states that ‘existing suitable employment sites will be retained with the opportunity for regeneration and redevelopment to better meet the needs of business’. In bringing forward sites for development, the policy states that the emphasis will be on ‘the town centre’ and ‘employment development in existing employment areas’.
- 38 The supporting text to this policy states (para. 4.2.11) that ‘modernisation and redevelopment of existing employment sites will be encouraged in accordance with Policy SP8 to ensure that employment land continues to adapt to meet the need’s of the town’s economy’. It goes on to state (para. 4.2.12) that retail development will be ‘focused primarily on the town centre. In view of government guidance and the Sevenoaks Retail Study (2009) which concluded there is only a limited need for growth that can be accommodated in the town centre, it is not proposed to add out of centre provision’.
- 39 Core Strategy Policy L03 (Development in Sevenoaks Town Centre) states that ‘approximately 4000sqm net of new shopping floorspace (1700sqm convenience and 2300sqm comparison) will be provided in the town centre up to 2026. The policy goes on to highlight suitable areas in the town centre to accommodate this retail development, including the land west of Blighs Meadow.

Principle of retail on allocated employment site

- 40 The Caffyns site on London Road falls within an allocated business site (described as ‘Morewood Close’), that was identified in the Sevenoaks District Local Plan (2000), the Employment Land Review (2007) and has been carried forward into

the draft Allocations and Development Management Plan (2012). The site is described in the ELR as currently in mixed use (office, warehouse and industry) and that the site provided the opportunity for refurbishment or redevelopment for older/vacant properties for employment purposes.

- 41 The related Core Strategy (Feb 2011) policy SP8 (economic development and land for business) states that the sustainable development of the District's economy will be supported by the retention, intensification and regeneration of existing business areas. It goes on to state that sites used for business purposes will be retained in business use unless it can be demonstrated that there is no reasonable prospect of their use for business purposes in the Core Strategy period.
- 42 The aim of this policy is to retain and intensify employment land to support the economic development of the District. Employment sites are seen as a flexible resource that can be adapted for a range of different types of business use, as the regional economy changes. The policy also allows for some mixed-use development on urban sites where employment capacity is maintained. The focus of the policy is protecting employment sites and maintaining employment capacity.
- 43 The existing car showroom falls under sui generis use class and the applicant suggests that the servicing/car repairs element is ancillary to the main use (this should be confirmed), although individually it would fall under B2 (general industrial). The proposed use is A1 (retail). The proposed new use does not therefore protect the site for business use (B use classes), which is the intention of saved Local Plan policies EP8 and ST10. However, at least a substantial portion of the site falls currently within sui generis use, and therefore, there is not an existing B use to be retained, and the site allocation notes that the employment area is currently a mixed-use site. In addition, when employment generation is considered, it is suggested that a retail store is likely to provide an increased level of employment compared to a car showroom/repairs centre (28 at Caffyns dealership). Lidl have suggested a store could provide up to 40 jobs (5 full-time and 35 part-time) and have noted that the National Planning Policy Framework (NPPF) recognises retail as an employment generating use. The NPPF confirms that economic development includes town centres centre uses, such as retail, in addition to business (B) class uses.
- 44 In summary, since a large proportion of the site is in sui generis use (quasi retail as a car show-room), and the proposed use is likely to generate additional employment when compared to the current use, it is considered that this is an acceptable employment-generating use on the site (despite retail not falling under a B class use). The site is also previously developed land, so this would also represent an efficient use of land.

Retail impact on town centre

- 45 The RPS retail impact assessment considers the Lidl proposal in light of the policy tests set out in the NPPF (chapter 2):
 - sequential test (paragraphs 24-25)
 - retail impact test (paragraphs 26-27)

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Sequential test

- 46 In relation to the sequential test, the proposed Caffyns site is defined as ‘out of centre’ as it is more than 300m from the town centre boundary (it is about 750m from the town centre boundary). Therefore, there is a need to consider sequentially preferable sites, either within the town centre or on the edge of centre. The sites need to have been considered for their availability, suitability and viability. Lidl have assessed five sites of 0.4 ha and above:
- land west of Bligh’s meadow – this site is subject to a detailed planning application for a mixed use (retail and residential) development and therefore is not considered available
 - land east of high street – this is a longer-term development opportunity within the town
 - PO/BT – this site is not currently available due to relocation timescales of the existing occupiers
 - Farmers, London Road – this site is out of centre and has permission for residential with retail and the adjacent site is allocated for residential and therefore this site is not considered suitable
 - Railway and bicycle, London Road – this site is out of centre and has been built out so is not available
- 47 The five sites that have been assessed are therefore either not available, suitable or viable for a Lidl retail development.
- 48 In terms of potential alternative sites within or on the edge of the town centre, the site known as ‘Edwards Electricals’ on Dartford Road. However, this site is approximately 0.1 ha and therefore is considered too small.
- 49 Therefore, there are not considered to be any sequentially preferable sites within Sevenoaks. The Caffyns site, although not within or on the edge of the town centre (as defined in the NPPF), it is well located to public transport routes, including the train station and bus routes and is on a main radial route into the town.

Retail impact test

- 50 The NPPF requires an impact assessment on retail applications that are outside the town centre, not in accordance with the Local Plan and where the development is over 2500sqm. It is noted that the proposed development is under this threshold, but an assessment of retail impact on the town centre is an important consideration, which is acknowledged by the applicant in their submission, since this is an out-of-centre proposal. The NPPF requires this assessment to consider:
- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

51 The RPS submission makes a case in relation to the retail impact test:

- In relation to impact on planned investment in the town centre, the RPS report now takes account of the recent extensions at Tescos (Riverhead), Sainsburys (Oxford Road) and the town centre Waitrose redevelopment. It does not provide an assessment of the retail element of the planning application currently under consideration on the Land West of Blighs meadow.
- In relation to trade draw from existing food retailers (Tables 11 and 11A of the Retail Impact Assessment), trade draw from the out-of-town supermarkets (Tescos and Sainsburys) is not considered to be an issue, as these are also out-of-town sites. In relation to impact on existing town centre food retail, the report identifies the following impacts
 - *Waitrose (- 1.2% of turnover)*
 - *Tesco Metro (- 2.4% of turnover)*
 - *M&S (- 3.5% of turnover)*
 - *Other town centre shops (- 3.3% of turnover)*
- This level of impact on in-centre trade (1 to 4 % of turnover) is not considered to be at a level that would cause concern for the continued operation to the existing town centre food retailers, and therefore this impact is considered acceptable. The Council requested further sensitivity testing at pre-application stage, and the applicant has doubled the trade draw from all town centre shops in Table 11A. The overall impact would still be a reduction in less than 4% of turnover, which is considered to be within acceptable limits in terms of impact.
- The retail report suggests (Table 9) a deficit of convenience expenditure to support new shops in 2011 (-£0.9m), which would then increase to a surplus in 2016 (£2.6m) and in 2021 (£8.9m). Therefore, there is no quantitative need case to support this application. The additional 1700sqm convenience retail floorspace referred to the Sevenoaks Retail Study (2009) and in Core Strategy Policy L03 has been built out in recent extensions to Waitrose, Sainsburys and Tesco. However, the NPPF no longer requires a demonstration of quantitative need for new floorspace and retail planning assesses five years ahead (to allow for construction and trading patterns to establish), by which time the applicant suggests that there would be surplus expenditure. In addition, it is noted by the applicant that the deficit is showing largely due to the recent extension at Waitrose in the town centre, which is assumed to be trading at the full company average level, which is likely to be an over-estimate of turnover.

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- In relation to impact on the vitality and viability of the town centre and consumer choice – the Goad report (May 2010) suggests convenience retailing in Sevenoaks is below the average representation (5% Sevenoaks cf 9% uk). The applicant notes that Lidl falls into the ‘deep discount’ category of food retailer, which it argues is distinct from Tesco/Sainsburys offer or the high-end Waitrose/M&S food offer. There is currently no deep discount retailer in Sevenoaks and the nearest stores are in Tonbridge and Swanley. It is argued that the proposed store would provide a niche offer, increasing choice and competition for the town, particularly in relation to those on lower incomes, and this is considered reasonable.
- Since the retail assessment and case is predicated on the basis that this is a deep discount store, as discussed at the pre-application meeting, it is recommended that conditions/S106 obligations are investigated to tie this permission to this specific ‘deep discount’ form of operation.
- The split between convenience/comparison retailing is proposed to be 80/20% of turnover. The resultant floorspace split may also need to be subject to condition, in order to control the level of non-food retail from the premises.

52 In summary, the retail assessment provides evidence that the sequential test has been conducted and a preferable site has not been identified. The proposed location is considered accessible and well connected to the town centre, albeit not within the town centre as sought in Core Strategy Policy LO3. A retail impact test has also been conducted, and the level of trade draw, particularly from existing town centre food retail, appears to be low and it is suggested that there will be little impact on the vitality and viability of the high street due to the format of the Lidl operation. The store will provide a complementary retail offer, and will provide an alternative to the predominantly high-end convenience retail in the town centre, providing greater consumer choice, particularly in relation to lower-income groups. There does not appear to be a current need for further convenience expenditure/floorspace, due to recent extensions and rebuilds of existing supermarkets, but there will be a surplus by 2016, when the proposal would be fully operational. Therefore, since the application satisfies the sequential test, and does not have a significant adverse impact on the town centre, in accordance with the NPPF, the proposal is considered to have an acceptable retail impact.

Highways

53 Any highways issues (parking, traffic generation, access) will need to be fully considered by Kent Highways Services.

Sustainability

54 The submission indicates that the store will achieve a BREEAM ‘Very Good’ rating and that carbon emissions will be reduced by 44% below the baseline. This is welcomed and at least 10% of the reduction in total carbon emissions must be through on-site decentralised/renewable/low-carbon energy sources, in line with Core Strategy Policy SP2. Consideration should be given to sustainable building design and energy efficiency, which could include elements such as PV cells / green roof / ground source heat pumps.

Other

- 55 The Planning Policy team does not wish to comment on detailed matters of the submission, such as the design, detailing, materials and sustainability of the building. However, the comments raised at the pre-application meeting regarding locally responsive design, that reflects the character of the surrounding area, do not appear to have been incorporated in the submission.
- 56 I trust that the above is clear, however please do not hesitate to contact me should you wish to discuss the matter further.

SDC Trees and Landscape Officer –

- 57 With reference to the Arbtech report and the details provided for works to trees upon the site. I refer to drawing number ATC-TPP 02 entitled Tree Protection Plan. Tree numbers 1, 4, 8 and G1 are not shown on this drawing and I cannot find any other location drawing to show where these trees are. These trees are shown to be removed, it is therefore important that I am able to assess them prior to consent. The tree protection for the remaining trees appears acceptable. I strongly suggest that a landscaping scheme be attached to any consent provided with great importance attached to the London Road frontage.

Sevenoaks Town Council

- 58 Sevenoaks Town Council recommends approval.

Representations

- 59 To date 133 separate letters have been sent directly to the Council in response to the application. These consist of:

96 letters in support of the application raising the following comments (summary):

- The store supplies good food at affordable prices and provides choice. The store would benefit those on lower incomes.
- The store will provide alternatives to the main supermarkets. There are no other similar shops in Sevenoaks.
- The use of the land is in keeping with its surroundings. The site is 'ripe for redevelopment' and an 'ideal location'. The development would improve the appearance of the area.
- The proposal would provide employment.
- Traffic can be dealt with by 'comprehensive overhaul of traffic arrangements', not just a one off consideration. Traffic would not be a significant issue.
- The proposed parking is sufficient. There is a high level of parking restrictions on surrounding roads.
- A store in Sevenoaks would mean that the need to travel to the Tonbridge / Swanley store is removed.

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- Residents can walk or cycle to the store. The store will be used for 'top up' shopping when walking to / from the railway station.
- The business is energy efficient.
- The store would have no impact upon air quality.

36 letters of objection have been received (including one letter on behalf of the occupants of eight properties on Stapleford Court and letters sent separately by residents of these properties also). These letters raise the following issues:

- The building is too large, a smaller store would be more appropriate.
- There is insufficient parking. The proposal will result in overflow parking on surrounding streets.
- The proposal will add to congestion. The road is already congested. The West Kent Cold Store, Railway and Bicycle and Morewood Close (Police Station) developments will make this worse.
- The access would be inadequate and would cause safety issues.
- The proposal will cause a noise disturbance. Concern is raised over opening times. Concern is raised over the impact of HGV deliveries.
- The building will be a source of light pollution, including from signage.
- The design is out of keeping with its surroundings.
- The proposal would encourage shoppers away from the town centre and affect the vitality of the town centre. The development is in the wrong location.
- There is already an adequate provision of supermarkets.
- The proposal would result in anti-social behaviour. Hours for the sale of alcohol should be limited to prevent anti-social behaviour.
- Restrictions should be placed on delivery times.
- There is a shortage of people to fill part time jobs at pay rates offered by LIDL.
- The use of the car park by commuters using the station has not been addressed.
- The proposal will result in litter.
- Proposed landscaping is inadequate.
- The proposal would result in a loss of employment to retail.
- The A224 suffers from air pollution.

One letter received is largely neutral in character, but does raise specific concerns in terms of the quality of the vehicle access.

- 60 A large number of letters and signatories to a petition have been included within the application (predominantly in support of the application, though some letters of objection are included). These were not received directly in response to the planning application consultation but appear to be as a result of the applicant's previous local engagement.

Group Manager - Planning Appraisal

- 61 With regards to the relevant policies of the Development Plan and all other relevant considerations, the main matters for consideration in this case are:

- The principle of retail development of this kind in terms of:
 - The existing and proposed allocation of the land for 'employment' / within a business area.
 - The principle of retail development of this kind outside of the town centre.
- The impact of the development upon highways safety and convenience.
- The design and appearance of the development.
- The impact of the development upon the amenities enjoyed by local residents.
- All other issues.

I deal with each of these matters in turn below.

The principle of retail development.

- 62 The proposal is for a retail unit with a gross external floor area of 1,918sq m of which 1,286sq m is proposed as sales area. The site is not within the Sevenoaks Town Centre area as defined by policy LO3 of the CS. The site is previously developed land.

- 63 The application indicates that the proposed retail unit would be defined as a 'deep discounter' type store. The applicant suggests that the characteristics of such a store include low sales densities and turnovers in comparison with other food retailers, a limited product range and the absence of other ancillary services often found at a conventional supermarket (such as a tobacconist, deli, pharmacy etc.)

- 64 The consideration below should be read in conjunction with the detailed comments of the Planning Policy Officer included above.

- The existing and proposed allocation of the land

- 65 The site is located within the Sevenoaks Local Plan 2000 as a designated 'business area'. Policies EP8 (development in business areas) and ST10 (Land at Morewood Close) are saved policies. Policy EP8 indicates that within the

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designated business areas, 'Class B uses will be permitted'. Policy EP8 does not otherwise state a restriction on other forms of development within the areas nor does it deal with changes of use within these areas. Policy ST10 of the Local Plan identifies the opportunity for further development at Morewood Close and indicates that development or changes of use to use class B1 (office / light industrial) will be permitted.

- 66 The use of this land (including a wider area covering parts of Morewood Close) for employment purposes has been carried forward as an allocation in the Council's Draft A&DM DPD (2012). Policy SP8 of the Sevenoaks CS states that the sustainable development of the District's economy will be supported by the retention, intensification and regeneration of existing business areas and that sites used for business purposes will be retained in business use. As noted by the Policy Officer, the aim of this policy is to retain and intensify employment land to support the economic development of the District. The policy also allows for some mixed use development on urban sites where employment capacity is maintained. Policy LO2 of the CS similarly indicates that 'existing suitable employment sites will be retained with the opportunity for regenerations and redevelopment to better meet the needs of business'.
- 67 The proposed use of the site is A1 (retail) and as such the proposal does not protect the site for specific business use (if defined specifically as a use falling within a 'B' use category) as is the intention of Local Plan policies EP8 and ST10. However, the pre-existing car showroom use does not fall within a 'B use' rather a *sui generis* use. The workshop is considered to have been ancillary to the primary use of the site for car sales and may not be considered a separate B2 (general industrial) premises in its own right. The current use of the site as a mix of car sales / car parking and car wash does not appear to fall within any 'B' class, though there is some question as to the lawfulness of the current use(s).
- 68 In considering whether an exception is justified, the site falls within a *sui generis* use and the draft Allocations DPD notes that the employment area is currently a mixed-use site. In addition, when employment generation is considered, it is indicated that a retail store is likely to provide a significant level of employment compared to a car showroom/repairs centre. The NPPF recognises retail as an employment generating use and indicates that economic development includes 'town centre uses', such as retail, in addition to business (B) class uses.
- 69 Taking this into account, since part of the site is in *sui generis* use (quasi retail as a car show-room), and the proposed use is likely to generate additional employment when compared to the current use, it is considered that the proposal is an acceptable employment generating use on the site, despite it not falling within class B use.
- The principle of retail development in this location.
- 70 As noted above, the site does not fall within the Sevenoaks Town Centre area as defined by CS Policy LO3. Policy LO2 of the CS relates to development falling within the wider Sevenoaks Urban Area. This policy indicates that, in bringing forward sites for development, the emphasis will be on 'the town centre' and 'employment development in existing employment areas'. Supporting text to this policy (CS para. 4.2.12) indicates that 'retail development will remain focused primarily on the town centre' and that the need for limited growth can be

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accommodated in the town centre, concluding that 'it is not proposed to add out of centre provision'.

- 71 Policy LO3 (relating to development in the town centre) quantifies this need for growth identified in the Sevenoaks Retail Study 2009 and indicates that 'approximately 4,000sq m of new shopping floorspace will be provided in the town centre up to 2026'.
- 72 These policies when read together demonstrate that the main thrust of policy is an emphasis on town centre locations for future retail development; however they do not have the effect of specifically excluding retail development elsewhere.
- 73 The NPPF (para. 24) indicates that 'Local planning authorities should apply a sequential test to planning applications for main town centre uses [such as retail] that are not in an existing centre and are not in accordance with an up-to-date plan'. It is indicated that such uses should first be located in town centres, then in edge-of-centre locations and, only if suitable sites are not available, should out of centre sites be considered.
- 74 The proposed site is considered an out of centre site being in excess of 300m (it is approximately 750m) from the town centre boundary.
- 75 The information submitted within the application includes an assessment of alternative sites of 0.4ha or greater (the minimum size considered by the applicant to be suitable for this type of retail development). Five alternative sites are assessed including land west of Blighs Meadow (town centre), land east of the High Street (town centre), the Post Office / British Telecom building (town centre), the former Farmers PH. site (out of centre) and the Railway and Bicycle Site (out of centre). As set out in the Planning Policy Officer's comments, none of these sites are available, suitable or viable for this type of retail development (even when flexibility is demonstrated on issues such as format and scale in accordance with NPPF para.24).
- 76 Similarly, it is not considered that there are any other potential alternative sites that would be sequentially preferable for this development and could accommodate the development (even when demonstrating flexibility). Other sites within the town centre, or closer to it, are currently occupied or are of insufficient size.
- 77 Furthermore, in terms of para. 24 of the NPPF, the site is considered to reasonably well connected to the town centre (it is within walking / bus journey distance) and in a sustainable location in proximity to the railway station.
- 78 Paragraph 26 of the NPPF goes on to indicate that, in the case of an application for retail development outside of the town centre which is not in accordance with an up-to-date local plan, a retail impact assessment should be required if the development is over a 'proportionate, locally set floorspace threshold'. If there exists no locally set threshold, as is the case in Sevenoaks, the default threshold in the NPPF is 2,500sq m. It is important to note that the development is below the default threshold in terms of both the gross external (1,918sq m) and net sales (1,286sq m) areas and an impact assessment is not therefore required.
- 79 A retail impact assessment (RPS) has nonetheless been submitted by the applicant and it is worthwhile to consider its findings as the impact of the

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development upon the town centre is an important consideration. The NPPF suggests that the consideration should cover:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

80 A detailed assessment of the findings of the retail assessment has been provided within the Planning Policy Officer's comments above, however the following conclusions are particularly relevant to this consideration:

- The report identifies that the negative impact upon town centre turnover is between 1 and 4% (the extensions to Waitrose are taken into account in this assessment). This is not considered to be an impact significant enough to cause concern for existing town centre. Even when greater sensitivity is applied to these figures, the assessment concludes that the impact upon the town centre food retailers would be no greater than 3.5% of turnover.
- There are currently no similar 'deep discount' stores within the Sevenoaks urban area and the nearest similar shops are within Tonbridge and Swanley. It is argued that the store would provide a niche offer not currently available in the town. Particularly, the store would provide a choice not currently available for those on lower incomes. It is suggested therefore that the impact of the development upon the town centre food retailers than the quantitative case might otherwise suggest. The applicant has indicated that a S.106 undertaking will be provided to limit the type of retail provision to a 'deep discounter' store (characterised by a significantly reduced range of products in comparison to a conventional supermarket operation). The S.106 will include a limit on the number of product lines and services available at the store.

81 The assessment suggests a deficit of convenience expenditure within Sevenoaks to support new shops in 2011 which would then increase to a surplus in 2016 (£2.6m). The additional provision of convenience 1,700sq m of convenience retail floorspace identified in the Sevenoaks Retail Study 2009 and referenced in Policy L03 of the CS (and above) has effectively been built out with the extensions at Waitrose and elsewhere at Sainsburys and Tesco. The assessment of quantitative need for the development does not therefore appear show a surplus of expenditure to support this development at this time, though it does show a surplus to support the development within 5 years (a reasonable period to allow for construction and trading patterns to establish). Most importantly, however, the NPPF does not require the applicant to demonstrate a quantitative need for the development as a matter of policy and there is no requirement in local policy for such a need to be demonstrated before planning permission is given.

82 In terms of the retail impact of the development and with reference particularly to the requirements of the NPPF, it is evident that the sequential test for more preferable town centre and edge of centre sites has been applied and that there

are no more appropriate sites for this development. Whilst not strictly required in policy terms, a retail assessment has been conducted which adequately demonstrates that the proposal would not result in a significant trade draw from the town centre that would materially affect its vitality and viability. This is particularly the case given that the type of retail provision is to be limited by a S.106 undertaking to a 'deep discounter' type store (subject to the receipt of an acceptable undertaking).

- 83 The proposal will provide for greater choice in the retail provision of the town, providing a particular retail offer that is not currently found. Some weight is to be given to this qualitative need for the development which is evidenced by a reasonable level of support for this application from residents of the town and surrounding areas.
- 84 For these reasons, therefore, it is considered that the proposal would not be contrary to the general thrust of policy which ensures that the town centre is the primary focus for retail development. For the reasons above, the principle of retail development of this type on this site is considered to be acceptable.

The impact of the development upon highways safety and convenience.

- 85 The application site is located in proximity to the Sevenoaks Railway Station (within 500m) and on bus routes into and out of the town centre. The site is therefore considered to be reasonably sustainable in terms of possibilities for alternative non-motorised transport. Nonetheless, given the nature of the retail offering, it is likely that there will be a continued reliance on car transport to and from the site. The impact of vehicle traffic accessing and using the site is considered below in terms of the proposed access, the impact upon highways in terms of traffic and the adequacy of parking on the site.

Access -

- 86 Access to the site is to be provided directly from London Road, the A224. This is a primary distributor connecting the town centre with outlying areas to the north and nearby trunk roads. The access point is to be repositioned to the west of the position of the existing access to the site. The detail of the proposed access arrangements are shown on drawing 3768.001 Rev D. This drawing shows that an extended right-turn bay could be provided along with an amended kerb line to allow for adequate carriageway width. Vehicular visibility splays are shown on this drawing demonstrating that visibility is possible over the footway to 74.8m in an easterly direction and 50m to the west.
- 87 The application has been submitted with a 'Stage 1 Road Safety Audit' which has informed the access arrangements submitted.
- 88 No objection has been raised by the Highways Officer in terms of the quality or safety of access to the site and it is suggested that the revised access will accommodate the increase in traffic movements to and from the site. A condition is suggested to ensure that the highways works shown on the drawings are carried out prior to the first use of the store. These works are to the public highway and as such the details of the improvements will need to be agreed with Kent Highways and the condition should be worded to reflect this.

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- 89 It has been suggested that access could alternatively be taken via Morewood Close. Whether or not this is practical in reality, the application should however be considered on its own merits as submitted.

Impact on local Highway Network (traffic and congestion) –

- 90 Concern has been raised by interested parties that the proposal would exacerbate existing congestion issues on London Road, particularly at busy periods.
- 91 The applicant has provided a transport assessment with the application which takes into account the existing traffic movements to and reflects the fact that some trips to the store would be 'pass-by trips' that would already be undertaken. The Highways Officer has indicated that the projected traffic impact of the development outlined in the Transport Assessment represents a worse case scenario for the proposed store.
- 92 The projected traffic flows to and from the site are based on data acquired from the 'TRICS' database, which provides a comparison with trip rates derived from similar discounted food stores. The projections show that the proposal would result in a total increase of 3 vehicle movements (+0.17%) during the weekday AM peak (8 – 9 am), an increase of 96 movements (+3.25%) during the weekday PM peak (5 – 6pm) and an increase of 167 movements (+6.4%) during the Saturday peak (2pm – 3pm).
- 93 The Highways Officer considers these increases to be small in comparison to existing background flows and raises no objection in this regard. As mentioned above, the proposed access improvements are considered to be acceptable to accommodate this increase in traffic.

Parking –

- 94 The proposal includes 70 dedicated parking spaces to serve the development. This level of parking reflects the worse case parking accumulation for this type of discounter retail store based on the available TRICS data. The parking provision includes four disabled parking bays and two 'parent and child' bays.
- 95 The Highways Officer has indicated that the parking provision is satisfactory for this type of development on the basis of the restricted retail offering. Given the proximity of the site to the Sevenoaks Railway Station and the demand for commuter parking within the vicinity, a condition is recommended to ensure a scheme to secure the parking for customers and staff of the store only to ensure availability of spaces. It is likely that this scheme could include signage and a private ticketing operation on-site.
- 96 With the above in mind, it is not expected that the proposal would result in overspill parking onto surrounding roads nor would it result in the potential for dangerous vehicle manoeuvres onto or off of the public highway as a result of parking congestion on the site. Notwithstanding this, I note the prevalence of on-street parking controls within the surrounding area which would limit the potential for parking of cars to be detrimental to the amenities of neighbours. All public roads within 300m of the site are controlled with double yellow or single yellow line parking restrictions (Stapleford Court is restricted with single yellow lines preventing parking Mon-Sat 7-10am and 4-5pm, similar restrictions apply on

Braeside Avenue and Braeside Close. Morewood Close has some pay and display parking).

- 97 The traffic movements to and from the site and the expected parking accumulation are based on specific 'TRICS' data for a discounter store of this type as opposed to a general A1 use which might include a conventional supermarket. The Highways Officer has considered the proposal on this basis and has raised concerns that, if the store was to be put to use as a conventional supermarket, the proposal might not be acceptable in highways terms. A more conventional supermarket (generally offering around 10,000 types of product for a store of this size) would be expected to generate a greater amount of visitors and traffic than a 'deep discounter' type store (offering around 2,000 types of product). For this reason, permission should only be given on receipt of a completed S.106 undertaking to limit the use to this specific type of retail offering.
- 98 A travel plan has been submitted with the application which makes recommendations on ways to encourage sustainable transportation modes, particularly for staff. This includes the recommended provision of cycle racks, encouraging car sharing and investigating the provision of discounted public transport. The plan relies on monitoring of travel patterns to form recommended actions. The Highways Officer has indicated that it would be more appropriate to secure a travel plan that recommended specific actions which can be maintained without the need for future monitoring. It seems reasonable, given the scale of the development, that such a measures-based travel plan is required and that its recommendations are implemented. This could be secured by condition.

The design and appearance of the development.

- 99 Policy EN1 of the Local Plan deals with the general principles of development control and indicates that 'the form of the proposed development ...should be compatible in terms of scale, height, density and site coverage with other buildings in the locality' and that the 'the design should be in harmony with existing buildings and incorporate materials and landscaping of a high standard'. Policy SP1 of the CS similarly indicates that 'all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated'.
- 100 As described above, the site is located within an area of mixed development to the north of London Road. This includes the larger single blocks of the Sevenoaks Medical Centre, commercial buildings and the fire station and the police station and magistrates' court which take up a good proportion of their sites as well as the finer grain of the Quarry Cottages and the Halfway House Pubic House.
- 101 The existing buildings on this site have an ad hoc character and are not of any merit in their own right. The buildings do not present a coherent frontage to London Road. Whilst set back by approximately 24m from the footway, the single building provides the opportunity for a more unified appearance to the site.
- 102 The surrounding commercial and functional buildings, particularly to the north and east of the site are of a rather bland and utilitarian design and there is little in the way of distinctive character in this location. It is acknowledged that this will change somewhat with the likely redevelopment of the police station site, though there appears to be no immediate prospect of the buildings surrounding the site to be redeveloped in the near future.

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- 103 Whilst the design of the store appears to be a generic modern design for this type of store, the bold roof form and use of modern proportions and materials would not result in an unattractive building given the otherwise bland context of the site. The building would sit back from the edge of the footway in a similar way to the adjacent medical centre and fire station buildings and would not therefore overwhelm the street scene. The relatively modest height of the building would also ensure that the impact of the development is not unnecessary intrusive. Details of the proposed external materials should be secured by condition to ensure an appropriate appearance.
- 104 Concern has been raised over the appearance of the signage at the store. The company signage has been shown on the proposed plans, though this would need to be subject to consideration under an application for advertisement consent.
- 105 The site is currently laid almost entirely with hard surfacing and the limited amount of trees and planting that exist are located on the extreme boundaries of the site. Larger trees are located in proximity to the boundary, but on the adjacent sites. An Arboricultural Report has been supplied which shows the removal of 4 no. trees and tree groups of poor quality (category C) and low amenity value. Notwithstanding the Trees Officer's comments, these trees are marked on the drawing entitled 'Arboricultural Impact Assessment' – ATC-AIA 02 Rev. A. It is not considered necessary to retain these poor quality trees.
- 106 The report indicates the measures for the protection of the retained (predominantly category B trees) on the borders of the site and just within the adjacent sites. The Trees Officer has indicated that these measures are acceptable and a condition should be imposed to ensure tree protection takes place.
- 107 A proposed landscaping plan no.1093 (received 27/7/12) has been submitted with the application and this shows an area of shrub planting alongside the boundary of the site with London Road. Planting here is welcomed as it has the potential to soften the appearance of the hard surfacing on the site and contribute positively to the street scene. The plan provided shows shrub planting in this area, however it is apparent that some (native) tree planting would be of benefit to the street scene. For this reason a condition should be imposed to require the submission of alternative details.

Residential Amenity

- 108 Concern has been raised by local residents over the potential impact of the development upon their amenities, particularly in terms of noise disturbance and light pollution.
- 109 The nearest dwellings to the site are:
- No.1 Quarry Cottages – approximately 19m to the south-east of the site boundary. This property is the nearest of the row of terraces fronting London Road and is separated from the site by the Halfway House Public House. The dwelling would be approximately 22-25m from the nearest part of the proposed building.
 - Nos. 1 & 2 Stapleford Court and 2a Kippington Road – approximately 32 – 45m from the site. These properties are detached dwellings located to the

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south side of London Road. The dwellings are set back from London Road with their garden areas between the high boundary wall and fence adjacent to the southern edge of London Road and the buildings. Much of this boundary is marked by a good amount of evergreen and other trees and planting.

- Nos. 1 – 8 Morewood Close – between approximately 63 and 85m from the site to the north-west beyond the existing industrial and commercial buildings forming part of the Morewood Close business area.

- 110 It is proposed that the store would be open between the hours of 08:00 and 21:00 every day (para. 1.4 of the Retail Impact Assessment indicates however that LIDL stores are generally open between 1000-1600 or 1100-1700 on Sundays) . Given the distances to the nearest dwellings it is unlikely that the proposed use would have a significantly greater impact in terms of general noise and disturbance as a result of customers and deliveries than the car dealership use, which included a workshop to the rear of the site. It is additionally important to note that the building itself and the public house would be positioned between the main parking and delivery areas of the site and the nearest dwellings, Quarry Cottages. Dwellings to the south of the site on Stapleford Court and Kippington Road would not be significantly affected as a result of the position of the existing busy road and the reasonably substantial nature of the boundary treatment to the south of London Road. Dwellings on Morewood Close would likely be unaffected as a result of the substantial industrial buildings separating them from the site.
- 111 The opening hours proposed by the applicant (Mon-Sat) would limit any impact of the development in terms of general noise and disturbance throughout the most sensitive hours when the store could have the most impact. More restrictive opening hours are proposed by the Environmental Health Officer for Sundays. A condition should require these hours to be adhered to and should prevent any deliveries to the site outside of specified hours. The condition suggested by the Environmental Health Officer is reasonable in this regard.
- 112 The floor plans and elevations submitted with this application do not appear to show the position of any plant or equipment that is likely to be required as a part of the operation of the store. The accompanying acoustic report submitted with the application carried out by Acoustic Consultants Ltd does however indicate that the condenser (refrigeration) plant would be located to the rear / east of the building in a position approximately 55 – 60m from Quarry Cottages to the South East and would run on a 24 hour basis according to demand. Detail of the refrigeration and condenser plant is set out in sections 8.1 and 8.2 of the report. The report models the impact of the plant upon the nearest sensitive properties, Quarry Cottages, during the most sensitive period (night time) and concludes that there would be no significant impact in terms of amenity and that the noise of the plant would not exceed the background noise levels. The Environmental Health Officer has however indicated that plant installed 2.4m above ground level might cause an impact upon the residents of Quarry Cottage and that an alternative position should be explored (preferably to the northern part of the building). A condition should be applied to ensure that full details (including noise specification) of the plant to be installed and its position is provided. No additional plant should be installed on the building thereafter.
- 113 Concern has been raised over light pollution as a result of the scheme. The proposal includes a reasonably large area of glazing to its elevations, though

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given the positioning of the building and the existing screening of buildings and boundary treatments, it is unlikely that the proposal would be significantly harmful in this regard. A condition is proposed requiring the submission of details of external lighting before its installation (and a requirement for it to be maintained as such thereafter). Concern has been raised over the possible illumination of advertising on the site, through this would be considered under the advertisement regulations under a separate application, if required.

- 114 Concern has also been raised over the potential for anti-social behaviour as a result of the development and a limit on the sale of alcohol has been requested. Firstly, it is considered that restrictions on the sale of alcohol would be dealt with under the licensing legislation separately and it would be unreasonable to control this by way of a planning condition. The proposal is otherwise fairly well laid out to provide natural surveillance of the car parking and other areas so that crime and anti-social behaviour is not encouraged as a result of the scheme. It is not considered that the proposal would allow for any greater opportunity for crime and anti-social behaviour than the existing use of the site.

Other matters

Sustainable Construction

- 115 Policy SP2 of the CS requires all new commercial buildings to achieve BREEAM Very Good standard incorporating Sustainable Urban Drainage Systems (SUDS) where practical as well as at least a 10% reduction in the total carbon emissions through on-site installation and implementation of decentralised, renewable or low-carbon energy sources.
- 116 A BREEAM design stage assessment has been submitted with the application which demonstrates how it is expected that the building would score against the BREEAM assessment criteria. The report submitted shows an expectation to achieve Very Good level as required by the policy with an overall building score of 55.94%. An 'Energy Strategy Report' has also been submitted which shows carbon emissions can be reduced by 44% through the use of energy efficiency measures (including low-energy plant etc.). This is welcomed and a condition should be applied to ensure Very Good level is achieved and that at least 10% of the carbon emission reductions are as a result of renewable or low-carbon energy sources. A condition requiring the submission of drainage details, requiring SUDS where practical should also be included.

Ecology

- 117 An extended phase 1 habitat survey has been included with this application which seeks to identify the ecological value of the site in terms of protected species, habitats and features. The site is not within a statutory site of ecological value (SSSI or SNCI). The County Ecologist has indicated that the all potential ecological impacts of the development have been appropriately considered. The report concludes that the habitats on the site are of low value and that there was limited potential for the existence of protected species on the site.
- 118 The only exception is the likelihood of nesting birds and the County Ecologist recommends that any works to vegetation should take place outside of the bird breeding season unless supervised by a qualified ecologist. This could be controlled by a condition.

- 119 A further plan has been provided by the applicant showing the use of native species planting and the installation of bat boxes to the building to provide potential enhancement of the site's ecology and these enhancements are to be encouraged. It is indicated by the applicant that these enhancements will count towards the BREEAM assessment and as such, if taken forward, these items will be covered by the condition requiring the achievement of BREEAM 'Very Good' standard.

Land Contamination

- 120 A 'geo-environmental investigation report' has been submitted with the application which details the findings of an on-site investigation. The investigation found evidence of made ground to a depth of 1.7m. Chemical analysis of soil and made ground samples did not detect elevated levels of contaminants, though it is indicated that some areas of the site could not be tested and that there exists old underground fuel tanks.
- 121 A remedial strategy is set out in 8.2 which recommends the removal of the underground fuel tanks along with any contaminated soil around the tanks. A remediation method statement will be required for the development to include further investigation in the area of the demolished building to the rear of the site. A condition should be applied to require that the investigation is carried out, that a remediation strategy is put into place and carried out and that any contaminants identified during the course of the development area adequately dealt with to prevent harm to groundwater and / or other receptors.
- 122 The Environmental Health Officer has confirmed that the geo-technical report is acceptable and that a condition should be imposed to ensure further survey investigation and remediation as necessary.

Air Quality

- 123 The application has been submitted with an Air Quality Assessment dated June 2012. The application site is not located within an Air Quality Management Area, but is located between the Sevenoaks Town Centre AQMA and the Riverhead AQMA.
- 124 The Air Quality Assessment considers the existing air pollutant emissions from road traffic adjacent to the development site and the projected increase in pollutants as a result of the development (taking into account assumed changes in baseline conditions). The report concludes that any increase in concentrations of air pollutants as a result of the development is predicted to be 'imperceptible' or 'small' indicating that the development would have negligible significance upon air quality.
- 125 The Environmental Health Officer has confirmed that the predicted impact on air quality as a result of the proposed development is small, however, the proposal would have some limited cumulative effect upon the nearby Riverhead and Sevenoaks Town Centre Air Quality Management Areas, particularly if an unrestricted A1 use is allowed which might generate more traffic than the 'deep discounter' type of store hereby proposed. To mitigate against the impact and in order to achieve the objectives of the Air Quality Action Plan, a contribution towards air quality measures and monitoring is requested by the Environmental Health Officer.

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- 126 An acceptable contribution would need to be secured through the s.106 undertaking and no such signed and completed undertaking has yet been provided. The principle of such a contribution towards measures to achieve air quality action plan targets has, however, been agreed with the applicant.

Flood Risk

- 127 The application site is not in any part within an area of flood risk. As the site is below 1ha, a flood risk assessment is not required. Given the extent of hard surfacing on the site, the proposal allows for the opportunity, through appropriate drainage, to ensure that surface run-off is lesser or no greater than the current situation so as to avoid impacts elsewhere.

Archaeology

- 128 The site is within an Area of Archaeological Potential. To date no comments have been received from the County Archaeologist and the Committee will be updated if any are received. However, given the likely prospect of fairly significant groundworks as a result of this development, a condition is suggested requiring a programme of archaeological works.

Conclusion

- 129 For the reasons given above, subject to the receipt of an acceptably worded and completed S.106 undertaking to limit the retail offer on the site to a 'deep discounter' type store (including a restriction on product lines and services provided) and to provide an air quality contribution, the proposal is considered to be acceptable. A split recommendation is therefore made to either approve planning permission should an acceptable S.106 undertaking be received and completed on or before 13th September 2012 or to otherwise refuse planning permission on the basis of harm arising from increased traffic and parking requirement.

Background Papers

Site and Block plans

Contact Officer(s): Patrick Reedman Extension: 7451

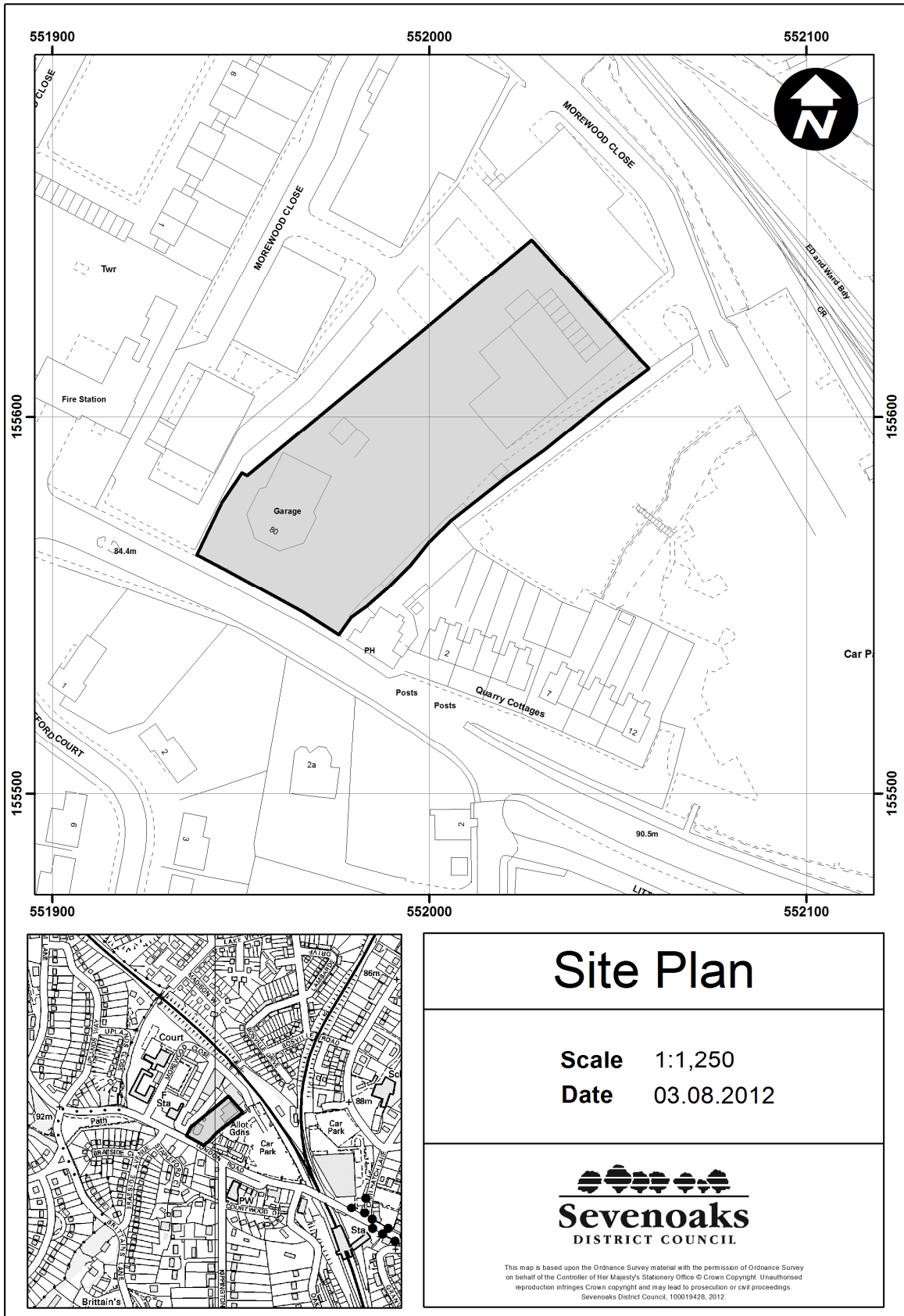
Kristen Paterson
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=M45NK2BK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=M45NK2BK8V000>



Site Plan

Scale 1:1,250
Date 03.08.2012



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4.2 – SE/11/03327/FUL

Date expired 4 July 2012

PROPOSAL:

Erection of detached dwelling with integral garage.

LOCATION:

Land Adjacent To Woodseaves, 5 Knole Paddock, Seal Hollow Road, Sevenoaks TN13 3RX

WARD(S):

Sevenoaks Town & St Johns

ITEM FOR DECISION

This application has been referred to Development Control Committee by Councillors Dawson and Raikes for consideration of the impact of the proposal against the Residential Character Area Assessment which has now been adopted.

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

The proposed dwelling, by virtue of its siting and scale in close proximity to the front boundary, would appear as a prominent and overbearing development that would detract from the informal, verdant and spacious character of the drive to Knole Park. This would be contrary to policy EN1 of the Sevenoaks District Local Plan and Policy SP1 of the Sevenoaks Core Strategy, and to guidance contained within the Sevenoaks Residential Character Area Assessment.

In the absence of a completed S106 Agreement, the development would fail to provide an off site contribution towards affordable housing and would be contrary to Policy SP3 of the Sevenoaks Core Strategy.

Description of Proposal

- 1 The application seeks permission to erect a dwelling on land at the rear of No. 5 Knole Paddock. This application follows an earlier refusal for a dwelling on the site under SE/10/02311.
- 2 The proposed dwelling would front onto the private drive between Plymouth Drive and Knole House. The dwelling would be a 5 bed property, arranged over 2 storeys and T-shaped in footprint. It would have a projecting central core of 8.7 metres in height, with two wings on either side with roof lines at 90 degrees and of 6.8 and 7.9 metres height respectively. These wings have been designed with the first floor accommodation partially provided within the roof space. The building would be sited at an angle to the road, and the closest point of the building would be approximately 5 metres from the front boundary.
- 3 The scheme includes an integral garage and space for parking two vehicles to the front of the garage. A new access would be constructed in a relatively central position on the site. This would cross a grass verge onto the private access road owned by the Knole Estate.

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- 4 The application has been re-validated during the process as there was an inconsistency between the elevation and floor plan drawings, and notice had not been served on the Knole Estate. These have since been revised and corrected.

Description of Site

- 5 No. 5 Knole Paddock is a large detached dwelling set within a substantial plot, and accessed via Seal Hollow Road. It has a substantial rear garden which slopes down considerably from the house to the rear boundary and backs onto a private drive leading from Plymouth Drive to Knole Park. The site is located within the built confines of Sevenoaks, although the Green Belt boundary is situated on the other side of the private drive.
- 6 The site contains a number of substantial trees, particularly on the western boundary. They are protected by an area TPO.
- 7 The application site consists of a rectangular shaped plot of land to the rear of the garden. A raised bank runs diagonally across the site, roughly from north to south. The site is flanked by a bungalow (Birchwood) with roof accommodation to the north east, and by a two storey dwelling to the south west (Falcon House). The application site is on a slightly higher land level than the bungalow but significantly lower than Falcon House to the south west. The gated entrance and lodge houses to Knole Park are sited beyond the bungalow. These are Grade II listed.
- 8 Two new dwellings have recently been completed on land to the west of Falcon House and fronting the drive to Knole Park.

Constraints

- 9 Area Tree Preservation Order on site
- 10 Within an Area of Archaeological Potential

Policies

South East Plan

- 11 Policies – BE4

Sevenoaks District Local Plan

- 12 Policies – EN1, EN25A

Sevenoaks Core Strategy

- 13 Policies – L01, L02, SP1, SP2, SP3, SP5 and SP7

Other

- 14 The Sevenoaks Residential Character Area Assessment has been adopted as a Supplementary Planning Document and is a material consideration.
- 15 The National Planning Policy Framework

Planning History

- 16 SE/10/02311 – erection of a detached dwelling and garage - Refused

Consultations

Sevenoaks Town Council

- 17 Sevenoaks Town Council recommended approval

SDC Conservation Officer

- 18 No objections

SDC Tree Officer

- 19 The measurements provided within this application appear to stack up with regards to the distances from tree to development. The root protection areas therefore appear adequate to ensure the retention of the trees in good health. Certain trees within the arboricultural report have been identified for removal due to their reported condition. I have not had the time to inspect each tree individually. I therefore suggest that a condition be attached to any consent provided That states that the tree officer should be contacted prior to commencement of any tree works so that an inspection can be made in order to verify their condition and the reason provide for their removal.

Thames Water

- 20 No objection.

SDC Archaeology

- 21 No comments received.

Kent Highways

- 22 Original comments - It is noted that the ability to turn a vehicle within the proposals such that vehicles can enter and exit in a forward gear, is limited. It is noted that a 5 bedroom house is proposed and also noted that traffic flows on this private drive are anticipated to be very low and reversing onto the private drive is not expected to be onerous or more importantly a significant road safety issue. I would not therefore wish to object to this proposal but consider that a larger turning area and/or reduced number of bedrooms may be more appropriate.

I have read the neighbours observations regarding construction traffic and parking but I would consider that these issues are planning matters and matters for the verge landowner as this is not an adopted road. If I can be of any further assistance, please do not hesitate to contact me.

- 23 Further comments - I refer to the above application and have no objections on any highway grounds. The development is accessed by a private road which links to the public highway at Plymouth Drive, and there are adequate visibility splays at the junction there.

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Representations

- 24 3 letters of objection received following original consultation:
- Lack of parking and turning facilities, which could lead to parking on the verge of the lane
 - Construction traffic should not enter from the lane, but should be from Seal Hollow Road
 - Construction work should not take place on Saturdays or Sundays
 - Restrictions should be put in place on the access and location of construction traffic
 - The dwelling is essentially the same height and of a larger footprint than the refused scheme, and is not materially smaller as suggested in the supporting statement
 - The dwelling would be closer to the road than the new dwellings that have been recently constructed, and is not comparable to these as suggested in the supporting statement
 - Lack of suitable parking
 - Inconsistencies exist between floor plans and elevation plans
 - The development would cause overlooking
 - The development would have an unacceptable visual impact upon the area
 - The reclassification of residential gardens under PPS3 should be taken into account.
- 25 One further letter received following re-consultation stating that the revisions do not address the concerns raised above.

Group Manager - Planning Appraisal

- 26 The site is located within the built confines of Sevenoaks and at 0.1 hectares in size is of a size that would be capable of accommodating residential development. The site currently forms part of the garden to 5 Knole Paddock and previous amendments to PPS3, which has now been superseded by the National Planning Policy Framework (NPPF), removed gardens from the definition of “previously developed land”. Whilst the NPPF places an emphasis on development of previously developed land, this does not preclude other land, such as gardens, from being developed, provided such development is in suitable locations and relates well to its surroundings. Paragraph 53 of the NPPF states that local planning authorities should consider setting out policies to resist the inappropriate development of rear gardens, where this would cause harm to the local area. This is broadly consistent with Policies SP1 and SP7 of the Core Strategy which include criteria that development should not compromise or harm the distinctive character of an area. On this basis, the development of this site should not conflict with the

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aims of the NPPF provided that the development is not harmful to the character of the surrounding area.

- 27 The use of this land to accommodate a single dwelling on a good sized plot would follow the pattern of residential development that has recently evolved along the drive to Knole Park.
- 28 In purely policy terms, the proposal would accord with Policies LO1 and LO2 of the Core Strategy which seek to direct development to major built confines and, in the case of LO2, to provide new housing in locations throughout Sevenoaks that are suitable for housing development with an emphasis on sites in easy walking distance of the town centre.
- 29 Taking the above into account, I do not consider there to be any objection to the principle of residential development on this site, subject to the consequences of its detailed design and impact on the immediate local environment.

Impact on the character and appearance of the area

- 30 Knole Park drive is a private road which leads from Plymouth Drive to Plymouth Lodge - which forms one of the entrances to Knole Park. It is a straight single track road with wide grassed verges, which gives a verdant and spacious character to the road. It occupies an edge-of-town location, immediately adjacent to the Green Belt boundary.
- 31 The application site is located on the west side of the drive. This side is essentially characterised by tree belts, forming the boundaries of surrounding gardens, and a small number of dwellings fronting onto the drive. Two of these are newly constructed dwellings on land adjacent to Falcon House. They are large dwellings and the balance between landscaping and built form has been altered through this development. Nonetheless, these houses are set back by some 14-15 metres from the front boundary with the drive and as such this limits the impact of this built form on the character of the drive.
- 32 The existing bungalow at Birchwood immediately to the north east of the site is located closer to the drive (around 3 metres), but as a bungalow it is screened to a large degree by a front boundary hedge and the visible part of the roof structure closest to the frontage with the drive tapers away from the road. As such, due to the single storey design and tapering roof, it does not appear unduly prominent or visible in views along the drive, and nestles into its site.
- 33 The last application for a dwelling on the site (SE/10/02311) was refused on the basis that the proposed dwelling would be in close proximity to the front boundary (2 metres) and of a height, scale and design that would be prominent and overbearing, in addition to causing harm to trees subject to a Tree Preservation Order.
- 34 This revised scheme is different insofar that the dwelling has been redesigned from a mock Georgian style with a square footprint to a T shaped design, and it has been sited further back from the road frontage (5 metres). However it is unfortunate that the tallest and bulkiest part of the building (the 2 storey element) has been designed to be sited at the closest point to the road frontage. At a distance of 5 metres, this would still be significantly closer to the drive than the new housing development further down the drive and at a two storey scale with a

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ridge height of 8.7 metres would be much more visually prominent from the drive than the Birchwood property. The proposed dwelling would be the same height as the main ridge of the previous refused scheme. The scale of the proposal is further emphasised on the site plan drawing which states that the proposed dwelling would have a ridge level more than 3 metres higher than Birchwood.

- 35 Whilst some landscaping exists on the boundary with the drive, this does not provide a dense screen and would not preclude views or successfully soften the impact of a two storey dwelling from the private drive – and it is noted that the new access proposed would create an opening of 4 metres into this boundary which would further open views of the site and development.
- 36 My concerns relating to the scale and prominence of the building are also supported by the Council’s adopted Residential Character Area Assessment which refers to the need for any new infill development on the drive to be well screened and set back to avoid a significant impact on the verdant and informal character of the drive. It further states that new development should be of appropriate height and scale to fit unobtrusively within its setting, without appearing cramped or out of context with the character of the lane. I consider that this adds further weight to my criticism of the application.
- 37 Whilst I consider the aesthetic design of the dwelling to be fairly disjointed with differing eaves, ridge and dormer heights, I do not consider this in itself to be a ground of refusal, given the variety of building designs in the area.
- 38 The tree officer has confirmed that this revised scheme would be unlikely to cause harm to notable trees on site and raises no objection from this perspective.
- 39 Overall, I consider that the revised proposal, whilst a marginal improvement on the previously refused scheme, would remain unduly prominent in the setting of the drive due to its position and scale in relation to the boundary with the drive, and would be to the detriment of the informal, verdant and spacious character of the area. This would be contrary to Policy SP1 of the Core Strategy and EN1 of the adopted Local Plan, and to guidance contained within the Sevenoaks Residential Character Area Assessment.

Impact on neighbouring amenities

- 40 The dwelling is shown to maintain a distance of almost 25 metres to the neighbouring property at Birchwood. The drawing does not include a conservatory to the neighbouring property, and this would reduce the separation gap to around 22 metres. However the proposed dwelling has been designed with first floor windows that do not directly face this property.
- 41 A distance of around 20 metres would be maintained to Falcon House, which is on a much higher land level and screened by the substantial Beech hedge. A distance in the region of 50 metres would be maintained to the existing dwelling at No. 5 Knole Paddock, and this property is again on a much higher land level.
- 42 Taking the above distances and site factors into account, I do not consider that the dwelling would have any undue impact upon the neighbouring occupiers, and this relationship would be acceptable under Policy EN1 of the Local Plan.

Highways Matters

- 43 The proposal would accommodate three parking spaces – 1 in the garage and two external spaces. This would accord with the KCC Interim Guidance note on parking, and would comply with Policy EN1 of the local plan.
- 44 Some reference has been made by Kent Highways and local objectors to the lack of turning and potential pressure due to confinement of parking spaces to park on the verge, with resultant rutting and degradation of the verge. Whilst this is a matter that should be avoided, the number of parking spaces provided for the property (3) in an area close to the town centre is the maximum that could be sought. Furthermore, the applicant does not own the verge - it is owned by the Knole Estate – and as such the Council cannot impose a condition on land that the applicant does not control.
- 45 With regard to the lack of a turning area, given the very low usage of the drive by vehicular traffic and good visibility across the grass verge onto the drive, I do not consider it essential for vehicles to exit the site in forward gear.

Other matters

- 46 Local residents have raised a number of other matters in relation to the proposed development, as summarised above.
- 47 The neighbour at Birchwood has requested that, in the event of the 4 metre high boundary hedge dying or being cut back, that a 4 metre high barrier should be secured to maintain privacy. The type of barrier is not specifically detailed, but given the separation distance and orientation of the dwelling as proposed, I do not consider that the Council could reasonably require such a request.
- 48 Concern has been raised over the construction period, particular hours of working, the routes taken by delivery vehicles and vehicle parking. A neighbour has requested that construction traffic should be brought in from Seal Hollow Road but I note that the entrance to 5 Knole Paddock from this road suffers from very poor visibility, with a substantial distance to negotiate to the site of the proposed dwelling and a significant change in land levels involved. As such I do not consider this to be a feasible or acceptable option.
- 49 The hours of construction are better dealt with under Environmental Protection Acts relating to statutory nuisance.
- 50 Vehicle parking during construction could be an issue on the lane– although a planning condition requiring a construction management plan could be imposed to require details of such parking to be provided.

Affordable Housing

- 51 The applicant has submitted a Draft Undertaking to make a contribution of £37,927 towards off site affordable housing provision within the District. Such a contribution is a requirement of Core Strategy Policy SP3. However the Undertaking has not been completed at the time of writing and on this basis I would recommend that a further ground of refusal be added, namely that in the absence of a completed S106 agreement, the development would not secure an appropriate off site contribution towards affordable housing and would be contrary

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to Policy SP3 of the Core Strategy. Members will be updated at the Planning Committee as to whether the Undertaking has been completed.

Conclusion

- 52 Taking all the above factors into account, I consider that the proposed dwelling, due to its position and scale in relation to the boundary with the drive, would be unduly prominent and detrimental to the informal, verdant and spacious character of the drive. This would be contrary to Policy SP1 of the Core Strategy and EN1 of the adopted Local Plan. In the absence of a completed S106 agreement, the development would not secure an appropriate off site contribution towards affordable housing and would be contrary to Policy SP3 of the Core Strategy.

Background Papers

Site and Block plans

Contact Officer(s):

Mr A Byrne Extension: 7225

Kristen Paterson

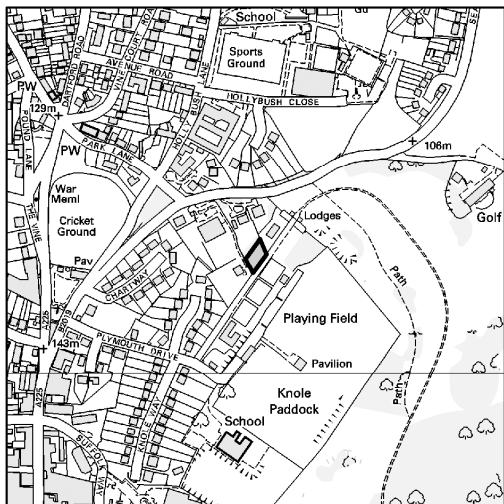
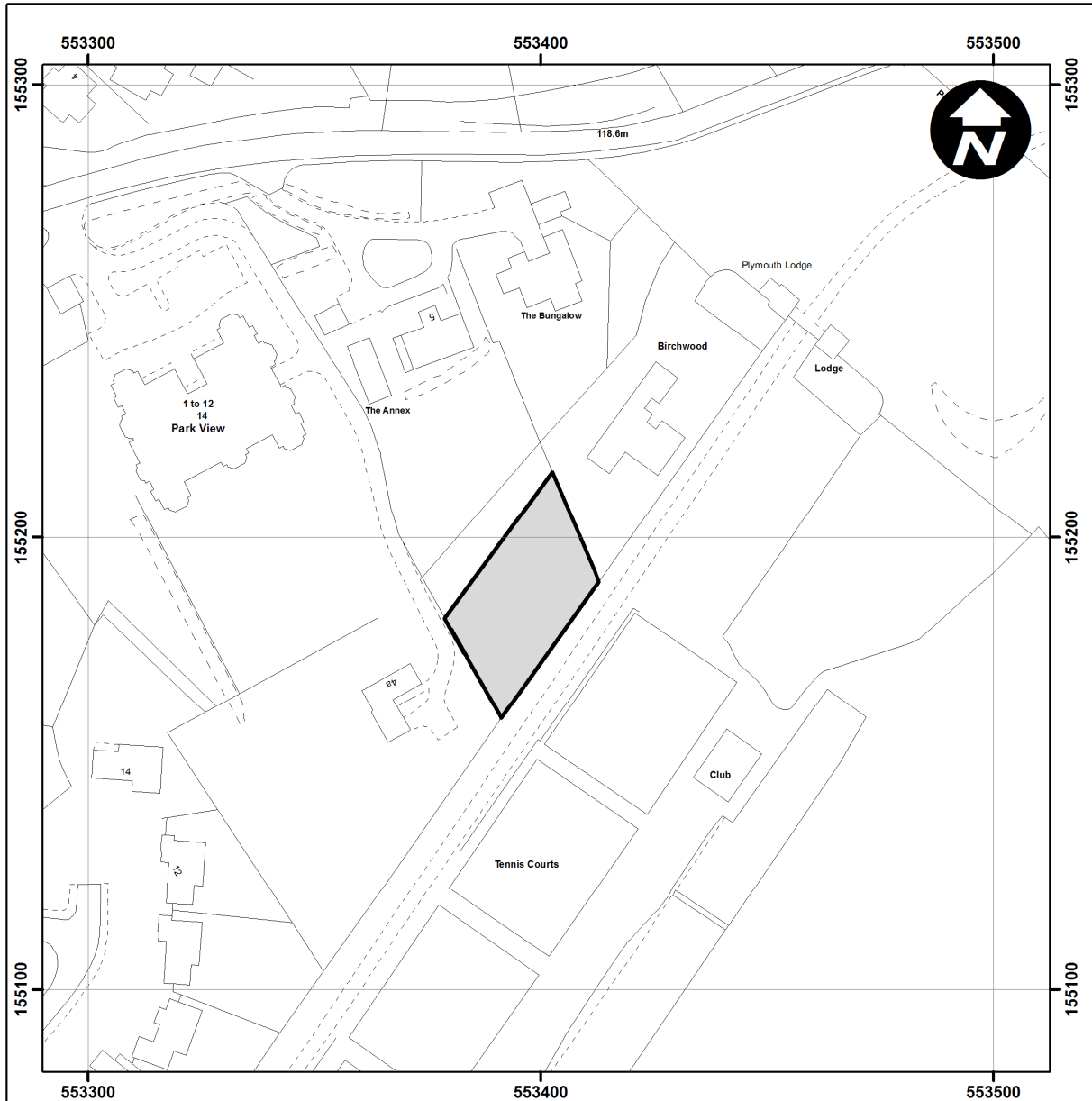
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LWK5BPBK0FZ00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LWK5BPBK0FZ00>



<h1>Site Plan</h1>	
Scale	1:1,250
Date	03.08.2012
 Sevenoaks DISTRICT COUNCIL	
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4.3 – SE/12/01107/HOUSE Date expired 2 July 2012

PROPOSAL: Demolition of existing asbestos garage and erection of a steel structure garage.

LOCATION: Ringsdown , Crockenhill Lane, Eynsford Dartford DA4 0JL

WARD(S): Eynsford

ITEM FOR DECISION

This application has been referred to Development Control Committee by Councillor Horwood, on the grounds that the proposed garage is not considered to be detrimental to the keeping of the area. The new garage is to replace the existing garage, which is in extremely poor condition.

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

The proposed garage by virtue of its design, appearance and particularly due to the use of materials would have an unacceptable impact on the character and appearance of the area and the AONB. The proposal therefore fails to comply with policy EN1 of the Sevenoaks District Local Plan, policy SP1 and L08 of the Sevenoaks Core Strategy and the advice and guidance in the NPPF.

Description of Proposal

- 1 This application seeks permission for the demolition of an existing asbestos garage and erection of a steel structure garage.
- 2 The existing garage that currently exists is a 1950s style Marley Garage flat roof. It is proposed to demolish this and to construct a new garage.

Description of Site

- 3 The property relates to a bungalow located on the south west side of Crockenhill Lane on the outskirts of the village of Eynsford. At the front of the property there are two existing garage buildings on an elevated concrete platform.
- 4 The application site falls within the Green Belt and AONB.

Constraints

- 5 Green Belt
- 6 Area of Outstanding Natural Beauty

Policies

Sevenoaks District Local Plan

- 7 Policies EN1, H6B & Appendix 4, VP1, H14B.

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South East Plan

8 Policies CC6, SP5, C3, C4.

Sevenoaks Core Strategy

9 Policies- SP1, L08

Other

SPD residential extensions, NPPF

Planning History

10 11/01670/FUL Replacement of existing garage and summerhouse. Refuse 05.10.2011.

76/00309/HIST Extensions to side of dwelling and construction of dormer windows in roof at rear. Grant 13.05.1976.

Consultations

Parish Council

11 "Councillors support this application as this is to replace a redundant building with a serviceable building".

SDC Tree Officer

12 "There is room for the proposal as the bulk of the area shown utilises an area with a current building upon it. I have no objections to this proposal".

Representations

13 None.

Group Manager - Planning Appraisal

14 Due to the nature of the scheme and the site constraints, the following are considered to be the determining issues:-

- Impact on the Green Belt
- Impact on neighbouring amenity
- Impact on character of the AONB
- Access

Impact on Green Belt

15 National planning policy guidance relating to Green Belt is set out in paragraph 80 of the NPPF. This document states that the primary purpose of the Green Belt is to keep land open to prevent urban sprawl and to safeguard the countryside. The document states that there is a general presumption against inappropriate

development, where the openness of the countryside/landscape would be adversely affected.

16 Paragraph 89 of NPPF allows certain types of development in the Green Belt provided that the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

17 In light of the above the application need not be considered to be inappropriate development however it has to be carefully assessed against policy H14B of the Sevenoaks District Local Plan which is applicable for all new outbuildings which fall within the Greenbelt and Area of Outstanding Natural Beauty (AONB).

18 This policy states the following:-

H14B Proposals for the erection of buildings and enclosures within the residential curtilages of dwellings within Areas of Outstanding Natural Beauty, but outside the confines of any town or village, as shown on the Proposals Map, must not conflict with Green Belt Policy and must comply with the following criteria:

1) The “gross floor area” of the outbuilding(s) whether individually or cumulatively, plus the “gross floor area” of the existing dwelling and any extension or outbuilding(s) does not exceed the “gross floor area” of the “original” dwelling by more than 50%;

2) The total “gross floor area” of the outbuilding(s), whether individually or cumulatively, must not exceed 40 sq. m.;

3) The outbuilding should be single storey;

4) The outbuilding should be well designed in relation to the dwelling, compatible with the character of the area and designed and sited to minimise visual intrusion; and

5) Outbuildings will not be permitted within the curtilages of buildings converted to dwellings.

19 As the application seeks to construct a garage within the curtilage of an existing property the development is not considered to be inappropriate in principle. It does however have to be carefully assessed against policy H14B of the Sevenoaks District Local Plan which is applicable for all new outbuildings which fall within the Greenbelt and Area of Outstanding Natural Beauty (AONB).

20 The second criterion requires that the total “gross floor area” of the outbuilding(s), whether individually or cumulatively, must not exceed 40 sq. m.

The floor area of the proposed garage is 73.71 m². The other garage to the north measures 32.4 m².

In view of the cumulative size of the outbuildings, the proposal exceeds 40 sq.m in size and is therefore above the size of the outbuildings allowed under this policy.

21 Application SE/11/01670/FUL was refused to erect a garage in the same position and location on the 5th October, on the grounds that the proposal would have an adverse impact on the openness of the Green Belt. The size of the garage

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has however now been reduced in the size and the summerhouse now omitted from the scheme. In this respect the applicant is now able to demonstrate that there is a trade off floor space argument to be made. In addition to this, the previous planning application was tested against PPG2, which has now been omitted and replaced by the National Planning Policy Framework.

- 22 The NPPF allows for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
- 23 As stated in the previous paragraph, despite not meeting the cumulative criteria of H14B (criterion 2), the proposed building would replace an existing one, of the similar size and therefore would have no greater impact in floor space terms. Although the building is slightly higher (1 metre in total at its highest point), this increase would however enable cars to be parked in it as it is currently not high enough. Given that that this would be a limited increase, I consider that the impact on the openness would be no greater than the existing building. Therefore my conclusion would represent appropriate development in the circumstances.

Impact on the landscape character of area and AONB

- 24 The application site is also located in a highly sensitive area within the AONB. As stated in NPPF, the primary purpose of this designation is to conserve and enhance the natural beauty of the landscape. The proposal also needs to be carefully considered against policies and EN1 from the Sevenoaks District Local Plan and policies LO8 from the LDF and C3 from the South East Plan which refers specifically to new development in the countryside. In addition to this the proposal also needs to be tested against policy H6B and the residential extension SPD.

- 25 The residential extension SPD, in terms of outbuildings in the AONB and GB it states:-

The outbuilding should be well designed in relation to the dwelling, compatible with the character of the area and designed and sited to minimise visual intrusion.

There should be no adverse impact on the character or openness of the countryside.

In order to contain the sprawl of buildings, any separate buildings should be located close to the original dwelling.

Garages and outbuildings should not compete with the main house. Often secondary buildings were traditionally erected with a simplicity of design. This may be used to good effect to reinforce the distinction between the original building and the secondary building.

- 26 It is proposed that the garage would be positioned on a concrete elevated platform at the front of the bungalow at the front of the site. There is a good degree of screening from vegetation along the front of the site.
- 27 In view of the existing building and its design, and its positioning, I do not consider that an objection to the garage (in particular its bulk and scale) can be made.
- 28 The design and appearance of the garage addition is however considered to be inappropriate in terms of its visual appearance and its impact on the character

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and appearance of the area and streetscene. As stated above the garage would be located in front of the dwelling. The garage is considered in my view to be utilitarian/industrial in character and would be at odds with the character and appearance of the brick bungalow behind. This is predominately because of the materials proposed and their visual impact. In particular the sheet cladding is considered to be incongruous and would be alien in the context of the site and compete in visual terms with the main house.

- 29 Application SE/11/01670/FUL was refused to erect a garage in the same position and location on the 5th October, only on the grounds that the proposal would have an adverse impact on the openness of the Green Belt. There was however no design objection based on the previous scheme. The reason for this was because the application was explicit in the fact that the building would be constructed from blockwork and render with an insulated flat roof with hot laid bituminous felt. The new scheme however is noticeably different in terms of the materials proposed, as the scheme put forward now seeks to use sheet cladding instead. It is this change that in my view makes the scheme unacceptable and alien in its character and appearance. It is considered that a blockwork and render finished garage would have been a lot more sympathetic in terms of its visual impact in contrast to the metal sheeting building proposed, and this is the reason that no objection was raised previously on design grounds. The applicant has been contacted to amend the materials of the garage but he has advised that he intends to use only the metal sheeting in this case, and as such it is not considered to be prudent to impose a materials condition.
- 30 In view of the above I consider that the proposed garage would have an adverse impact on the character and amenity of the area and would conflict with the above aforementioned policies.

Impact on the amenity of adjacent properties

- 31 Policy EN1 from the Sevenoaks District Local Plan states that the proposed development including any changes of use does should 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.
- 32 The nearest property to the application site is Southfield, this is a large detached dwelling located to the south east.

Access

- 33 There are considered to be no adverse access issues with the proposal.

Conclusion

- 34 The design and visual appearance of the proposed garage is considered to be unacceptable.

Background Papers

- 35 Site and Block plans

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Contact Officer(s): Vicky Swift Extension: 7448

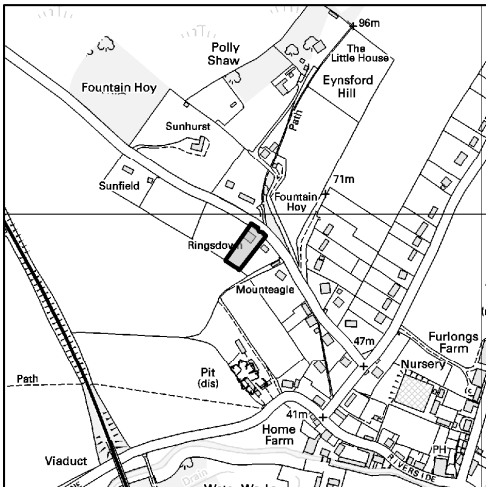
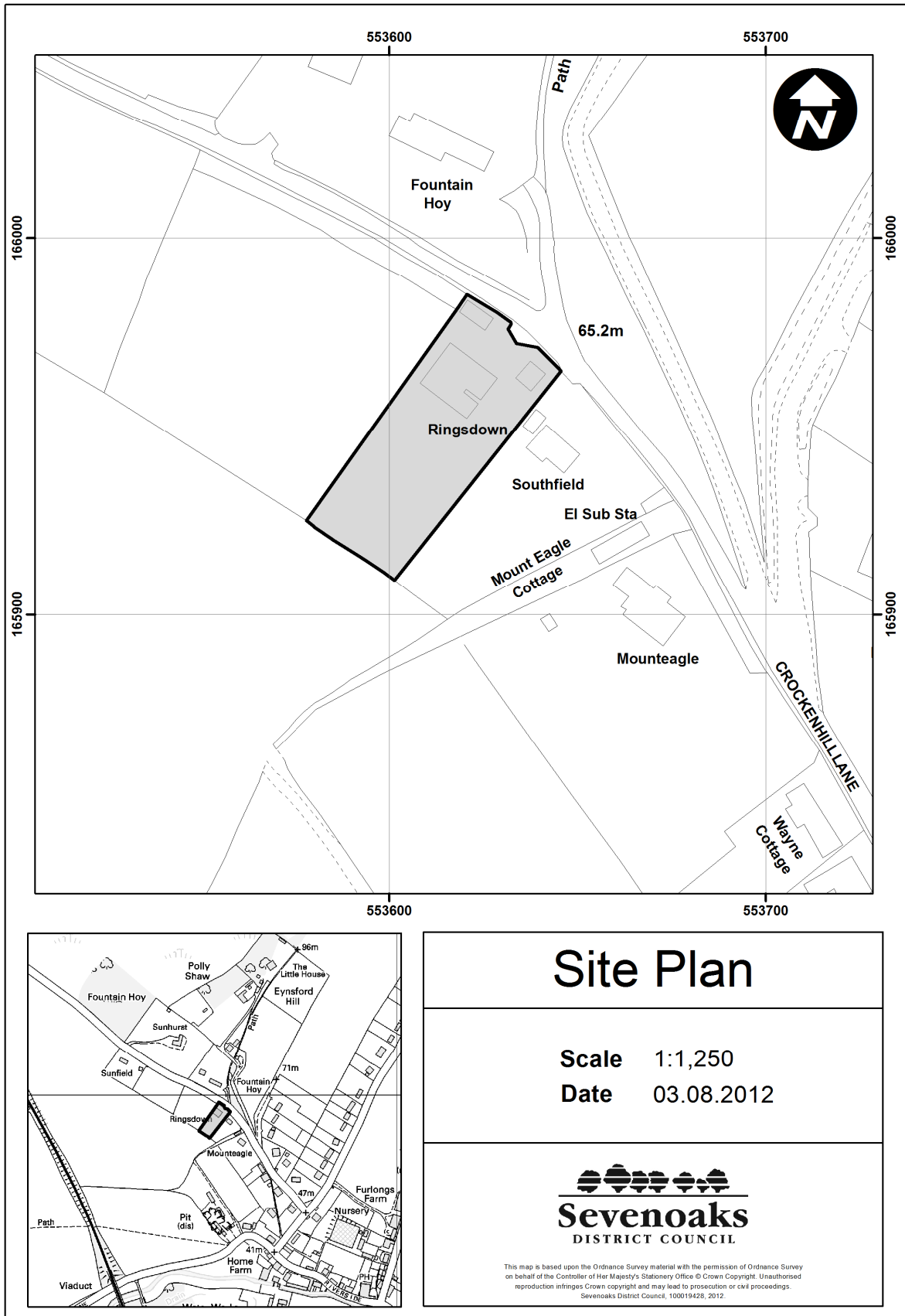
Kristen Paterson
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=M3COVZBK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=M3COVZBK8V000>

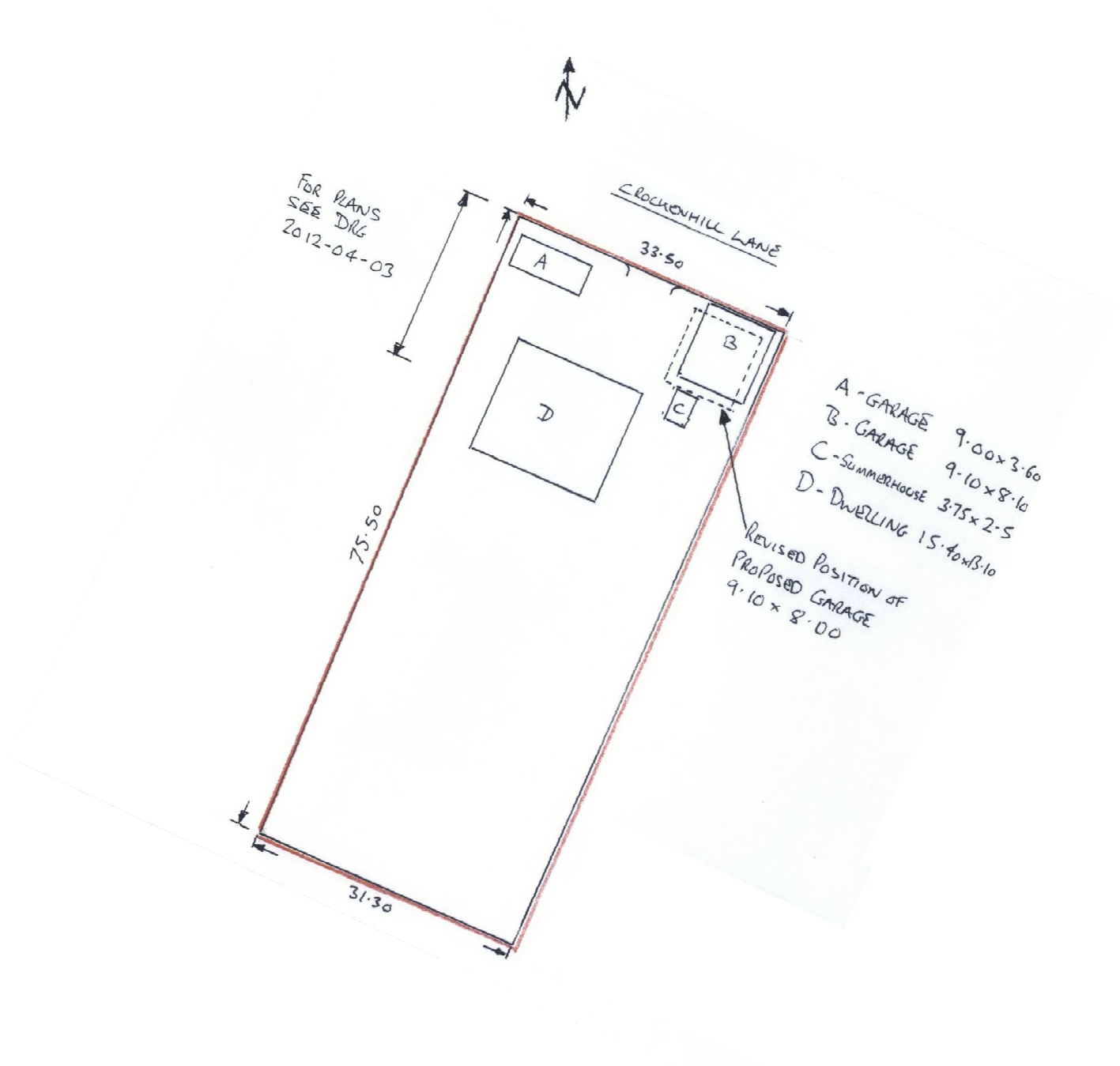


Site Plan

Scale 1:1,250
Date 03.08.2012



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4.4 - SE/12/00345/HOUSE Date expired 21 June 2012

PROPOSAL: Installation of external insulation system.

LOCATION: 10 Woodside Road, Sundridge TN14 6DW

WARD(S): Brasted, Chevening And Sundridge

ITEM FOR DECISION

This application has been referred to Development Control Committee by Councillor Piper to consider the impact of the proposed development upon the street scene and the visual integrity of a group of unique artisans dwellings.

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 development hereby permitted shall be carried out in accordance with the following approved plans: 04A, 05A, 06A

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

3) No works shall be carried out on the land until samples of the smooth render to be applied to the exterior of the external insulation system and its colour has been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials, finish and colour.

To ensure that the appearance of the development is in harmony with the existing character of the dwelling as supported by Policy EN1 of the Sevenoaks 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, CC4

Sevenoaks District Local Plan - Policies EN1, H6B

Sevenoaks District Core Strategy 2011 - Policies SP1, L08

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.

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Description of Proposal

- 1 Installation of external insulation system. The proposed development would place insulation board over the wooden cladding with a sand / cement render finish, increasing the width of the wall by 100mm.

Description of Site

- 2 10 Woodside Road is a semi-detached property located on the southern side of the road within the urban confines of Sundridge.

Constraints

- 3 Area of Archaeological Potential
- 4 Area of Outstanding Natural Beauty

Policies

South East Plan 2009

- 5 Policy CC1 - Sustainable Development
- 6 Policy CC4 - Sustainable Design and Construction

Sevenoaks District Council Local Plan

- 7 Policy EN1: Development Control – General Principles
- 8 Policy H6B - Appendix 4 Residential Extensions

Sevenoaks District Core Strategy

- 9 Policy SP1 - Design of New Development
- 10 Policy L08 - The Countryside and the Rural Economy

Other:

- 11 National Planning Policy Framework
- 12 Residential Extension Supplementary Planning Document

Planning History

- 13 None

Consultations

Sundridge Parish Council:

- 14 “Objection. The Parish Council supports the principle of upgrading of insulation but is concerned that the visual impact of the chosen methodology is inappropriate and out of character of 8 matching timber clad homes that add much to the charm of this part of the village.”

Representations

15 None

Group Manager - Planning Appraisal

Principal Issues

Impact upon local amenities, street scene and Area of Outstanding Natural Beauty

- 16 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. The design should be in harmony with adjoining buildings and incorporate materials and Policy H6B of the SDLP states that residential extensions shall be subject to the principles in Appendix 4. This is further supported by SDC's Residential Extensions Supplementary Planning Document. Amongst other things, Appendix 4 and the Residential Extensions SPD states that proposals should not result in material loss of privacy, outlook, daylight or sunlight to habitable rooms or private amenity space of neighbouring properties, or have a detrimental visual impact or overbearing effect on neighbouring properties or the street scene. Policy EN6 of the SDLP relates to Areas of Outstanding Natural Beauty and states that development which would harm or detract from the landscape character of these areas will not be permitted.
- 17 The proposed development would place an insulation board over the existing wooden cladding with a sand/cement render finish, increase the width of the wall by 100mm. The western end of Woodside Road comprises a mixture of properties in respect to building style and materials. 10 Woodside Road is the first of eight semi-detached properties with a uniform design and wooden cladding. The property to the west, no 8 possesses a different building style with a tile clad upper storey with wood below and the properties opposite to no. 10, nos. 9 and 11 are rendered.
- 18 No. 10 and the properties adjacent and directly opposite are all painted in white or in pastel shades. When looking along the street, the darker materials such as the tile hanging and roof tiles are clearly distinguished. The street scene is predominantly characterised by the contrast between these darker materials and the light coloured render or painted timber cladding of the dwellings. Whilst walking past the dwelling the differences between render and timber cladding can be clearly distinguished. When looking along the street scene or in a vehicle, the difference in materials is not clearly distinguished as it is the pale colour that is more distinctive.
- 19 The eight semi-detached properties of which this one is part do have a similar appearance which adds as stated by the Parish Council to the charm of this part of the village.
- 20 The site is not within a Conservation Area, is not Listed and the Conservation Officer has advised that the property would not be considered suitable for Listing either on its own or as a group. It is not therefore necessary for the applicant to

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demonstrate that they have preserved or enhanced the character of the area, as is necessary within a Conservation Area.

- 21 The National Planning Policy Framework advises that it is appropriate to seek to promote or reinforce distinctiveness. However it also states:

“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.”

- 22 The loss of the timber cladding as an external feature is unfortunate and not ideal. However, the proposal would still ensure that the dwelling was in character in the street scene and the wider Area of Outstanding Natural Beauty and this could be safeguarded by the recommended conditions.
- 23 Accordingly the proposal would comply with Policies EN1, H6B of the Sevenoaks Local Plan, Policy L08 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

Impact upon the Area of Archaeological Potential

- 24 The proposal would not lead to any excavations and accordingly it would not impact upon the Area of Archaeological Potential.

Conclusion

- 25 The proposal would have a minimal impact upon the Area of Outstanding Natural Beauty and as viewed from within the street the impact of the rendering would have a minimal impact upon the design of the dwelling and would not impact detrimentally upon the street scene. The proposal would not harm the amenities of the locality and would not impact upon the Area of Archaeological Potential.

Background Papers

Site and Block Plans

Contact Officer(s): Guy Martin Extension: 7351

Kristen Paterson
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LZ2NLUBKOCR00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LZ2NLUBKOCR00>

