



## **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 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](mailto:democratic.services@sevenoaks.gov.uk) or speak to a member of the Democratic Services Team on 01732 227350 by 5pm on Tuesday, 31 December 2013.

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.

**DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held on 28 November 2013 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Miss. Thornton (Vice-Chairman)

Cllrs. Mrs. Ayres, Brookbank, Clark, Cooke, Mrs. Davison, Dickins, McGarvey, Orridge, Mrs. Parkin, Piper, Miss. Stack and Underwood

Apologies for absence were received from Cllrs. Brown, Mrs. Dawson, Edwards-Winsler, Gaywood and Walshe

Cllrs. Abraham, Ayres, Bosley, Firth, London and Ramsay were also present.

87. Minutes

Resolved: That the minutes of the meeting of the Development Control Committee held on 6 November 2013 be approved and signed by the Chairman as a correct record.

88. Declarations of Interest or Predetermination

There were none.

89. Declarations of Lobbying

Cllrs. Mrs. Ayres, Cooke, Mrs. Davison, Dickins, Orridge, Mrs. Parkin, Miss. Stack and Miss. Thornton declared that they had been lobbied in respect of minute item 93 SE/13/02452/LBCALT - Rashleigh , High Street, Brasted, Westerham TN16 1JA.

All Members of the Committee except for Cllr. Miss. Thornton declared that they had been lobbied in respect of minute item 95 310/11/257 – Enforcement of Planning Control, Amberley, Packhorse Road, Sevenoaks TN13 2QP.

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 matters were considered without debate:

90. SE/13/01950/HOUSE - Homefield Coach House, Blueberry Lane, Knockholt, Sevenoaks TN14 7LL

The proposal was for the erection of a single storey, flat roof side extension to the existing garage, with the formation of a balcony above the proposed extension on the first floor, accessible via new French windows. It was also proposed to convert the existing half-hipped ends of garage roof to gable ends. Changes to external fenestration was proposed together with the re-cladding of the garage in shiplap timber weather boarding under a new natural slate roof.

**Agenda Item 1**  
**Development Control Committee - 28 November 2013**

The site was on the western side of Blueberry Lane and included a large detached dwelling, with a number of large outbuildings.

In light of the Late Observations, an alteration to the motion was agreed that a condition be added for the removal of Class A Permitted Development rights from the property.

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

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

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

2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as specified on the drawings hereby approved.

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

3) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawings 001 P1, 004, P3 and 024 P2.

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

4) No development shall take place until details of a screen to the north elevation of the balcony hereby permitted have been submitted to and approved in writing by the local planning authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no further modifications to the balcony or balcony screens shall be made without the express prior written approval of the local planning authority.

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

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no development shall be carried out within Class A of Part 1 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority.

To prevent inappropriate development within the Green Belt as supported by Government advice in the form of the National Planning Policy Framework and policy H14A of the Sevenoaks District Local Plan.

91. SE/13/03190/LDCPR - 5 Tudor Crescent, Otford, Sevenoaks TN14 5QS



The proposal was for a lawful development certificate for a single storey rear extension to extend no more than four metres from the rear elevation of the main dwelling. The proposal would have a false pitch roof.

The report advised that the proposals complied with Classes A, B and G of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and would therefore be permitted development.

Resolved: That a lawful development certificate be GRANTED for the following reason:-

The proposal complies with Classes A, B and G of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and is therefore permitted development.

### Reserved Planning Applications

The Committee considered the following planning applications:

92. SE/13/02054/FUL - Joh San, Ash Road, Hartley DA3 8EY

The proposal was for the sub-division of the plot with the erection of a 4-bed chalet bungalow. The application site forms part of a large garden relating to an existing three bed bungalow that fronts onto Ash Road. The proposal included the demolition of part of an existing single storey extension of Joh San and creation of a new vehicular access from Ash Road. The primary view of the dwelling would be from Chantry Avenue.

This application related to a residential property on a plot of 0.167ha within the Hartley village envelope. The site was surrounded by properties with a mixture of dwelling type, scale of built form and architectural styles. Access was not available from Chantry Avenue as the applicant did not own the relevant land.

Officers considered that the scale of the building would be compatible with the scale and form of buildings in the immediate locality and would not have such an adverse effect on the character and appearance of the area to warrant an objection. It would not unacceptably impact upon neighbouring amenities.

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

The Committee was addressed by the following speakers:

Against the Application:	Mr. Jeffreys
For the Application:	Mr. Scott
Parish Representative:	-
Local Member:	Cllrs. Ramsay and Abraham

The Case Officer responded to Members' questions. The height of the new building would be 7.7m, with eaves heights of 3.3m. This compared respectively to 5.1m and 7.8m for No. 49 Chantry Avenue and 2.6m and nearly 4.8m for No. 47, the neighbouring properties. The applicant had confirmed there would be no windows in the southern elevation for the retained Joh San dwelling.

## Agenda Item 1 Development Control Committee - 28 November 2013

It was MOVED by the Chairman and was duly seconded that the recommendation in the report, as amended by the Late Observations Sheet, to grant permission subject to conditions be adopted.

A Members suggested that boundary treatments from Galdana may need to include fencing so as to minimise light pollution from vehicles using the access.

Concern was raised that there would be no Affordable Housing contribution. It was noted the policy had been followed.

An amendment to the motion was agreed that demolition or construction works shall not take place prior to 0900 on Saturdays.

It was noted one of the immediately neighbouring dwellings would be higher than the proposed development.

The motion was put to the vote and there voted –

8 votes in favour of the motion

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

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

3) No development shall take place until full details of both hard and soft landscaping have been submitted to and approved by the Local Planning Authority. These details shall cover as appropriate: Proposed finished levels or contours; Hard surfacing materials; Planting plans; Boundary Treatments; Written specification (including cultivation and other operations associated with plant and grass establishment); Schedules of plants, noting species, planting sizes and proposed numbers/densities, and Implementation timetables.

Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance with Policy EN1 of the Local Plan.

4) The proposals for landscaping shown on the approved layout shall be implemented prior to the first occupation of the dwelling hereby approved or such other date as may be agreed in writing by the Local Planning Authority. The approved landscaping works shall thereafter be retained in accordance with the approved layout for a period of 5 years. Any trees or plants which, within this 5 year period, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or diseased, shall be replaced in the next planting season with others of same species, size and number as originally approved, unless the Local Planning Authority gives written consent to any variation.

Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance with Policy EN1 of the Local Plan.

5) Prior to any permanent closure of the eastern vehicular access and commencement of the use of the western vehicular access as shown on approved plan no. PL/002 Rev. B, full details of the restoration of the land relating to the closure of the eastern vehicular access shall be submitted to and approved in writing by the Local Planning Authority. The restoration of the land shall be implemented in full within three months of the first use of the western vehicular access and maintained in accordance with the approved details.

To safeguard the amenities of the area in accordance with policy EN1 of the Local Plan.

6) The dwelling shall achieve Level three of the Code for Sustainable Homes. No dwelling shall be occupied until evidence shall be provided to the Local Authority showing that a final Code Certificate has been issued for it certifying that Code Level three has been achieved or alternative as agreed in writing by the Local Planning Authority.

In the interests of environmental sustainability and reducing the risk of climate change as supported in the National Planning Policy Framework and policy SP2 of the Core Strategy

7) No development shall take place until full details of a scheme of Biodiversity enhancement has been submitted to and approved by the local planning authority. The approved details shall be implemented in full and maintained thereafter.

To ensure that the proposed development will not have a harmful impact on protected species and habitats, and wider biodiversity, in accordance with Policy SP11 of the Core Strategy and guidance in National Planning Policy Framework 2012.

8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no development shall be carried out within Classes A, B, C of Part 1 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority.

To safeguard the amenities of adjacent residential occupiers supported by Policy EN1 of the Sevenoaks District Local Plan.

**Agenda Item 1**  
**Development Control Committee - 28 November 2013**

9) Demolition or construction works shall not take place outside 0700 hours to 1800 hours Mondays to Fridays and 0900 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.

To prevent disturbance to nearby residential properties in accordance with Policy EN1 of the Local Plan

10) The development hereby permitted shall be carried out in accordance with the following approved plans: PL/001 Rev. A and PL/002 Rev. B

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

11) No development shall take place until further details showing a scheme of restoration to the southern elevation of Joh San after demolition has taken place as shown on plan no. 4792/PL002/Rev. B. Such a scheme shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full and thereafter maintained.

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.

93. SE/13/02523/FUL - Paddock South West of 7 Hotel And Diner, London Road, Badgers Mount, Halstead

The Chairman announced that he would not act as Chairman for the present item as he was a local Member for the item and intended to speak on the item during debate. With the agreement of the meeting he called on the Vice-Chairman, Cllr. Miss. Thornton, to chair the item.

(Cllr. Miss. Thornton in the Chair)

The proposal was a retrospective application for the creation of a new access, gate and hard surface.

A 4m wide opening had been made in the existing hedge and a type 1 crushed stone surface laid to accommodate the new access. A 5-bar gate had been erected approximately 4 metres into the site with 1.33m high wooden fencing installed from the hedge to the gate.

The site was an irregular parcel of land located on the west side of London Road with no other existing access. It was in the Metropolitan Green Belt, opposite to an Area of Outstanding Natural Beauty and a hotel diner.

Officers considered that the gate and fence constituted inappropriate development in principle but there was no additional harm on the openness of the Green Belt, the character of the area, or on highway conditions. Very special circumstances, that it was a low-key form of development providing access to this site whilst maintaining the openness and the visual character of the area, clearly outweighed the harm to the Green Belt.

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

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Mr. Rollings
Parish Representative:	Cllr. Brooker
Local Member:	-

Members were advised that the track going into the site was subject to a separate planning enforcement investigation and was not relevant to the planning application. Officers felt the use was still in agricultural use. The land no longer had access from Otford Lane since the larger parcel of land had been split.

It was confirmed that the access up to 2m from the road would need to be surfaced with tarmac.

It was MOVED by the Chairman and was duly seconded that the recommendation in the report, as amended by the Late Observations Sheet, to grant permission subject to conditions be adopted.

Members identified the land as part of a narrow strip of open Green Belt protecting the district and Sevenoaks from the urban sprawl of London. The rural character of the area was at threat from increasing urbanisation from the nearby Polhill Garden Centre and the diner opposite. Several Members felt the application should be refused in order to protect the Green Belt from encroachment .

It was suggested that very special circumstances had not been identified to outweigh the harm caused.

There was concern the access would not be sufficiently large for vehicles with trailers.

The local Member, on the Committee, expressed concern that the proposal amounted to suburbanisation particularly resulting from the hardstanding adjacent to the road and the pavement . These would detract from the openness and attractiveness of the area.

The motion was put to the vote and there voted –

6 votes in favour of the motion

6 votes against the motion

In accordance with paragraph 24.2 of Part 2 in the Council's Constitution, the Chairman used her casting vote against the motion.

It was moved by Cllr. Williamson and was duly seconded that planning permission be refused for the following reasons:

1. The land lies within the Green Belt where strict policies of restraint apply. The proposal would be inappropriate development harmful to the maintenance of the character of the Green Belt and to its openness. It is not

## Agenda Item 1 Development Control Committee - 28 November 2013

been shown that very special circumstances exist to clearly outweigh the harm in principle and the harm to the openness of the Green Belt and as such this conflicts with policy L08 of the Core Strategy and paragraphs 80, 87 and 88 of the National Planning Policy Framework.

2. The proposed gate, fence and hardstanding would have an adverse impact on the visual quality of the landscape and represent a suburbanising encroachment into the countryside. The proposed development would therefore have a detrimental impact on the countryside and the visual appearance of the Green Belt. This conflicts with policies SP1 and L08 of the Sevenoaks Core Strategy.

The motion was put to the vote and there voted –

9 votes in favour of the motion

5 votes against the motion

That planning permission be REFUSED for the following reasons:

1. The land lies within the Green Belt where strict policies of restraint apply. The proposal would be inappropriate development harmful to the maintenance of the character of the Green Belt and to its openness. It is not been shown that very special circumstances exist to clearly outweigh the harm in principle and the harm to the openness of the Green Belt and as such this conflicts with policy L08 of the Core Strategy and paragraphs 80, 87 and 88 of the National Planning Policy Framework.
2. The proposed gate, fence and hardstanding would have an adverse impact on the visual quality of the landscape and represent a suburbanising encroachment into the countryside. The proposed development would therefore have a detrimental impact on the countryside and the visual appearance of the Green Belt. This conflicts with policies SP1 and L08 of the Sevenoaks Core Strategy.

(Cllr. Williamson resumed the Chair)

94. 13/02452/LBCALT - Rashleigh , High Street, Brasted Westerham TN16 1JA

The proposal was to replace the existing single glazed timber sash windows with double glazed timber sashes in the existing timber framed windows within a Grade II listed building.

The site was located within Brasted High Street Conservation Area, an Area of Outstanding Natural Beauty and an Area of Archaeology Potential. Almost all properties on the north side of the road were Grade II listed, as were a majority on the south.

Officers considered that the proposal would fail to preserve and enhance the Listed Building.

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

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Mrs. Forman
Parish Representative:	-
Local Member:	Cllr. Firth

The comments of the local Member were noted, that a number of the windows were recent additions dating from the 1970s or later. The Committee also noted that some other listed buildings along the High Street had double glazed windows.

It was MOVED by the Chairman and was duly seconded that the recommendation in the report to refuse listed building consent be adopted.

It was felt the recommendation was inappropriate as the impact upon the listed building would be small, especially if the conditions suitably controlled their design and appearance. The windows would make the dwelling more habitable.

Some Members sought original windows to be preserved, where possible, while allowing the others to be replaced.

The motion was put to the vote and it was LOST.

It was proposed and duly seconded that the application be DEFERRED to allow a change to the application description and for discussions to be held between the applicants, local Members and Officers to preserve the original windows where possible but otherwise to install replacements as proposed.

Some Members stated that all the windows should be replaced to reduce expense, disruption and stress caused to the applicants. Full replacements would make the property sustainable.

The motion was put to the vote and it was LOST.

It was moved and duly seconded that listed building consent be approved for the replacement of all windows subject to conditions to be agreed by Officers and the local Members. The motion was put to the vote and it was -

Resolved: That listed building consent be GRANTED subject to conditions to be agreed by Officers and the local Members.

#### Enforcement of Planning Control

95. 310/11/257 - Amberley, Packhorse Road, Sevenoaks TN13 2QP

Officers sought to extend the time needed for compliance with an enforcement notice. It would be extended to 3 months from the date of the meeting with a further 3 months if a valid planning application were received for alterations to the structure within the initial 3 month period.



**Agenda Item 1**  
**Development Control Committee - 28 November 2013**

Planning permission had been granted for the building of a double garage with an artist studio above. It was not built in accordance with the approved plans. A new application was submitted for the retention of the garage as constructed but it was refused.

An Enforcement Notice was issued on 15 October 2012 to demolish the garage and artist studio within 6 months. The owner had appealed the Notice but it was upheld, giving a compliance date of 30 October 2013. The building remained on site without the benefit of planning permission.

Officers advised that further time was requested as alternative schemes were currently being considered under the pre-application process. This would give a reasonable period for the submission of an application. If there were no success after the expiration of the 3 or 6 month period then the Council would consider prosecution.

The local Member on the Committee asked to be updated on the progress of the file. A local Member, not on the Committee, advised that there had been a meeting of local residents who had agreed to the proposed extension. They had recognised the difficulty in prosecuting if appropriate proposals were under consideration.

It was unanimously -

Resolved: That authority be given to vary the Enforcement Notice, requiring that the time needed for compliance be extended to 3 months from the date of the meeting. Plus a further 3 months if a valid planning application is received for alterations to the garage within the initial 3 month period.

THE MEETING WAS CONCLUDED AT 9.23 PM

CHAIRMAN



4.1 – SE/13/02683/FUL Date expired 19 November 2013

PROPOSAL: Change of use of ground floor offices to showroom and alterations to fenestration to include a glazed opening to west/east elevation, glazed openings to south elevation, new entrance to north elevation with wheelchair ramp access and three new roof lights.

LOCATION: Darenth House, 60 High Street, Otford

WARD(S): Otford & Shoreham

**ITEM FOR DECISION**

Councillor Lowe has referred the application to Development Control Committee as it is considered that the development would detract from the character and appearance of the area, increased vehicular traffic raising highway safety concerns and the alterations to the fenestration would harm the amenities of residential occupants opposite the site.

**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) No development shall be carried out on the land until all door and window details, at a scale of not less than 1:20 have been submitted to and approved in writing by the Council. 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 building and surrounding area as supported by Policy EN1 of the Sevenoaks District Local Plan.

3) The ground floor of the premises shall be used for a showroom only and only to be occupied by the applicant. The ground floor of the premises hereby permitted shall not be used for any other purposes in the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

In order that any other proposal for the use of the premises can be considered on its individual merits having regard to the impact of any additional traffic generation and the amenity of residents and the area as supported by Policy EN1 of the Sevenoaks District Local Plan.

4) The use hereby permitted shall only be carried on between the hours of 0730hrs and 1730hrs Monday to Saturday and not on Sundays and Bank/Public Holidays.

To safeguard the amenity of the area as supported by Policy EN1 of the Sevenoaks District Local Plan.

5) Notwithstanding the provisions of the Town and Country Planning (General

## Agenda Item 4.1

Permitted Development) Order 1995, no development shall be carried out within Classes F, G, J Part 3 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority.

To safeguard the amenity of the area as supported by Policy EN1 of the Sevenoaks District Local Plan.

6) The development hereby permitted shall be carried out in accordance with the following approved plans: 1 unnumbered 1:1250 location plan and dwg no: DHA/9802/03/A

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

### **Note to Applicant**

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line ([www.sevenoaks.gov.uk/environment/planning/planning\\_services\\_online/654.asp](http://www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp)),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Was updated on the progress of the planning application.

### **Description of Proposal**

- 1 This proposal involves the change of use of the existing office building at ground level only to form showroom.
- 2 The proposed change of use will retain the overall commercial use of the site. Approximately 140m<sup>2</sup> of floor space will be used as a showroom and the remaining floor area will be made up of circulation space, kitchen and toilet facilities.
- 3 The change of use will involve alteration to the existing five windows in the southern elevation of the building that fronts on to Otford High Street. The

## Agenda Item 4.1

existing window openings will be replaced with full glazed openings which will be formed of timber frames.

- 4 Three rooflights are also proposed to be added to the northern roof slope of the building as well as a 1:10 gradient wheel chair access ramp, at ground level to the northern elevation of the building.
- 5 No additional floor space is being created, as a result of the proposal.

### Description of Site

- 6 The application site relates to a two storey building known as Darenth House, located on to the northern side of Otford High Street. The building itself was constructed in the 1970s and has a mansard roof that provides office accommodation over two floors. To the rear of Darenth House is Otford Builders Merchants that is a three storey building that accommodates a warehouse, sales counter and offices. Further to the north of the Merchants Buildings is land that forms an ancillary yard area. Land between Darenth House and the Merchants buildings and yard is a turning area for vehicles and vehicular parking provision for 36 cars, for both Darenth House and the Builders Merchants.
- 7 Currently Darenth House is vacant and has a lawful B1(a) office use.
- 8 Vehicular access into the site can be gained from an existing access from Otford High Street. Bus stops are located on the High Street in front of the Library and a station approximately 800m to the east of the site.
- 9 The building is situated upon a ground level that is approximately 1-2m higher than the roadside. To the west of the site is The Horns Public House and opposite, 59 and 61 High Street of which all are Grade II Listed Buildings.
- 10 The site is within the designated Otford Conservation Area and Area of Outstanding Natural Beauty (AONB).

### Constraints

- 11 Area of Special Advertisement Control
- 12 Otford High Street Conservation Area
- 13 Area of Outstanding Natural Beauty

### Policies

#### *Sevenoaks District Local Plan*

- 14 Policies – EN1 and VP1

#### *Sevenoaks Core Strategy*

- 15 Policies - SP1, SP8, L07

## Agenda Item 4.1

### *Other:*

- 16 National Planning Policy Framework paragraphs 14, 23, 24, 25, 28, 115, 131, 132, 133
- 17 Otford Village Design Statement 2008 and Otford Parish Plan 2012
- 18 SDC Otford Conservation Area Appraisal and Management Plan 2010

### Planning History

- 19 76/01557 - Demolition of buildings erection of two storey administration block and single storey storage building incorporating workshop and covered loading bay construction of car park and erection of 2.5 metre high boundary fencing – GRANTED

### Consultations

#### *SDC Conservation Officer*

- 20 No objection raised but the glazing frames should be timber.

#### *Parish / Town Council*

- 21 Otford Parish Council –Raises objections on the following grounds:
  - The changes to fenestration will further detract from this position and are not in character with the adjoining buildings;
  - The size of the windows and the lighting within will impact adversely on the amenities of the houses opposite.

### Representations

- 22 4 neighbour representations received, objecting on the following grounds:
  - Increased traffic generation
  - Increased noise and disturbance
  - Overlooked
  - Design not in keeping
  - Highway safety concerns
  - Increased light pollution
- 13 1 rebuttal statement received by the applicant's agent.

### **Chief Planning Officer's Appraisal**

- 14 The main considerations of this application are:
  - Principle of the development;
  - Impact upon the character and appearance on the street scene;
  - Impact upon the existing residential amenity;

- Highways.

### *Principle of the development*

- 15 The proposal involves the change of use of the existing ground floor (vacant) B1(a) office unit to a bathroom showroom for use of Otford Builders Merchants.
- 16 Policy SP8 of the Core Strategy states that sustainable development of the District's economy will be supported through the retention, intensification and regeneration of existing business areas. Policy L07 supports the retention and regeneration of suitable employment sites in rural settlements.
- 17 Being located within existing village centre, the site is home to a mix of uses, from which a number of local businesses operate. The addition of a showroom is considered entirely appropriate, particularly given that the conversion works to the building will be minimal and that the site is indeed vacant.
- 18 Paragraph 24 of the NPPF ensures that main town centre uses, should be located within town centres and should apply a sequential test if a site/premises cannot be found within a town centre location. No sequential test has been submitted in this regard; however paragraph 25 of the NPPF states that a sequential approach should not be applied to small scale rural development. As such this proposal would accord to the aims and objectives of supporting a prosperous rural economy as prescribed by the NPPF, by creating a use that would attract visitors/footfall within Otford Village, encouraging a prosperous local economy and possible local job creation/retention.
- 19 It is noted that Otford Builders Merchants submitted an application under planning reference SE/12/00496 for a first and second storey extension to the existing office opposite Darenth House. This application was withdrawn as the case officer had determined that the proposal would cause harm to adjacent neighbouring properties. That application intended to create further floor space for offices and to make improvements to the existing showroom. That option for the applicants is no longer viable due to the impact of such a proposal upon neighbouring properties; hence the submission of this application to overcome this problem. The change of use of the ground floor of Darenth House would allow the retention of Otford Builders Merchants to continue to occupy the site and make a positive contribution to the local economy by providing employment and a service to the local community. It would also bring existing vacant commercial premises back into use.
- 20 Overall the principle for the change of use of the building would accord to the aims and objectives of paragraphs 23, 28 of the NPPF and policies L07 and SP8 of the Core Strategy. Additionally the Otford Parish Plan refers to the parish council's commitment to support and help promote business and shops in the parish.

### *Impact on the character of the area*

- 21 Policy EN1 of the Local Plan states that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density, and site coverage with other buildings in the locality. This policy also states that the design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.

## Agenda Item 4.1

- 22 Policy EN23 of the Local Plan relates to development within Conservation Areas and requires that alterations to existing buildings should respect the local character.
- 23 Policies SP1 and LO7 of the Core Strategy, seek to preserve and enhance the character and appearance of the area. Development should respond to the local character of the area in which it is situated.
- 24 Paragraph 115 of the NPPF requires 'great' weight to be given to conserving the landscape and natural beauty of AONBs.
- 25 Paragraphs 131-133 seek to preserve or enhance Conservation Areas that are designated heritage assets.
- 26 With regard to the Conservation Area Appraisal, it is noted that Darenth House is highlighted as an example of poor design within the Conservation Area. However it does not specify the particular attributes which have led to this assertion, but it is expected that is due to the 1970 architectural design of the building and in particular it's 'top heavy' appearance and the mansard roof.
- 27 The building is located on the periphery to the High Street, where it has been noted that there is a variety of commercial units and other facilities that provide a wide range of services to the community and that generally the units are interspersed between residential developments. This demonstrates that the character of this part of the High Street is significantly mixed. Within this mix, the principle of shop front windows is appropriate and will add character in a way that enhances the character and appearance of the area by providing an 'active frontage'. This creates visual interest by initiating a visual engagement between users in the street and those within/on the ground floors of a building(s). Furthermore, large windows were also used in the recent planning permission to demolish the Church for a modern replacement church building with full height windows to its frontage. This was permitted under planning permission SE/13/02045/FUL.
- 28 Upon considering the above, existing ground floor fenestration to Darenth House is poorly proportioned in relation all other buildings within the locality. The alteration of the ground floor windows to proportions which are appropriate for shop front windows, would enhance the character and appearance of the building, by relieving the dominant expanse of the existing ground floor brickwork and ensures that the proposed fenestration matches the typical proportions of shop front display windows. Therefore the alteration to the existing fenestration would be acceptable in this instance.
- 29 The proposed rooflights will be installed to the northern rear elevation of the building. The rearrangement of the roof fenestration would improve the appearance of the roof plane. As the rooflights would be to the rear of the building, the impact of the change to the appearance of this roof plane would preserve the character and appearance of the Conservation Area.
- 30 The Council's Conservation Officer raises no objection to this proposal.
- 31 Overall, the proposed alterations to Darenth House would improve its character and consequently enhances this part of Otford Conservation Area in accordance

with Policies EN1 and EN23 of the Local Plan, policies SP1, LO8 of the Core Strategy.

- 32 The site is within an Area of Outstanding Natural Beauty, it is not considered that the proposed development would change the semi rural character of the area. The site would be seen in the context of the adjacent built form, and the development would not materially affect the landscape character of the locality and accords with Policy LO8 of the Core Strategy and paragraph 115 of the NPPF.

### *Impact upon existing residential amenity*

- 33 Policy EN1 from the Sevenoaks District Local Plan states that the proposed development 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.
- 34 It is acknowledged that there are residents adjacent and opposite the site and that objections have been made. To the existing southern elevation of Darenth House, are five existing window openings that already overlook the properties opposite. By allowing the alteration of the glazing to increase the size of the windows, it is not considered that the degree of overlooking into the opposite properties is sufficient to raise an objection, as overlooking is an existing situation.
- 35 A further objection has been raised by all parties in relation to the impact of light pollution affecting the resident's habitable rooms opposite the site. Darenth House is set back approximately 4m from the street frontage but shop windows are a normal aspect mixed village high street locations and would not normally provide light intrusion into habitable rooms of those residential dwellings opposite the site. The showroom is proposed to currently close early in the evening and lights can be switched off after that time. An hours-of-use condition is proposed.
- 36 Overall upon considering the third party representations and the comments made above, it is considered that the development would not impact upon neighbouring amenities to an unacceptable degree. As such, the proposal would not be contrary to Policy EN1 of the Local Plan and Policy SP1 of the Core Strategy.

### *Highways*

- 37 The development comprises the change of use of an existing floor area with no extension to it. Currently the site has approximately 25 vehicle parking spaces available within the site. No additional floor area is proposed, together with the translocation of the showroom from one part of the site to the ground floor of Darenth House, it is considered that no additional parking spaces would be required as no additional jobs are being created as a result.
- 38 Third party objections have raised issues with regard to the existing highway situation and the problems occurred by the use of delivery vehicles using the access onto the site. This is an existing situation and it is expected that deliveries to the site would be no greater than at present. It would be reasonable to restrict the use and occupation of the building to ensure strict planning control is in place should Otford Builders Merchants decide to vacate the premises, by the imposition of necessary planning conditions, so that the showroom was not operated independently from the existing business.

## Agenda Item 4.1

- 39 Overall, it is considered that the change of use of Darenth House would not create conditions that would be prejudicial to highway safety and that there is adequate parking provision in place. This scheme would accord to Policies EN1 and VP1 of the Local Plan.

### Access issues

- 40 There are no adverse access issues associated with this proposal. The proposal will introduce a new disabled access into the rear of the building by the creation of a 1:10 gradient wheel chair access ramp.

### Other issues

- 41 The comments raised by the third parties and Parish Council have been taken into consideration.
- 42 The Otford Village Design Statement and Parish Plan have been considered. As it is determined that development enhances its character and appearance of the building, this proposal would be compliant with the aims and objectives of these documents.

### **Conclusion**

- 43 On considering the above, it is recommended that this application should be approved as it conforms to the relevant Development Plan policies and there are no other overriding material considerations to suggest otherwise.

### **Background Papers**

Site and block plans

Contact Officer(s): Sean Mitchell Extension: 7349

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

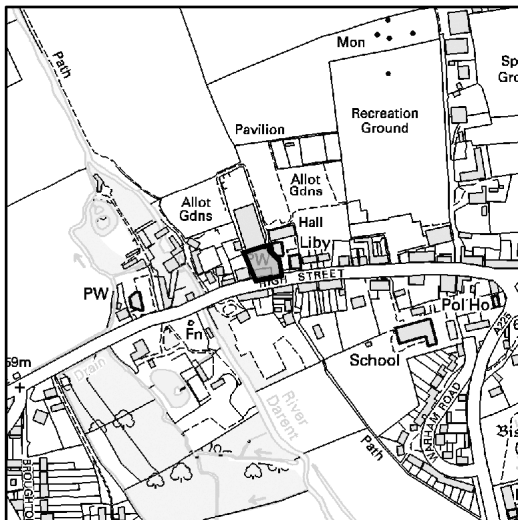
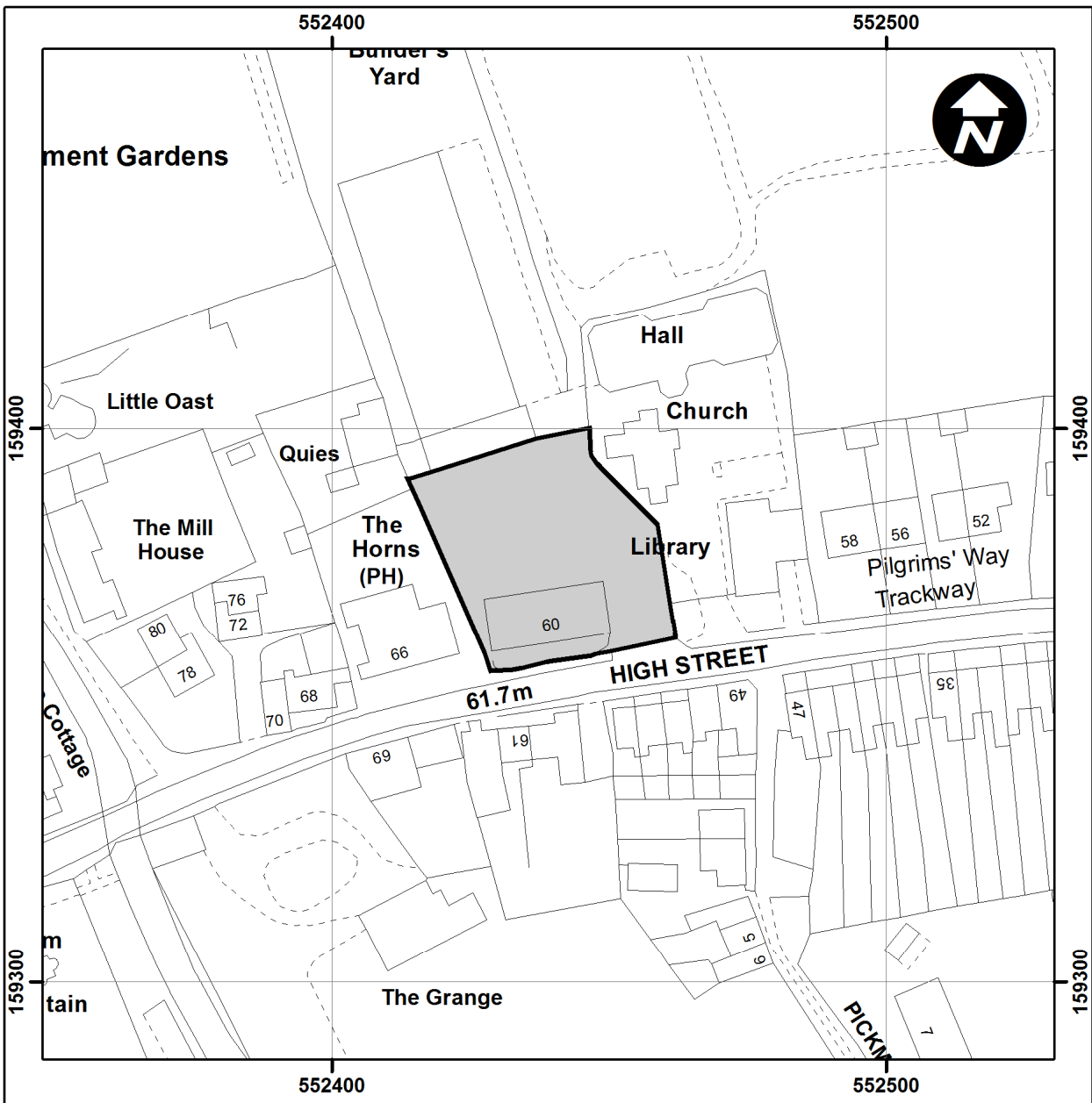
Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MSUJGWBK8V000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MSUJGWBK8V000>





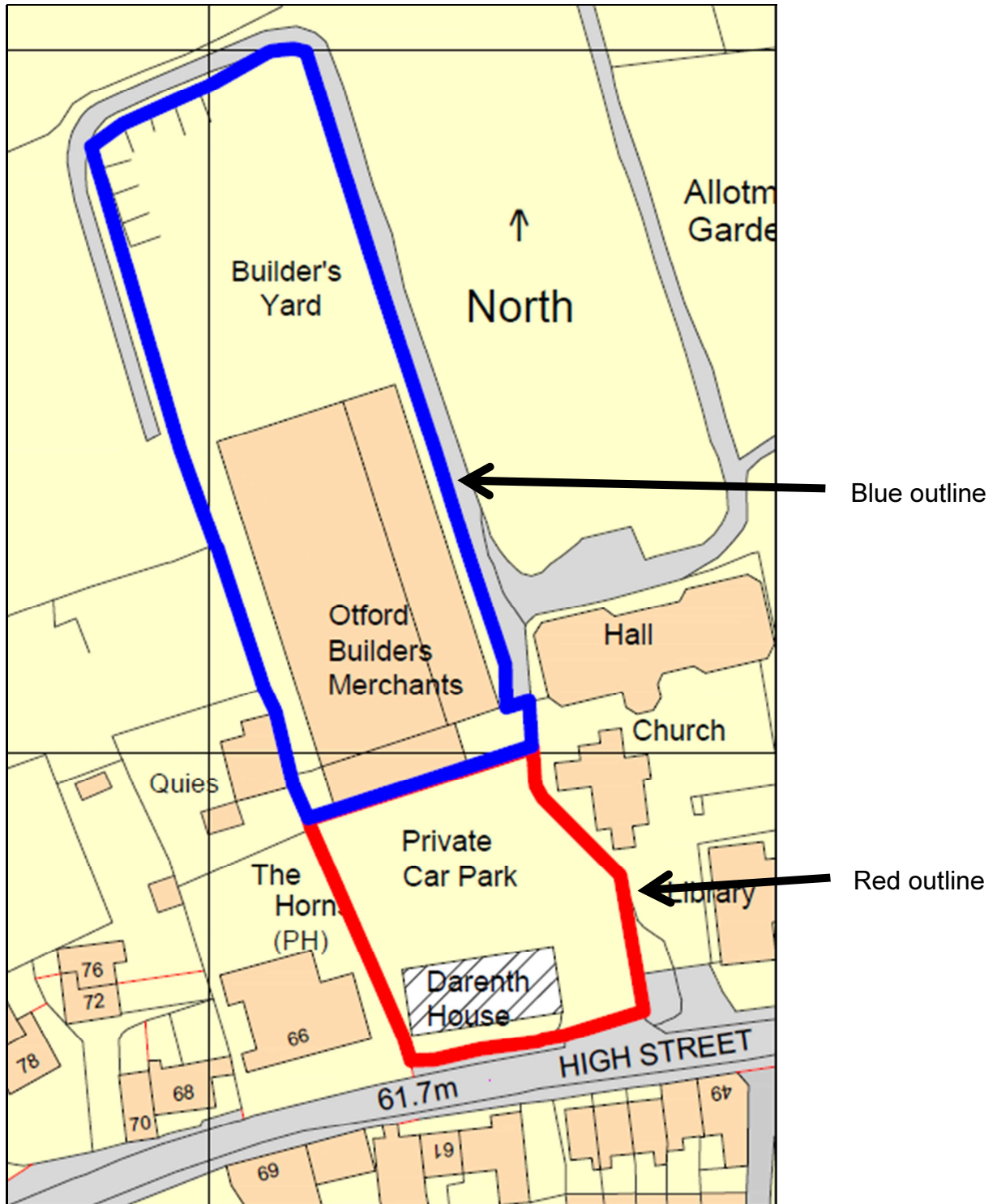
# Site Plan

Scale 1:1,250

Date 16/12/2013



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4.2 – SE/13/03057/DETAIL Date expired 9 December 2013

PROPOSAL: Details pursuant to condition 18 (construction method statement) of appeal decision:  
APP/G2245/A/13/2192145/NWF - SE/12/03106/FUL

LOCATION: Land West Of, 5 Mill Lane, Shoreham TN14 7TS

WARD(S): Otford & Shoreham

**ITEM FOR DECISION**

Councillor Lowe has referred the details application to Development Control Committee on the grounds of highway safety and the impact of amenities of residents during the construction process

**RECOMMENDATION:** That details be APPROVED.

Description of Proposal

- 1 The proposal is a details application to discharge condition 18 (construction method statement) that was attached to the approval for Erection of 4 houses (1 semi-detached pair and 2 detached) at Land West of 5 Mill Lane Shoreham. The application was allowed at appeal (planning references APP/G2245/A/13/2192145/NWF - SE/12/03106/FUL.)
- 2 Condition 18 states that:  
  
*No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:*
  - i) *the parking of vehicles of site operatives and visitors using a hard surface*
  - ii) *loading and unloading of plant and materials*
  - iii) *storage of plant and materials used in constructing the development*
  - iv) *the erection and maintenance of security hoarding*
  - v) *wheel washing facilities*
  - vi) *measures to control the emission of dust and dirt during construction*
  - vii) *a scheme for recycling/disposing of waste resulting from demolition and construction works.*
- 3 Therefore the principal issues in this case are whether the information supplied by the agent is sufficient to fulfil the requirements set out in the above condition.
- 4 As this is an application for the approval of details it is not an opportunity to re-consider the merits of the overall development.

## Agenda Item 4.2

### Description of Site

- 5 The site lies partially fronting and partially to the rear of the other properties in Mill Lane at the heart of the Shoreham Mill Lane Conservation Area. It lies within the Conservation Area and an Area of Outstanding Natural Beauty.
- 6 Within Mill Lane there are several detached houses of various ages although these are of a modest size.
- 7 The site is widely visible within the surrounding Conservation Area and slopes downhill from the north west to the south east, broadly from the High Street to the river end of Crown Road.

### Constraints

- 8 Conservation Area
- 9 Area of Outstanding Natural Beauty

### Policies

#### *Sevenoaks District Local Plan:*

- 10 Policies - EN1, EN23, VP1

#### *Sevenoaks Core Strategy:*

- 11 Policies - L01, L07, SP1, SP2, SP3, SP11,

#### *Other*

- 12 National Planning Policy Framework

### Planning History

- 13 79/0710 - Erection of 1 dwelling Refused on grounds of harm to the streetscene, harm to conservation area. Contrary to BE5 of K&MSP  
  
88/0182 - Erection of 3 dwellings Refused on grounds of overdevelopment, harm to character and amenities and harm neighbouring amenities  
  
88/1503 - Erection of 2 dwellings Refused on grounds of harm character and amenities, harm conservation area and harm neighbouring amenities  
  
09/01336/FUL - Erection of 2 houses with integral garaging Refused Appeal lodged and dismissed. The Inspector concluded that the houses would harm the character of the Conservation Area, harm the setting of the nearby listed cottages at 1-5 Mill Lane and harm the neighbour's amenities at 3 Oxbourne Cottages. APPEAL DECISION 2010  
  
09/02977/FUL - Erection of 5 houses with associated parking. Refused Appeal lodged Appeal dismissed. The Inspector concluded that the scheme would be broadly acceptable other than its impact upon the amenities of neighbours in Crown Road, abutting the site. He considered that this would harm their levels of privacy and residential amenity with concern expressed about their outlook. APPEAL DECISION 2010

## Agenda Item 4.2

10/03489/FUL - Erection of terrace of three houses and two detached houses with associated parking and landscaping. Refused and appeal dismissed. APPEAL DECISION 2011

10/03488 Erection of five dwellings (a terrace of three, and two detached. Refused and appeal dismissed. APPEAL DECISION 2011

12/00373 Erection of 4 houses (terrace of 3 and 1 detached) and associated car ports. Refused and dismissed at appeal. APPEAL DECISION 2012

12/01787 The erection of 4 houses (1 semi-detached pair and 2 detached). APPEAL DISMISSED.

12/02376 Erection of a pair of semi detached properties and 2 detached dwellings, utilising the existing vehicular access onto Mill Lane. APPEAL DISMISSED.

12/03106/FUL Erection of 4 houses (1 semi-detached pair and 2 detached). APPEAL ALLOWED.

### Consultations

#### *Kent Highways -*

- 14 *As previously discussed, from a development planning perspective there are no principle objections to a temporary impact of this nature. However, as also advised I have requested a view from our Operations and Road Works Co-Ordination Teams in respect of this particular management plan due to the constraints of the existing highway network in the vicinity of the site.*

#### *The Operations and Road Works Co-Ordination Team state the following -*

- 15 *There is probably only sufficient parking for about 3 – 4 site personnel vehicles on Mill Lane itself. In addition any large vehicles that need to access the site will either have to reverse up Mill Lane or Reverse out. Either way a Banks man will be required.*

#### *Parish/Town Council*

- 16 (Please note that Parish Councils are not statutory consultations on 'details applications' but have commented in this case.)
- 17 The Parish Council has objected on the following grounds,
1. When the Planning Inspector allowed the appeal he specifically stated (para. 23) that the developer should prepare a, 'construction management plan facilitating arrangements for a hard surfaced area for construction vehicles within the site.' The method statement submitted by the new development envisages vehicles being parked on the public highway. In reality this will be Mill Lane and the High Street. These arrangements will exacerbate the already difficult on street parking in that area and is contrary to the assurances given to the Parish Council and local residents.
  2. The promise of encouraging building suppliers to use only small/medium sized lorries is welcomed. However, the Method Statement does state that,

## Agenda Item 4.2

because of the restrictions imposed by the narrow site entrance, there will be some unloading/loading of construction vehicles in Mill Lane. This again departs from the Conditions set out by the Inspector. In reality, it is doubtful whether a large vehicle would be turned back by the developer, so this promise is unlikely to be realised in full.

3. The two issues outlined above do not protect the residents of Mill Lane in the construction period and this was the main concern – our “red line” – of the Parish Council once the development was approved. In effect that red line has now been crossed.

4. We suspect that the new developer (who was not involved in the original applications or the planning appeals) has seen the site has limitations, especially the access and is wishing to circumvent the measures designed to protect the interests of Mill Lane residents.

5. We would urge that, before approval is given to the Method Statement, the relevant planning/enforcement officers take a close look at it in conjunction with the report of the Planning Inspector.

6. Vehicular access/egress to/from the site is only possible by trespassing on the property opposite the site entrance. The Method Statement is silent on how this issue will be resolved.

7. In relation to 1. and 2. above, it seems that the developer now wishes to achieve a change in the conditions set out by the Inspector. Our understanding is that this requires a new planning permission.

### Representations

18 It is not usual to consult neighbours on ‘details applications’. However it has been done in this case due to the planning history and local interest.

20 74 neighbours were consulted and two representations have been received. These can be summarised in the following points,

- The development is unsuitable in this location
- Parking in Shoreham is already at a premium and the application will exacerbate this
- Inconvenience to Mill Lane residents throughout the construction process, including blocking of the road when materials are unloaded.
- The road is too narrow to accommodate the construction traffic.
- If the road is blocked than residents will not be able to get out in an emergency.
- The road is already being blocked by traffic while the site is cleared

### **Chief Planning Officer’s Appraisal**

21 Condition 18 has 7 individual requirements that it requires information on and I will comment on each aspect in turn,

*...The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:*

## Agenda Item 4.2

### *i) the parking of vehicles of site operatives and visitors using a hard surface*

22 The agent has submitted a plan of the site which shows the storage areas for materials marked and the turning head where vehicles can park. The Method Statement does state that due to the constraints of the site and the necessity of keeping the access clear some vehicles will have to park on the road in a manner considerate to other road users. I note the Parish Council's reference to paragraph 23 of the Inspector's Report. In full this part of paragraph 23 states,

*Because of the close proximity of occupied dwellings, the times during which works should take place or deliveries made to the site should be limited. For reasons of highway safety, a construction management plan facilitating arrangements for a hard surfaced area for construction vehicles within the site and a wheel washing facility'*

23 The Inspector's report does not state that it would be unacceptable for any vehicles to be parked on the road but that a hard surface should be provided for construction vehicles in the interests of highway safety.

24 When considering the application for the proposed houses at 5 Mill Lane the Inspector did have regards to parking pressures and highway safety, but these were principally in respect of the completed development. In para. 23 of the appeal decision highway safety during construction was given as the reason for requiring a construction method statement; however, the appeal decision report does not state or imply that the appeal would have been dismissed without the specific controls on construction required by the construction method statement.

25 It is acknowledged that there will be some inconvenience to residents of Mill Lane throughout the construction process. However this is a possibility during the construction of any development and is not a material consideration that would result in the refusal of a full planning application in the first instance. With regard to this details application the necessity for an area of hard surfacing was put in place in the interests of highway safety and not the amenities of residents. The amenities of residents were taken in to account when considering the times of delivering materials and working on site and this is discussed below.

### *ii) loading and unloading of plant and materials*

26 The Method Statement makes it clear that the agent is aware of the constraints on the site and will use smaller vehicles where possible. They acknowledge that in some instances a delivery lorry may have to be parked on the road and the materials unloaded with a fork lift truck. Meetings have been carried out with the developer's suppliers, particularly Otford Building Merchants to minimise inconvenience to residents. In addition the roofs of the proposed dwellings will be delivered as loose timbers rather than trusses which will reduce the size of the vehicle needed for delivery.

27 The deliveries will be restricted to after 8.30 am and before 3.30pm.

28 Regarding the trespass on to the property opposite the site entrance, this property is out side the application site and therefore does not fall within the control of this planning condition. This would be a civil matter that would need to be resolved independently.

## Agenda Item 4.2

- 29 The KCC Highways Operations and Road Works Co-Ordination Team have assessed the proposal and state that a Banks man would be required to direct the driver of large vehicles when they reverse. This can be provided by the developers. A Banks Man is somebody standing behind the reversing vehicle directing the driver out whilst ensuring that it is safe for him to reverse.
- iii storage of plant and materials used in constructing the development*
- 30 A plan of the site has been submitted which shows where the materials will be stored on site.
- iv) the erection and maintenance of security hoarding*
- 31 The intention is to retain the existing 1.8 metre high close boarded fencing and gates, with additions to the boundary treatment where a tree needs to be removed.
- v) wheel washing facilities*
- 32 There will be a jet spray on site. In addition a road sweeper will be hired to clean up any mud that gets on to the highway.
- vi) measures to control the emission of dust and dirt during construction*
- 33 Water will be used to wet down airborne particles. Mud has been addressed in the point above.
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.*
- 34 Waste generated on site will be stored in skips and moved to a transfer station.

### Other issues

- 35 The residents' comments have been noted. However the current details application is not a planning application and therefore the merits of the original application can not be reconsidered.
- 36 It is not the purpose of the planning enforcement team to oversee the construction of the development or to assess the proposed Method Statement prior to approval being given. However, if it were to be brought to the Council's attention that the construction works were not being carried in accordance with the approved details then a planning enforcement officer would visit the site and assess whether or not there has been any breach of planning control.
- 37 Although the Council appreciates the concerns raised by the Parish Council and the local residents, the agent has complied with the 7 criteria set out in the Planning Inspector's condition. Highway safety during construction was given as the reason for requiring a construction method statement in paragraph 23 of the Inspector's report. At no stage in his report does the Inspector say that the appeal would have been dismissed without the specific controls on construction required by the construction method statement.



**Conclusion**

38 The information submitted meets the requirements of condition 18 and therefore should be discharged.

**Background Papers**

Site and Block plans

Contact Officer(s): Deborah Miles Extension: 7360

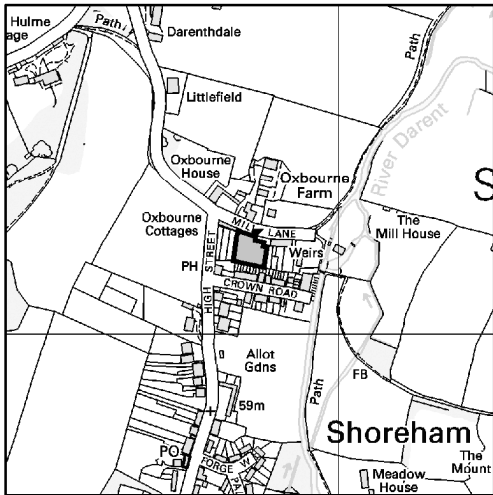
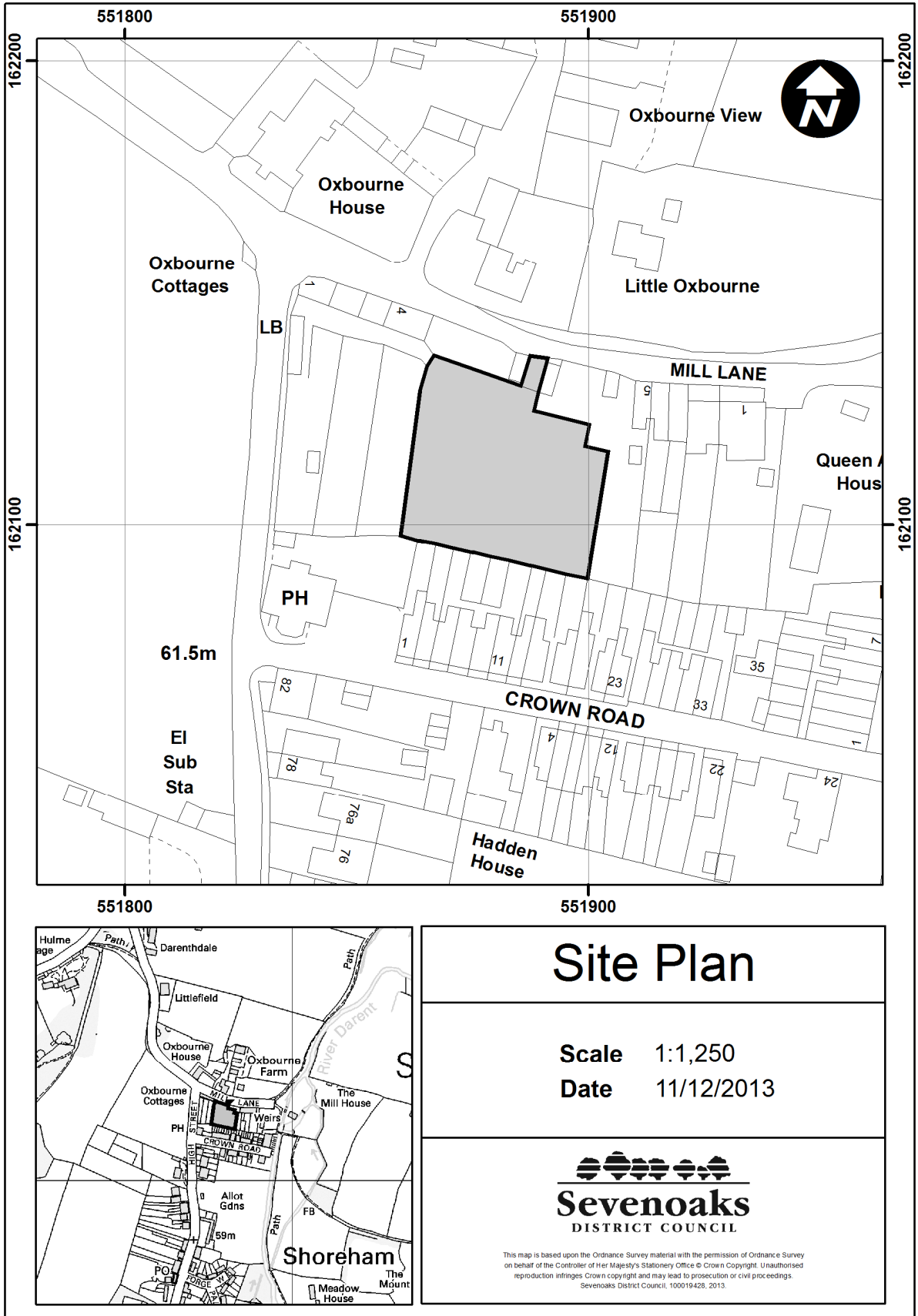
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MUPEMIBK0L000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MUPEMIBK0L000>



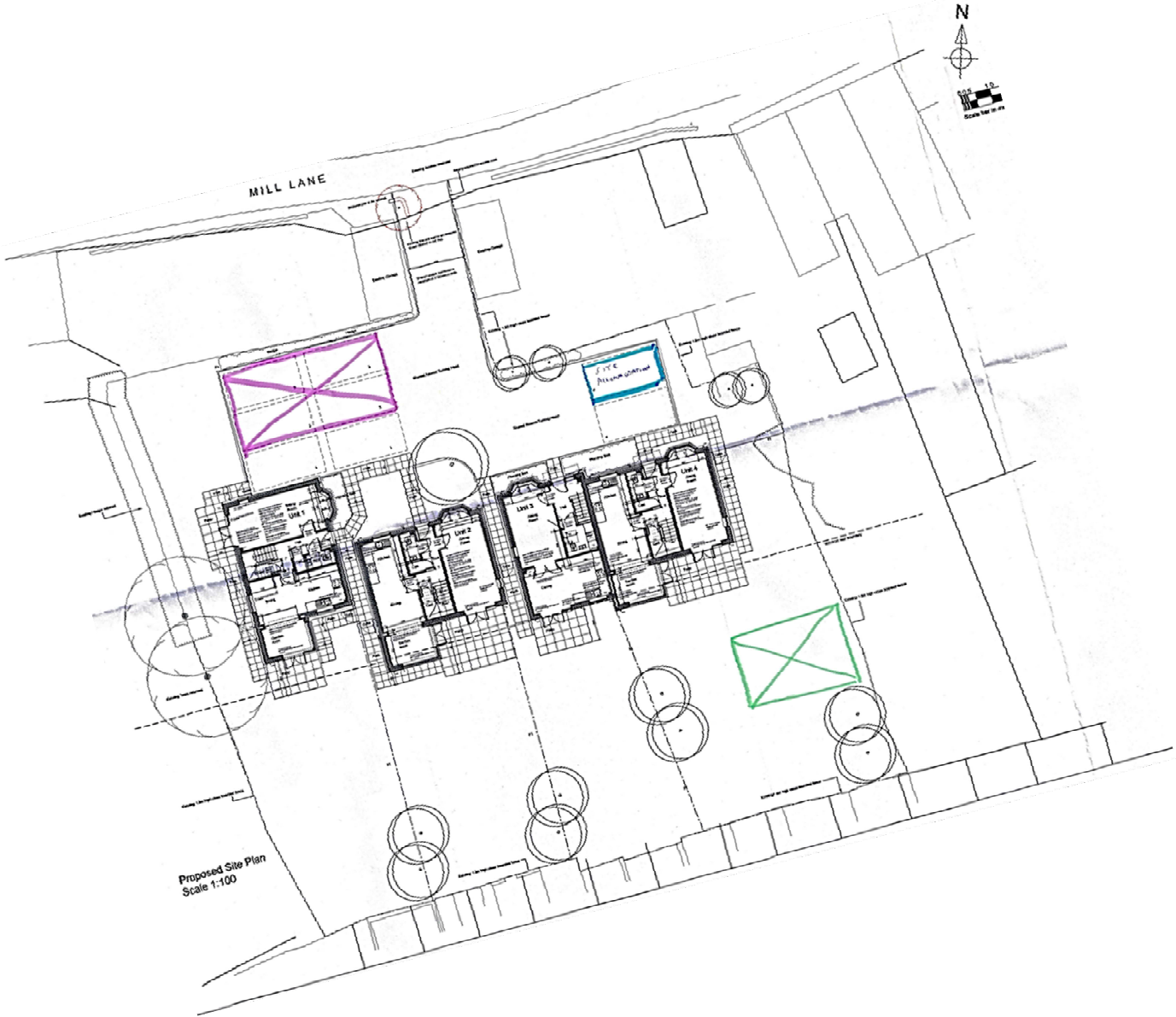
# Site Plan

Scale 1:1,250  
Date 11/12/2013



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PLAN






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## Appeal Decisions

Site visit made on 24 June 2013

**by Paul Jackson B Arch (Hons) RIBA**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 2 July 2013**

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### **Appeal A: APP/G2245/A/12/2188272**

#### **Land to west of 5 Mill Lane, Shoreham, Kent TN14 4TS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Tatham Homes Ltd against the decision of Sevenoaks District Council.
  - The application Ref SE/12/01787/FUL, dated 7 July 2012, was refused by notice dated 5 September 2012.
  - The development proposed is erection of 4 houses (1 semi-detached pair and 2 detached).
- 

### **Appeal B: APP/G2245/A/12/2187481**

#### **Land to west of 5 Mill Lane, Shoreham, Kent TN14 4TS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Tatham Homes Ltd against the decision of Sevenoaks District Council.
  - The application Ref SE/12/02376/FUL, dated 7 September 2012, was refused by notice dated 5 November 2012.
  - The development proposed is erection of 4 houses (1 semi-detached pair and 2 detached).
- 

### **Appeal C: APP/G2245/A/13/2192145**

#### **Land to west of 5 Mill Lane, Shoreham, Kent TN14 4TS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Tatham Homes Ltd against the decision of Sevenoaks District Council.
  - The application Ref SE/12/03106/FUL, dated 16 November 2012, was refused by notice dated 30 January 2013.
  - The development proposed is erection of 4 houses (1 semi-detached pair and 2 detached).
- 

#### **Preliminary matter**

1. The appellant has submitted a unilateral undertaking (UU) with the object of satisfying Council policy objectives on the supply of affordable housing. The Council has subsequently withdrawn the related reasons for refusal relating to appeals A and B. I consider the UU below.

#### **Decisions**

2. Appeals A and B are dismissed.
  3. Appeal C is allowed and planning permission is granted for erection of 4 houses (1 semi-detached pair and 2 detached) on land to west of 5 Mill Lane, Shoreham, Kent TN14 4TS in accordance with the terms of the application, Ref
- 

[www.planningportal.gov.uk/planninginspectorate](http://www.planningportal.gov.uk/planninginspectorate)



Ref SE/12/03106/FUL, dated 16 November 2012, and the plans submitted with it, subject to the conditions in the schedule at the end of this Decision.

### **Application for costs**

4. An application for costs was made by Tatham Homes Ltd against Sevenoaks District Council in relation to appeal C. This application is the subject of a separate Decision.

### **Main Issues**

5. The main issues are as follows:

#### *Appeal A*

- The effect of the proposed development on the living conditions of neighbouring occupiers in terms of privacy.

#### *Appeal B*

- Whether the proposed development would preserve or enhance the character or appearance of the Shoreham Mill Lane Conservation Area;
- The effect on the Area of Outstanding Natural Beauty (AONB); and
- The effect of the development on the setting of nearby Grade II listed cottages.

#### *Appeal C*

- Whether the proposed development would preserve or enhance the character or appearance of the Shoreham Mill Lane Conservation Area;
- The effect on the Kent Downs Area of Outstanding Natural Beauty (AONB); and
- Whether the parking provision would be acceptable.

### **Reasons**

#### *Background*

6. The development plan consists of the Sevenoaks Local Development Framework Core Strategy (CS) adopted in February 2011 and saved policies of the 2000 Sevenoaks District Local Plan (LP) which are contained in a 2008 Compendium. Strategic policies in the South East Plan now carry little or no weight as this has been revoked.
7. Policy LO7 of the CS allows for infill and redevelopment on a small scale only in settlements such as Shoreham. New development is to be of a scale and nature appropriate to the village, and is to respond to the distinctive local characteristics of the area. Under policy LO8, development is expected to be compatible with policies protecting the AONB, the distinctive character of which will be conserved and enhanced. CS policy SP1 requires a high quality of design which should respond to the local distinctive character of the area. Saved policy EN1 of the LP applies general principles for all types of development to conform to, including 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, does not have an adverse impact in terms of privacy and amenities of a locality, and does not create unacceptable traffic conditions. Saved LP policy EN23 (although referred to as

## Agenda Item 4.2

Appeal Decisions APP/G2245/A/12/2187481, APP/G2245/A/12/2188272, APP/G2245/A/13/2192145

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ENV23 in the reasons for refusal of appeal B) advises that proposals for development or redevelopment within or affecting conservation areas should be of positive architectural benefit by paying special attention to the desirability of preserving or enhancing the character or appearance of the area and its setting. The design of new buildings and alterations to existing buildings should respect local character, whilst the treatment of external spaces should be compatible with and enhance the appearance of the area. These policies are consistent with the aims of the 2012 National Planning Policy Framework (NPPF).

8. The site lies within the identified built confines of Shoreham where the principle of development is accepted.

### *Appeal A*

9. In appeal decisions in 2011 (refs APP/G2245/A/11/2148993 & 2148898) the Inspector noted that this is a sensitive site and that separation distances are critical in protecting the living conditions of existing residents. A distance of 16 metres (m) from the southern boundary was established as being sufficient to ensure adequate outlook and privacy for residents of Crown Road properties. In the current scheme, the ground floor living accommodation would extend beyond a notional 16m line by amounts varying between less than a metre and over 2m. The proposed location of the 'garden rooms' to units 2 and 4 would have little consequence; they would not have any serious impact on adjacent occupiers. However the deeper 'garden room' proposed to unit 3 would have the effect of pushing the external relaxation space of this unit significantly further towards Crown Road houses where people use the rear of their narrow gardens for eating and sitting out. This could not be adequately mitigated by boundary treatment. In this respect, the proposed development would conflict with the amenity protection objectives of LP policy EN1 and the NPPF.
10. In addition, although not cited by the Council as a reason for refusal in this case, I share some of the conservation officers' concerns that this scheme would have elements that would detract from the conservation area, the character of which derives from the 2 groups of modest older cottages in Mill Lane, the large open space between them (the appeal site) and the simple row of former mill workers cottages in Crown Road. Whilst the chimneys are a positive feature, the overall height of the new houses, accentuated by the relative higher ground on which they would sit, compounded by the prominent gables and ground floor bays in the north elevations, would all combine to give undue prominence to the new houses which as a result would undermine the heritage interest and significance of the conservation area. I have had regard to the explanation contained within the design and access statement but do not see a justification for the bay windows for punctuation purposes or the complexity of the roofscape, which appears contrived. Such design features are not distinctive local characteristics and the houses overall are typical of many in an anonymous 'cottage' style that appear in other locations in the south east of the UK where there are no heritage restraints or nearby listed buildings, nor a location in an AONB. This matter adds seriously to my concerns.
11. I conclude on appeal A that the proposed development would conflict with the amenity protection aims of LP policy EN1 and does not respond adequately to the design objectives of CS policy SP1. It would not preserve the character or



appearance of the conservation area and would not comply with the heritage protection aims of LP policy EN23.

*Appeal B*

12. This scheme is very similar to that subject of appeal A but unit 3 would not project unacceptably towards the boundary with the Crown Road houses. The Council had received an appeal decision (ref APP/G2245/A/12/2176830) on 1 October 2012 between its consideration of the schemes subject of appeals A and B. The difficulties with elevation, massing and the detail of the design, which are detracting factors in my consideration of appeal A, remain in this case. The proposed development does not respond adequately to the design objectives of CS policy SP1 or the heritage protection aims of LP policy EN23, insofar as the conservation area is concerned. However, the effect on the wider AONB would be very minor, bearing in mind the surrounding quantity of built development which includes a wide variety of architectural styles, extensions and alterations. The scheme would not compromise the natural beauty of the AONB, the conservation of which the NPPF says great weight should be given to, significantly more than another form of built development without these design issues. For similar reasons, together with the intervening distance between the properties, I do not consider that the setting of nearby listed buildings at 1-5 Mill Lane Cottages would be unacceptably changed; these have been altered over the years, including a recent prominent modern roof extension.
13. I conclude that although the effect on the AONB and the setting of listed buildings would be acceptable, the scheme would not meet the design objectives of CS policy SP1 or the heritage protection aims of LP policy EN23.

*Appeal C*

14. In contrast, the development subject of this appeal would be lower and simpler in concept, as well as addressing the privacy issue. Whilst it retains bay windows, these would not each be visually emphasised by a gable in the roof and would be sufficiently subordinate to be acceptable. The porch canopies would be flat roofed and would not be visually objectionable. The massing of the main roofs would be considerably simplified and importantly, the overall height would be more in keeping with surrounding development. The lack of chimneys sets this scheme apart from other older buildings in the conservation area but this would not be so significant as to fail to preserve its character or appearance. The rural character of Mill Lane would not be unacceptably compromised because the overall massing and elevational treatment of the development would sit comfortably in the street scene.
15. Turning to parking pressure, I accept that tandem parking is not ideal and the proposed arrangement is significantly poorer than that proposed in a previous scheme in 2009 (ref 09/02997). The guidance used by the Council is in LP policy VP1 which refers to the Kent County Council standards contained in the Kent Design Guide Review Note 3 of 2008, which indicates that in suburban edge or rural situations, a 3 bedroom house should have 2 independent parking spaces. Policy VP1 and the 2012 NPPF indicate that in assessing parking need, the availability of public transport needs to be taken into account amongst other things. Here, there is a well served railway station on the line between London and Sevenoaks just under 1.5 kilometres away at the other end of the village, easily reached by bicycle and within reasonable walking distance for

## Agenda Item 4.2

Appeal Decisions APP/G2245/A/12/2187481, APP/G2245/A/12/2188272, APP/G2245/A/13/2192145

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many. There is a limited bus service from an adjacent stop which provides services that are suitable for shopping trips to Sevenoaks. These factors indicate to me that Shoreham is better served by public transport than many other rural locations.

16. Having said that, the access to spaces allocated for unit 3 could be difficult, especially if other cars were incorrectly parked. There is a realistic prospect that some residents' cars may be parked outside the site in Mill Lane from time to time. However, given that the parking spaces will be under the control of a relatively few number of occupiers and that they can be ensured by means of a condition, it seems to me that the disadvantages of the parking arrangements should not obstruct the efficient use of this particular piece of land. It is reasonable to assume that when parking pressure increases, the spaces within the development will be properly used.
17. I have had regard to the highway safety implications in Mill Lane. The likely increase in comings and goings by visitors, traffic generated for deliveries and collections, and the possible increase in parking demand as a result of this scheme would be noticeable, but it is difficult to show that the risk to highway safety or traffic conditions would be unacceptable in terms of Sevenoaks adopted CS and LP policies. There would be additional pressure, similar to that experienced elsewhere in Shoreham, but it would not be so severe as to justify refusal of planning permission.

### **Other matters**

18. I have had regard to all the other matters raised including all the points raised by local occupiers. I have also taken account of the Unilateral Undertaking submitted by the appellant which enables a financial contribution to affordable housing. The provisions of the Undertaking are directly related to the proposed development, fairly and reasonably related in scale and kind, and would be necessary to make the development acceptable. They meet the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations (2010).

### **Conclusion**

19. I conclude that for the reasons given, appeals A and B should fail but that appeal C should succeed.

### **Conditions**

20. I have modified the suggested conditions to accord with the recommendations in Circular 11/95 *The Use of Conditions in Planning Permissions*. A condition is necessary to ensure that the visual appearance of the dwellings is acceptable in the conservation area and to facilitate this, samples of external materials are to be provided and approved. In view of the density of the development, the limited open space and proximity to existing dwellings, restrictions on permitted development are appropriate concerning extensions, the enlargement of windows and the provision of additional rooflights. In the interests of the character and appearance of the area, conditions control external hard and soft landscaping, boundary treatment, external lighting and the details of refuse and recycling storage.
21. In view of the heritage significance of adjoining buildings, it is important that windows, doors, eaves and verges are sympathetically detailed. Finished floor



levels need to be subject to approval in view of the sloping nature of the site and the need to ensure the new buildings are not unacceptably prominent.

22. The parking area must be provided and retained for the purpose of turning and parking of vehicles in order to reduce the likelihood of parking on the public highway. The Council suggests the provision of bat boxes which I agree would enhance the biodiversity credentials of the development in accordance with CS policy. No specific Code for Sustainable Homes rating is required as this is covered by the Building Regulations.
23. Because of the close proximity of occupied dwellings, the times during which works should take place or deliveries made to the site should be limited. For reasons of highway safety, a construction management plan facilitating arrangements for a hard surfaced area for construction vehicles within the site and a wheel washing facility. The hours when construction activity takes place need to be controlled in the interests of nearby residents. Rooflights need to be of the conservation type that sits flush with the roof plane, in order to reduce the amount of highly visible clutter. The first floor window in the west elevation of unit 1 needs to be obscured glass for reasons of privacy. Finally, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning.

*Paul Jackson*

INSPECTOR

Schedule of 19 conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enacting Order, no alterations shall be made to the fenestration pattern of the buildings hereby approved, including new windows, enlargement of window openings or provision of roof lights.
- 4) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, or any subsequent re-enacting Order, no extensions whatsoever shall be erected to the buildings hereby approved.

## Agenda Item 4.2

Appeal Decisions APP/G2245/A/12/2187481, APP/G2245/A/12/2188272, APP/G2245/A/13/2192145

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- 5) No development shall take place until full details of hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; hard surfacing materials; refuse and recycling or other storage units; and external lighting.
- 6) Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- 7) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the local planning authority.
- 8) Any newly planted tree, shrub or hedgerow or any existing tree that dies, or is uprooted, severely damaged or seriously diseased, within five years of the completion of the development, shall be replaced within the next planting season with another of the same species and of a similar size, unless the local planning authority gives prior written consent to any variation.
- 9) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before any of the buildings are occupied or in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.
- 10) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing No 2235/201 for 8 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.
- 11) The car spaces shown on drawing No. 2235/201 shall be kept available for the parking of motor vehicles at all times. The car spaces shall be used solely for the benefit of the occupants of the dwellings and their visitors and for no other purpose and shall be permanently retained as such thereafter.
- 12) The development hereby approved shall not commence until detailed drawings of heads, sills and jambs of new windows and doors; and eaves and verges at a scale of not less than 1:10 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.
- 13) No development shall take place until details of finished floor levels have been submitted to and agreed in writing by the local planning authority. The development shall be constructed in accordance with the approved details.
- 14) Prior to occupation of any of the dwellings hereby approved, the location and numbers of bat boxes shall be submitted to and approved by the local planning authority in writing. The bat boxes shall be installed in accordance with the approved details and retained thereafter.

- 15) No construction works or deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays. No construction works or deliveries shall take place at all on Sundays or Public Holidays.
- 16) All rooflights shown on the approved plans shall be 'conservation' type and shall not protrude beyond the roof plane on which they are installed.
- 17) The window to the first floor en-suite bathroom of unit 1 shall be glazed with obscured glass and retained as such.
- 18) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors using a hard surface
  - ii) loading and unloading of plant and materials
  - iii) storage of plant and materials used in constructing the development
  - iv) the erection and maintenance of security hoarding
  - v) wheel washing facilities
  - vi) measures to control the emission of dust and dirt during construction
  - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- 19) Otherwise than set out in this decision and conditions, the development hereby permitted shall be carried out in accordance with the following approved plans: Nos. 2235/200, 201, 202, 203, 204 and 205.



4.1 - <u>SE/12/03106/FUL</u>	Date expired 14 January 2013
PROPOSAL:	Erection of 4 houses (1 semi-detached pair and 2 detached)
LOCATION:	Land West Of, 5 Mill Lane, Shoreham TN14 7TS
WARD(S):	Otford & Shoreham

**ITEM FOR DECISION**

This item is referred to Development Control Committee by Councillor Lowe to consider the impact of the development on the AONB, Conservation Area, Listed Building, the amenity of residents and concerns raised about over development.

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

1) The development hereby permitted shall be begun before the expiration of 3 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: 2235-200, 2235-201, 2235-202, 2235-203, 2235-204, 2235-205

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

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

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

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

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

5) If within a period of 5 years from the completion of the development, any of the

(Item No 4.1) 1

trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

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

6) Details of any outside lighting shall be submitted to and approved in writing by the Council before the buildings are occupied. Despite any development order, outside lighting shall only be provided in accordance with the approved details.

To safeguard the rurality of the area as supported by EN1 of the Sevenoaks District Local Plan.

7) The vehicle parking spaces shown on the approved plans shall be provided and kept available for such use at all times and no permanent development shall be carried out on the land so shown or in such a position as to preclude vehicular access to the parking spaces.

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

8) No window or other openings, other than those shown on the approved plans, shall be inserted at any time in the north, east or west elevations of the buildings hereby approved, despite the provisions of any Development Order.

To safeguard the character and appearance of the conservation area as supported by policy EN23 of the Sevenoaks District Local Plan; and to safeguard the privacy and amenity of neighbouring occupiers as supported by policy EN1 of the Sevenoaks District Local Plan

9) No openings, other than those shown on the approved plan(s), shall be installed in the roof of the buildings hereby permitted, despite the provisions of any Development Order.

To safeguard the character and appearance of the conservation area as supported by policy EN23 of the Sevenoaks District Local Plan; and to safeguard the privacy and amenity of neighbouring occupiers as supported by policy EN1 of the Sevenoaks District Local Plan

10) No extension or external alterations shall be carried out to the roofs of the buildings hereby approved, despite the provisions of any Development Order.

To safeguard the character and appearance of the conservation area as supported by policy EN23 of the Sevenoaks District Local Plan; and to safeguard the privacy and amenity of neighbouring occupiers as supported by policy EN1 of the Sevenoaks District Local Plan

11) Prior to occupation of the buildings, details of the location of bat boxes shall be submitted to and approved in writing by the Council and the approved details implemented and retained thereafter.

To incorporate biodiversity enhancement opportunities in accordance with SP11 of the

(Item No 4.1) 2



## Agenda Item 4.2

### Sevenoaks District Core Strategy.

- 12) 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 4 or alternative as agreed in writing by the Local Planning Authority; and
  - ii) Prior to the occupation of the development, that the development has achieved a Code for Sustainable Homes post construction certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority.

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

- 13) Prior to commencement of development, a construction method statement shall be submitted to the Council and approved in writing. This shall cover the phasing of construction works and the management of contractors vehicle parking and deliveries of building materials.

In the interest of local residential amenity and highways safety.

- 14) All rooflights shown on the approved plans shall lie flush with the roof and shall not protrude beyond the roofplane on which it is installed.

To ensure the preservation of the character and appearance of the conservation area in accordance with Policy EN23 of the Sevenoaks District Local Plan.

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

National Planning Policy Framework

South East Plan: CC1, CC2, CC4, H1, H4, H5, T1, T4, BE1, BE5, BE6

Sevenoaks District Local Plan: EN1, EN23, VP1

Sevenoaks Core Strategy: LO1, LO7, SP1, SP2, SP3, SP11

#### **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 site is within the built confines of the settlement where there is no objection to the principle of the proposed development.

The development incorporates an element of affordable housing.

The scale, location and design of the development would preserve the character and appearance of the Area of Outstanding Natural Beauty

The development would respect the setting of the nearby Listed Buildings

The development would preserve the special character and appearance of the

(Item No 4.1) 3

Conservation Area.

The traffic movements generated by the development can be accommodated without detriment to highway safety.

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

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

**Informatives**

- 1) Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development
- 2) Was provided with pre-application advice and in light of the advice amended the application to address the issues.
- 3) The application is subject to a Legal Agreement.

Description of Proposal

- 1 The erection of 4 houses (1 semi-detached pair and 2 detached) and provision of 8 car parking spaces. The site has one vehicular / pedestrian access off Mill Lane which is bordered on either side by two garages. The site is bounded by residential dwellings with Oxbourne Cottages to the West, the listed Mill Lane Cottages to the East and Nos. 3-17 Crown Road to the South which lie at a lower land level than the site. Units 3 and 4 are semi-detached while units 1 and 2 are detached. Units 2 - 4 face on to Mill Lane and unit 1 is rotated 90 degrees so that its side elevation faces onto Mill Lane.
- 2 The proposal is set back from Mill Lane with the proposed dwellings sited behind the rear building line of the existing houses in the Lane, and a courtyard arrangement containing the parking provision at the front of the site. The proposed dwellings front on to the courtyard with their rear gardens backing onto those of the Crown Road properties. The gardens of the proposed units at the East and West sides of the site - unit 1 and 4 - wrap around the side of the houses. The upper floors and all ground floor openings at ground floor level are sited more than 16m from the rear boundary line, and distance has been maintained at the side of the site between the proposed dwellings and the existing Mill Lane cottages (14.4m distance) and Oxbourne Cottages (14.4m distance). The rear elevations contain ground floor patio doors and flat dormer windows in the upper roof slope.
- 3 The proposed dwellings are uniform in design with rooflines which sit within the pattern of existing roof heights in the street scene. They are simple in style, each with a ground floor bay window, upper flat roof dormer windows and pitched roofs. Unit 1 backs on to the garden of 4 Oxbourne Cottages and has an extensive

(Item No 4.1) 4

## Agenda Item 4.2

sloping roof facing the rear boundary which reduces impact on the adjoining garden.

### Description of Site

- 4 The site lies partially fronting and partially to the rear of other properties in Mill Lane at the heart of the Shoreham Mill Lane Conservation Area. It comprises a vacant site, somewhat overgrown with a number of orchard trees. It lies within the Conservation Area, AONB and Metropolitan Green Belt.
- 5 Historically this Conservation Area (CA) is linked to the corn grinding mill which was later developed into a paper mill in the 1690s remaining in operation until 1926. The many small cottages in Mill Lane and backing onto the site in Crown Road were related to the existence of the paper mill.
- 6 To the north east of the site lie the listed Mill Lane Cottages, (modest two storey terraced cottages of traditional design with timber framed first floors over brick ground floors) and to the north west Oxbourne Cottages, with their flintwork elevations – the main front elevation facing south rather than north towards Mill Lane itself. The southern boundary of the site abuts the rear gardens of the two storey cottages of Crown Lane. A variety of elevational treatments have been introduced to these simple brick built cottages. To the south west corner lies the Crown Public House - a 17th century building with timber framed upper floor over painted brickwork. The car park/garden lies adjacent to the site boundary.
- 7 Within Mill Lane there are several detached houses of various ages although these are generally of a modest size.
- 8 The site is quite widely visible within the surrounding CA and slopes downhill from north west to south east, broadly from the High Street End of Mill Lane to the river end of Crown Road.

### Constraints

- 9 The site lies within the confines of the village boundary of Shoreham, within the Conservation Area, Metropolitan Green Belt, Area of Outstanding Natural Beauty and Area of Special Control for Advertisements. The site does not contain any listed buildings although it abuts such buildings to the north east.

### Policies

#### *South East Plan*

- 10 Policies – CC1, CC2, CC4, H1, H4, H5, T1, T4, BE1, BE5, BE6

#### *Sevenoaks District Local Plan*

- 11 Policies - EN1, EN23, VP1

#### *Sevenoaks Core Strategy*

- 12 Policies - LO1, LO7, SP1, SP2, SP3, SP11,

#### *Other*

(Item No 4.1) 5



13 National Planning Policy Framework

Planning History

- 14 12/02376 Erection of a pair of semi detached properties and 2 detached dwellings, utilising the existing vehicular access onto Mill Lane. Refused and pending appeal
- 12/01787 The erection of 4 houses (1 semi-detached pair and 2 detached). Refused and pending appeal
- 12/00373 Erection of 4 houses (terrace of 3 and 1 detached) and associated car ports. Refused and dismissed at appeal. APPEAL DECISION 2012
- 10/03488 Erection of five dwellings (a terrace of three, and two detached). Refused and appeal dismissed. APPEAL DECISION 2011 (Scheme B)
- 10/03489/FUL Erection of terrace of three houses and two detached houses with associated parking and landscaping. Refused and appeal dismissed. APPEAL DECISION 2011 (Scheme A)
- 09/02977/FUL Erection of 5 houses with associated parking. Refused Appeal lodged Appeal dismissed. The Inspector concluded that the scheme would be broadly acceptable other than its impact upon the amenities of neighbours in Crown Road, abutting the site. He considered that this would harm their levels of privacy and residential amenity with concern expressed about their outlook. APPEAL DECISION 2010 (Scheme B)
- 09/01336/FUL - Erection of 2 houses with integral garaging. Refused Appeal lodged and dismissed. The Inspector concluded that the houses would harm the character of the Conservation Area, harm the setting of the nearby listed cottages at 1-5 Mill Lane and harm the neighbours amenities at 3 Oxbourne Cottages. APPEAL DECISION 2010 (Scheme A)
- 88/1503 - Erection of 2 dwellings. Refused on grounds of harm character and amenities, harm conservation area and harm neighbouring amenities
- 88/0182 - Erection of 3 dwellings. Refused on grounds of overdevelopment, harm to character and amenities and harm neighbouring amenities
- 79/0710 Erection of 1 dwelling. Refused on grounds of harm to the streetscene, harm to conservation area. Contrary to BE5 of K&MSP

Consultations

*SDC Conservation Officer*

- 15 SDC Conservation Officer has made the following comment:
- 'Development of this site within the CA has been accepted in principle. This revised scheme is much improved in relation to the earlier submissions, with a reduced scale and simplification of the designs. These changes overcome my concerns about the scale and character of the new dwellings in the context of the
- (Item No 4.1) 6

## Agenda Item 4.2

CA and nearby LBs. Recommend approval subject to samples of materials and conservation type rooflights inserted flush with the roof plane.'

### *Kent Highway Services*

16 Kent Highway Services have made the following comments:

'A number of previous applications for residential units at this site have been made and it is necessary to first reflect on these previous proposals and the associated LPA and Planning Inspectorate decisions in order to clarify the context in which this current proposal must be considered by KCC Highways.

Whilst planning permission has not been forthcoming in respect of any previous similar residential proposal at this site, either through the LPA or via appeal, it must be considered that previous applications for both 4no and 5no units have been subject to planning appeals against the LPA's refusal for which the Planning Inspector concluded that the highway impact of either proposal was not significant enough to uphold the highway impact ground of refusal which had been included in that planning refusal.

Subsequently, two further applications have been made at this site, both for 4no residential units for which KCC Highways have not recommended a highway ground of refusal on the grounds that any such ground could not be justified in light of the previous appeal decisions. In the case of this current proposal, the potential traffic impact and associated parking demand relating to the 4no residential units proposed continues to have no greater potential impact than that of the proposals which were considered at appeal by the Planning Inspector. As a result (and as with the previous two similar proposals) there could be no justification in continuing to recommend a highway ground of refusal which, when viewed against the recent planning history of this site could not be defended at appeal.

Note has previously been made of the constrained on-site parking arrangements resulting from the physical constraints of the site and this continues to be a feature of the current proposal. However, as indicated with the previous proposals, whilst such an arrangement is not ideal, it does not preclude the use of any of the proposed parking bays and as a result, I would not consider the on-site parking arrangement itself to have any significant additional impact on the local highway network over and above the general impact of the development proposal and any movements and parking demand associated with it.

In conclusion, KCC Highways would not wish to recommend any highway grounds of refusal in relation to these proposals.'

### *SDC recycling*

17 SDC Recycling has made the following comments:

'Due to the narrow Mill Lane, and the limited access to the proposed development due to existing garages on either side of the common driveway, our refuse vehicle will need to stop on Mill Lane while the crews walk into the site and retrieve refuse sacks, recycling sacks, and any garden waste placed out for collection. Each household should therefore place its weekly refuse and recycling at the front of their property for collection.

(Item No 4.1) | 7



Alternately, a refuse storage area could be situated at Mill Lane or just inside the proposed development behind one of the two existing garages. However, the drawing did not suggest these as options.

In either case, the refuse vehicles will block the lane while crews retrieve material.'

*Thames Water*

- 18 Thames Water has made the following comments:

*Waste Comments*

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

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

*Water Comments*

- 19 On the basis of information provided, Thames Water would advise that with regard to water infrastructure we would not have any objection to the above planning application.

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.'

*KCC Ecological Advice Service*

- 20 KCC Ecological Advice Services has commented:

An ecological scoping survey carried out in 2008 identified that the majority of the site contained limited suitable habitat which is suitable for protected species. The survey indicated that the only area of interest was the trees and hedgerow along the western boundary - which are to be retained within the proposed development. The survey was carried out 4 years ago and we usually recommend that an updated survey is carried out if the survey is over 2 years old. However the photos submitted with the planning application suggest that the site has been regularly managed since the survey was carried out. As a result we are satisfied that there has been limited potential for suitable habitats for protected species to

(Item No 4.1) 8

## Agenda Item 4.2

have established during that time. We do not require additional information to be submitted prior to determination of the planning application.

### Bats

- 21 Bats have been recorded within the surrounding area, as a result consideration should be given to the proposed lighting for the development. Lighting can be detrimental to roosting, foraging and commuting bats. We advise that the Bat Conservation Trust's *Bats and Lighting in the UK* guidance is adhered to in the lighting design (see end of this note for a summary of key requirements).

### Enhancements

- 22 One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged". The ecological report any landscaping proposed for the development should incorporate native species. In addition the development should include bird and bat boxes within the site or bat bricks within the building. Details of bat boxes have been submitted with the planning permission however I've been unable to find any details of the proposed location of the bat boxes in the site plan or the design and access statement. We recommend that details of the location of the bat boxes are submitted as a condition of planning permission.

### Shoreham Parish Council

- 23 Shoreham Parish Council have objected to the proposal and made the following comments:

'Shoreham Parish Council is still of the opinion that this open area of land is of significant benefit to Shoreham Village and the Conservation Area. We however accept that three Planning Inspectors have accepted the principle of development whilst emphasizing that the quality of the design and layout must be of a high standard so as to minimize impact on adjacent properties. Shoreham Parish Council has noted with concern the communications between the Planning Department at Sevenoaks District Council and the developer, which imply that decisions have been taken before any consultation with the Parish Council or affected residents. We disagree strongly with the views of the Conservation Officer about the suitability of the new proposals.

Shoreham Parish Council objects to this application on the following basis:

1. The site lies within an Area of Outstanding Natural Beauty. The proposal would detract from the character and appearance of that area. This conflicts with policy LO8 of the Sevenoaks District Core Strategy.
2. The proposal lies within the Shoreham Conservation Area. The proposed development would neither enhance nor protect the character or appearance of this area. The proposal will give the area an 'infill' appearance which will detract from the current openness of this area. The proposed simplified design of these properties gives an appearance totally out of character with the surrounding properties which will make the development even more incongruous within the area. This conflicts with policy SP1 of the Sevenoaks District Core Strategy.

(Item No 4.1) 9



3. The proposal would harm the setting of a listed building because of its lack of separation from it. The proposed buildings, with their dominance over surrounding properties, due to scale and massing and the complexities in modelling and style of the houses will make this visually intrusive within the area of the listed buildings. The simplified design has removed all of the gables, half-hips, complex junctions, dormers and chimneys. This will make the development appear out of character with the surrounding cottages that comprise a mix of styles and they all have chimneys. This conflicts with policy SP1 of the Sevenoaks District Local Plan.

4. The proposal would result in an over development of the land and an undesirable form of development because of the excessive built footprint of the proposal and its inappropriate layout within the context of the site. The closeness to neighbouring properties is unacceptable in this village location. This conflicts with policy EN1 of the Sevenoaks District Local Plan, and Policy SP1 and LO7 of the Sevenoaks District Core Strategy.

5. The development would cause harm to the amenities of adjoining occupiers through the loss of privacy due to the elevated position of this development within the site. The proposal gives uninterrupted views into the ground floor living rooms and first floor bedrooms of neighbouring properties. Such an invasion of privacy, to a degree that will cause the existing property owners in Crown Road to change their living arrangements to accommodate this is unacceptable. This conflicts with policy EN1 of the Sevenoaks District Local Plan and may well be considered to impinge on the human rights of existing property owners.

6. Highways – There is no provision for visitor parking. Shoreham Parish Council would point out that there is immense pressure on parking in Shoreham. The introduction of yellow lines at Crown Road has exacerbated the problem to such an extent that any previous decisions by the inspector regarding traffic could be regarded as null and void. The access is inadequate for service vehicles to enter the development.

In the event of SDC recommending approval of this application, a condition must be added to ensure that Mill Lane is not used for the loading or unloading of vehicles, the storing of vehicles etc. Everything must be done on the site itself and not in the road. Mill Lane is to be used for access to the site only.'

Representations

24 35 objections have been made which raise the following points:

- The site lies within an AONB and conservation area. Development does not enhance or preserve the area
- The proposal is not in keeping with its surroundings and the detached dwellings are out of keeping with the locality.
- The height, scale and style of the buildings is inappropriate.
- It would spoil the rural scenic beauty of the area
- The view from Crown Road to Mill Lane will be ruined.

(Item No 4.1) 10

## Agenda Item 4.2

- The design of the properties is poor and mediocre.
- The bay windows are out of keeping.
- It would have a detrimental impact on the skyline, changing the nature of the conservation area and the character and seclusion of the listed buildings.
- Enlargement of Shoreham threatens its village character
- Loss of the orchard site
- Site should be a car park for village
- There is too much development in the area already e.g. Fort Halstead.
- No provision for affordable housing
- There is too much massing and intensification – too many houses proposed
- The layout of the houses would have a detrimental impact on the adjacent garden of the Mill lane cottages.
- The proposal would destroy the wildlife on the site.
- The proposal overlooks the properties in Crown Road and the bedrooms of the proposed development would look directly into those of Crown Road.
- The proposal impacts on daylight / sunlight
- There is insufficient landscaping to protect Crown Road privacy
- The distance of the properties from the boundary with Crown Road gardens is too small. It will result in noise disturbance to use of the gardens.
- The change in land levels would emphasis visual intrusion and lack of privacy.
- Construction traffic would impact on access to Mill Lane
- The increase in traffic, footfall, noise and the visual impact will undermine the village feel.
- There is no capacity to accommodate more cars of occupiers and visitors - parking and traffic
- End to end parking is unrealistic
- Access is too small for oil delivery and emergency vehicles
- The traffic implications would cause danger to pedestrians using the Lane.

(Item No 4.1) 11

*The Shoreham Society*

25 The Shoreham Society has made the following comments on the application:

The site is unsuitable for 4 dwellings, including 2 detached units

Parking and access is limited

There would be a loss of privacy.

The additional traffic and parking that the proposal would create is unacceptable, in terms of occupiers of the site and also visitors.

The proposal would considerably alter the local character of the village.

**Group Manager - Planning Services Appraisal**

26 The site lies within the identified built confines of Shoreham where the principle of development is accepted subject to compliance with the relevant regional and local plan policies. The main issues therefore concern the impact of the development upon the surrounding conservation area, the nature of development within a designated rural settlement, impact on the setting of the nearby listed buildings, impact upon AONB, impact upon neighbours' amenities, impact upon adjacent highway and access issues.

27 Several applications and appeals have previously been determined as detailed in the planning history above. The three key decisions are labelled as APPEAL DECISION 2010, 2011 and 2012 and are attached as an appendix to this report. A number of parameters to development of the site have evolved within the appeal decisions, and they will therefore be examined throughout this report as a material planning consideration.

Policy Framework

28 Policy L01 of the Core Strategy seeks to focus development within the built confines of existing settlements.

29 Policy L07 states that within the settlement of Shoreham, infilling and redevelopment on a small scale only will be permitted taking account of the limited scope for development to take place in an acceptable manner and the limited range of services and facilities available. Within all settlements covered by the policy, new development should be of a scale and nature appropriate to the village concerned and should respond to the local characteristics of the area in which it is situated.

30 Policy SP1 of the Core Strategy states 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. New development should create safe, inclusive and attractive environments that meet the needs of users, incorporate principles of sustainable development and maintain and enhance biodiversity. The Districts heritage assets and their settings, including listed buildings and conservation areas will be protected and enhanced.

(Item No 4.1) 12



## Agenda Item 4.2

- 31 Policy SP2 of the Core Strategy requires all new homes to achieve at least level 3 of the Code for Sustainable Homes. Achievement of these standards must include at least a 10% reduction in the total carbon emissions through the on site installation and implementation of decentralised, renewable or low carbon energy sources.
- 32 Policy SP3 of the Core Strategy, relates to the provision of affordable housing. In residential developments of less than 5 units that involve a net gain in the number of units a financial contribution equivalent of 10% affordable housing will be required towards improving affordable housing provision off site.
- 33 Policy SP11 states that the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity.
- 34 Policy EN1 of the SDLP lists a number of criteria to be applied in the consideration of planning applications. Criteria 1 states that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard. Criteria 2 states that the layout of the proposed development should respect the topography of the site, retain any important features including trees, hedgerows and shrubs. In particular, Criteria 3 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. Criteria 5 states that the proposed development should ensure a satisfactory environment for future occupants, including provision for daylight, sunlight, privacy, garden space, storage and landscape amenity areas. Criteria 6) states that the proposed development must ensure satisfactory means of access for vehicles and pedestrians and provides parking facilities in accordance with the Council's approved standards. Criteria 10) states that the proposed development should not create unacceptable traffic conditions on the surrounding road network and should be located to reduce where possible the need to travel.
- 35 EN23 of the SDLP requires that proposals for development or redevelopment within or affecting Conservation Areas should be of positive architectural benefit by paying special attention to the desirability of preserving or enhancing the character or appearance of the area and of its setting. The design of new buildings and alterations to existing buildings should respect local character, whilst the treatment of external spaces including hard and soft landscaping, boundary walls, street etc. should be compatible with and enhance the appearance of the area.
- 36 VP1 of the SDLP requires that parking provision in new developments should be made in accordance with KCC adopted vehicle parking standards.

### *Impact upon Conservation Area and designated rural settlement*

- 37 The Conservation Area Appraisal essentially refers to the rural character of this end of the village and of Mill Lane and the isolated nature of the cottages adjacent to the site, fronting Mill Lane. It concludes that the views through to the rear of Crown Road houses from Mill Lane could benefit from being obscured by planting. Any development therefore must preserve this sense of isolation as well as the essentially rural character of Mill Lane.

(Item No 4.1) 13



- 38 In appeal decision 2010, the Inspector concluded in paragraph 8 that new built development would obscure the view of the rear of Crown Road properties seen from Mill Lane, but whether this would be successful in preserving or enhancing the character or appearance of the conservation area would depend on its massing and the detail of its design. Appeal A was found to be unacceptable, but he considered that the Appeal B proposal (for a terrace of 3 and 2 detached dwellings), in this respect would not appear out of place, that the view would be obscured in an appropriate manner, the separation from Mill Lane cottages would preserve the rural setting of those dwellings, the footprints and roof profiles would be similar to the houses in Crown Road and would be seen as an extension of that group, and would not compromise the view of the conservation area. He considered that views from the High Street would not be adversely affected and while residents from Crown Road would notice the change to the character of the conservation area the most, the impact would not be harmful because Crown Road is largely defined by tightly positioned, mostly terraced housing. Appeal B was in the end dismissed on grounds of overlooking.
- 39 In appeal decision 2011, the Inspector considered that the two schemes were both of an acceptable design and would preserve the character and appearance of the conservation area, but again overlooking was the determining issue.
- 40 In Appeal decision 2012 the Inspector had concerns about the massing and detail of the design and its impact on the character and appearance of the conservation area.
- 'the combination of heights and footprints at scales greater than buildings nearby would render the development unacceptably dominant in the street scene with the slope of the land adding to its prominence...The effect would be compounded by the complexities in the modelling and style of the houses. The roof shapes and disparate heights, for instance, show little regard for the simplicity of form and style of the cottages either side... [the removal of the car ports] would not overcome fundamental design issues that would cause the scheme to inflict unacceptable harm on the character of the conservation area, while also adversely affecting its appearance.'*
- 41 The current proposal shows a similar layout and siting to the previous appeal proposals, in which the layout and spacing between buildings was considered acceptable within the rural setting and within the conservation area. The scheme is very similar in layout to the 2011 appeal scheme B for 2 detached dwellings and one terrace of three dwellings.
- 42 Taking into account the above comments from the 2012 appeal decision, the detailed design of the proposal shows lower rooflines that respect and would be less dominant within the existing street scene, and roofs that are more proportionate to the dwellings and in keeping with the simple styled cottages on each side. In the 2012 appeal decision, the rooflines sat at heights of 8.3-9.6m. In the current application, the rooflines sit at between 7.3 and 7.5m. The disparate heights referred to in the 2012 appeal decision have been simplified, and the height of the development reduced at its maximum point by 2.1m. This is a significant reduction.
- 43 The style and modelling of the dwellings has been simplified with the removal of the front gables and the barn hip roof on one of the central units. Unit 1 remains

(Item No 4.1) 14

## Agenda Item 4.2

at a 90 degree angle to the other dwellings and as such, its roofline as seen from Mill Lane is a side-on barn hip, however this allows for views to be maintained through the site and given its reduction in height from the previous application and the uniform nature of the remaining 3 roofs, does not appear complex or out of keeping within the street scene.

- 44 The only element of the proposal which appears out of keeping with the surrounding area is the bay windows. They are located at ground floor level and are set a sufficient distance back from the street. They are also obscured by existing built form and planting. As such, they would not have a significant impact on the character or appearance of the street scene or the conservation area and could not alone be considered to warrant refusal.
- 45 Taking account of the comments made in appeal decision 2012, and the subsequent changes that have been made in this application to the height, proportion and detailing of the dwellings, and the similarities between this scheme and appeal decisions 2010 and 2011, the proposal now provides a scheme that is simple enough, low enough and designed in such a way as to sit comfortably within the street scene, preserve the character and appearance of the conservation area, and the rural character of Mill Lane in compliance with policies EN1 and EN23 of the Sevenoaks District Local Plan, and SP1 of the Core Strategy.

### *Impact upon Listed Buildings*

- 46 The nearest listed buildings are the cottages at 1-5 Mill Lane to the north east of the site. The CA Appraisal identifies their sense of isolation as being of importance both in CA terms and in terms of the setting of the Listed Buildings.
- 47 The Inspectors concluded in respect of the previous schemes that the distance of the proposals further away towards the south and visually more related to houses in Crown Road in form and appearance ensured that the setting of the listed buildings would remain unharmed.
- 48 The current scheme maintains this sense of separation considered of importance. However the Inspector found in appeal decision 2012 that because of the dominance of the buildings owing to the scale and massing and the complexities in the modelling and style of the houses, they would be visually intrusive in the setting of the listed cottages.
- 49 As discussed above, the complexities in modelling and style that the inspector noted have been addressed, and the dwellings and their rooflines are of a simpler style and are more proportionate which is more in keeping with the surrounding buildings. The scale of the proposed dwellings has been reduced by the lowering of the rooflines so that they fit within the existing street scene and so that they relate more comfortably to the surrounding buildings.
- 50 Because the proposal would be more in keeping with the surrounding built form and is no longer dominant with a reduced scale and simplified style and modelling, it would not be visually intrusive in the setting of the listed cottages and as such is considered to have an acceptable impact on the listed cottages in compliance with policy SP1 of the Sevenoaks District Core Strategy.

### *Highways Issues*

(Item No 4.1) 15



- 51 Concern has been raised about the restricted width of the access, levels and type of parking on site, the amount of traffic drawn to the site and the limited width of Mill Lane. It had been previously considered by the Council and residents alike that this combination would result in traffic having difficulty entering the site, resulting in cars and delivery vehicles being parked in Mill Lane whilst visiting/servicing the site. This, it was considered, would cause inconvenience and potential highways safety problems to those using Mill Lane.
- 52 The Inspectors considered these issues previously (initially in the 2010 decision paragraphs 26-30) and concluded that the schemes would provide sufficient off street parking for the residents, that the access whilst narrow, was not sufficiently bad to justify the schemes being refused, that any vehicles waiting or reversing up the road would not be likely to cause highways safety issues when residents would all be aware of the problems, and that other houses in the Lane suffer some similar problems. Overall they did not see any conflict with those policies designed to protect highway safety. Appeal decision 2012 took the same view.
- 53 Kent Highways have assessed the application and consider that the proposal itself appears to have no greater highway impact than either of the previous proposals and, indeed has a lesser impact than one of the schemes for which the Inspector concluded that the highway impact was not significant enough to uphold the access-related highway objection.
- 54 Whilst KHS have highlighted the potential issues of concern to them relating to access and parking, they have advised that it would not be appropriate to recommend objection on grounds which had previously been dismissed by an Inspector unless the new proposal was going to have a measurable additional impact over and above that which had been previously considered. This is not the case and as such, a highway ground of refusal could not be defended at appeal.
- 55 Overall whilst local residents do not agree with the conclusions of the Inspectors, and the problems to which they have referred are clearly going to be evident on the ground should this scheme be approved, the views of the Inspector in recent decisions must be a material consideration. There is little choice than to accept that the parking and highways situation with regard to this application would be acceptable.

*Neighbours Amenities:*

- 56 Concerns about loss of amenity have been thoroughly considered in the previous appeals and applications. The issues relate to overlooking between upper floor windows and also impact on privacy relating to the use of gardens in the new and existing dwellings.
- 57 The 2010 appeal decision stated there was potential to achieve a successful spatial relationship in a new development but concluded that both proposals would result in unacceptable overlooking. In the 2011 appeal decision - Appeal A which was dismissed on conservation grounds - the inspector considered that the location of unit 4 at 16m from the boundary with the Crown Road properties would represent a significant increase in separation distance from the previous appeal and that it would be sufficient to protect the outlook and privacy of Crown Road residents. In Appeal B the gap was smaller and not considered to be sufficient.

(Item No 4.1) 16

## Agenda Item 4.2

- 58 In the 2012 appeal decision scheme, the upper floors (and upper windows) of the proposal were pulled back 16m from the rear boundary of the site. The inspector found that this was now an acceptable arrangement and also considered that the length of the rear gardens to units 1-4 (at a minimum of 14.4m in length) would provide a satisfactory relationship between the existing and new properties to ensure mutually acceptable living conditions in terms of noise associated with normal domestic activities. She concluded that *'while there can be no doubt that local residents would notice a material change to their environment, the scheme would not impact on their living conditions to such an extent as to cause unacceptable harm. The proposal would thus meet the relevant requirements of LP policy EN1.'*
- 59 The current scheme has retained the upper floors behind the 16m line. It has also pulled the majority of built form at ground floor back to the same distance with all ground floor openings back at least 16m. The previous appeal decisions have set an acceptable distance for upper floors at 16m back from the rear boundary, and an acceptable distance back at ground floor level of min 14.4m. As such, the proposal at ground and upper floor levels is sited at distances previously considered appropriate and cannot therefore be considered to cause unacceptable harm to the living conditions or the privacy of the residents of Crown Road.
- 60 The 2012 appeal decision considered that the proposal would not appear over dominant or cause shadowing even with the differing ground levels. She raised no objection to the impact of the proposal on views from the garden of 3 Mill Lane Cottages or to the impact on the garden of 5 Mill Lane Cottages. She considered that the extent to which the residential amenities of the occupiers of 3 Oxbourne Cottages would be affected not so substantial as to amount to a reason for refusal.
- 61 The current proposal is lower, less substantial and located, in some aspects, further away from the existing adjacent dwellings than that considered by the 2012 appeal decision. Given these findings and in the context of previous appeal decisions, the current proposal can not be considered to impact on the living conditions of local residents to such an extent to cause unacceptable harm and is in accordance with the requirements of EN1 of the Local plan.

### Other issues

#### *Impact upon AONB*

- 62 This site lies wholly within the AONB and is capable therefore of affecting that landscape. However the village surrounding the site also lies within the AONB and it is considered that in principle this site could be developed without harming the surrounding landscape. The site is visible from the rising ground to the west but would be seen as part of the surrounding village and firmly forming a part of that village.
- 63 As the AONB washes over the built up part of Shoreham, the views expressed in relation to the impact on the character and appearance of the conservation area would apply equally to this part of the AONB and in that respect, the proposal complies with CS policy LO8.

#### *Affordable Housing provision*

(Item No 4.1) 17



- 64 The proposal involves the provision of additional new housing. As such there is a requirement for an affordable housing contribution under policy SP3 of the Sevenoaks District Core Strategy. An acceptable agreement has been submitted towards this provision providing a contribution of £74,069.

*Emergency Access*

- 65 Any development approved would also have to comply with the relevant building regulations which would encompass emergency access to the site.

*Servicing/Utilities*

- 66 The provision of utilities will obviously be required but should such provision require any material changes to the scheme either in terms of movement of the units or additional structures to hold fuel, this would be the subject of a fresh application. The implications of such matters in terms of highways issues were previously brought to the attention of the Inspector and not considered such a significant issue as to warrant a refusal of permission.

*Refuse Collection*

- 67 No provision has been made for the collection of refuse from the site. SDC Recycling has commented that owing to the inability of the refuse vehicles to access the site because of the poor access, they would need to block the lane during collection. Therefore each household should place its weekly refuse and recycling at the front of their property for collection, or alternately, a refuse storage area could be situated at Mill Lane or just inside the proposed development behind one of the two existing garages.

*Ecology*

- 68 Lighting and the requirement for biodiversity enhancements as outlined in the consultation response from KCC can be controlled via condition.

Sustainable development

- 68 Policy SP2 of the SDC Core Strategy requires that new homes will be required to achieve at least Level 3 of the Code for Sustainable Homes. No indication of this has been provided in the application documents and no justification given why the development may not meet the requirement. A requirement for this could be made by condition

**Conclusion**

- 69 The recent planning and appeal decisions on this site have set defined parameters for development. The current proposal falls within these parameters in terms of the layout, massing, styling and design of the buildings, its detailing, roofline, uniformity and relationship with the existing street scene and to surrounding buildings. The resulting proposal preserves the character and appearance of the conservation area, rural settlement and landscape of the AONB. It would not be visually intrusive in the setting of the listed cottages and does not have a significantly detrimental impact on the living conditions and amenity of surrounding occupiers. The impact of the proposal in highway terms would be acceptable. A legal agreement to make an acceptable affordable

(Item No 4.1) 18

## Agenda Item 4.2

housing contribution has been provided. Other matters relating to biodiversity, sustainability and refuse storage can be satisfactorily dealt with by condition.

### Background Papers

Site and Block plans

Contact Officer(s):	Joanna Russell Extension: 7367
Kristen Paterson Community and Planning Services Director	

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MD06AVBK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MD06AVBK8V000>

(Item No 4.1) 19

5.1 **Objection to Tree Preservation Order number 15 of 2013**  
**Located at The Old Mill House, Mallys Place, South Darenth**

**ITEM FOR DECISION**

This report sets out details of objections received to this order.

**RECOMMENDATION**

That the Tree Preservation Order No. 15 of 2013 be confirmed without amendments.

The Site and Background

- 1 Tree Preservation Order (TPO) No. 15 of 2013 relates to a Birch tree situated at The Old Mill House, Mallys Place, South Darenth.
- 2 This tree was protected following a conservation area notification (SE/13/02935/WTCA), to remove it. Situated to the front of the property, it is a prominent specimen that can be seen from the main road and neighbouring dwellings. Its removal would have a negative impact on the amenity of the conservation area that it is growing in. TPO 15 was served in order to afford it continued protection following the aforementioned notification.

Objections

- 3 An objection to the TPO has been received from Mr & Mrs Silvestri of 5 Mallys Place, South Darenth, a neighbouring property. Mr and Mrs Silvestri object to the serving of the order on the grounds that the Birch tree is situated on private land. They also object on the grounds that the tree is situated on the riverbank and so its roots would damage the river and its banks. They also claim that the roots could potentially damage the drive of Mallys Place. They also object on the grounds that when planted, the tree owner gave assurances that the tree was a miniature variety and would not attain a size beyond eye level. They also object on the grounds that the tree affects telephone wires and falling branches are a hazard to users of Mallys Place and Holmesdale Road.
- 4 Another objection has been received from Ms S Thompson of 4 Mallys Place, South Darenth, a neighbouring property. Ms Thompson objects to the serving of the order on the grounds that the Birch tree blocks light to her property. Ms Thompson also objects on the grounds that this tree was not included within the original landscaping scheme when the properties were built. Ms Thompson also objects on the grounds that the roots of this tree would damage the sewage pipe which runs to the front of her and her neighbour's properties. Ms Thompson also objects on the grounds that the tree is situated in an unsuitable location due to the narrowness of the river bank. Ms Thompson also claims that by planting this Birch, the previous owner breached the covenants of the deeds that exist and require all owners to inform each other when changes to the front of the properties take place.

Response to Objections

- 5 In response to the objection raised by Mr & Mrs Silvestri, the ownership of this tree is irrelevant with regards to its amenity value. Regardless of who owns the Birch, its loss would be detrimental to the local amenity. With regards to the tree

## Agenda Item 5.1

growing besides the riverbank, this tree should not pose a threat to the stability of the bank. There are other trees situated besides the river within the vicinity of the Birch. I am unaware of them causing damage to the bank. With regards to the roots of this tree damaging the driveway to Mallys Place, it is impossible to predict whether damage would occur to the drive or not in the near or distant future. If this did occur, the drive could be reinstated and repaired. This also applies to the potential damage to the sewage pipe located to the front of the property. It is impossible to predict whether tree roots may or may not damage pipework in the near or distant future. Normally, roots would not enter pipework unless a defect or fault is present. With regards to the assurances given by the previous owner when the Birch was planted, this is something we as an authority were not party to and so cannot comment on. Whatever the reasoning behind the planting of this tree or whether it has naturally seeded itself, this tree is present and is situated within a prominent position. Its loss would be detrimental to the local area.

- 6 With regards to the objections raised by Ms Thompson, the problem of the loss of light to the properties could be overcome by carrying out pruning operations on a regular cycle. With regards to this tree not being included within the approved landscaping scheme, this again is immaterial. The Birch is a fairly new addition to the landscape but is now of a size to be considered worthy of retention and therefore protection.

### **Conclusion**

- 6 Given the aforementioned information. It is suggested that the details as provided within the objections to this TPO are not strong enough reasoning to leave this prominent tree without any formal protection. It is my recommendation therefore that TPO 15 of 2013 be confirmed without amendments. Please find attached TPO/15/2013 (Appendix 1).

Contact Officer(s): Mr L Jones Arboricultural & Landscape Officer  
Extension 7289

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





**SCHEDULE 1**

**SPECIFICATION OF TREES**

**Trees specified individually**  
(encircled in black on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
T1	Birch	Situated at The Old Mill House, Mallys Place, South Darenth, Kent.

**Trees specified by reference to an area**  
(within a dotted black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
	None	

**Groups of trees**  
(within a broken black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
	None	

**Woodlands**  
(within a continuous black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
	None	

\* complete if necessary to specify more precisely the position of the trees.