

DEVELOPMENT CONTROL COMMITTEE

04 September 2014 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

AGENDA

Membership:

Chairman: Cllr. Williamson

Vice-Chairman

Cllr. Miss. Thornton

Cllrs. Mrs. Ayres, Bosley, Brookbank, Brown, Clark, Cooke, Edwards-Winsor, Firth, Gaywood, McGarvey, Neal, Orridge, Mrs. Parkin, Raikes, Miss. Stack, Underwood and Walshe

Pages

Apologies for Absence

1. **Minutes** (Pages 1 - 10)
To approve the minutes of the meeting of the Committee held on 31 July 2014 and 14 August 2014 as a correct record.
2. **Declarations of Interest or Predetermination**
Including any interests not already registered
3. **Declarations of Lobbying**
4. **Planning Applications - Chief Planning Officer's Report**
 - 4.1. **SE/14/00642/FUL - Holly Bush Lane, Sevenoaks TN13 3UJ** (Pages 11 - 28)
Demolition of existing garden building with the retention of its existing facade to facilitate a new dwelling.
 - 4.2. **SE/14/01527/FUL - Tubs Hill House, London Road, Sevenoaks TN13 1BL** (Pages 29 - 44)
Erection of 4 new dwellings at roof level, changes to elevations including projections at the front of the existing building, and associated landscaping.
 - 4.3. **SE/14/01618/ADV - Marks And Spencer, 66 London Road, Sevenoaks TN13 1AT** (Pages 45 - 52)
Installation of 4 fascia signs (2 illuminated).

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 or speak to a member of the Democratic Services Team on 01732 227350 by 5pm on Monday, 1 September 2014.

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 31 July 2014 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Miss. Thornton (Vice Chairman)

Cllrs. Mrs. Ayres, Brown, Clark, Edwards-Winser, Firth, Gaywood, Orridge, Mrs. Parkin, Miss. Stack and Underwood

Apologies for absence were received from Cllrs. Bosley, Brookbank, Cooke, McGarvey, Neal, Raikes and Walshe

Cllrs. Ayres, Grint and Piper were also present.

32. Declarations of Interest or Predetermination

Cllr. Williamson clarified that in relation to minute item 35, SE/14/01679/FUL - Land South Of Roxburgh, Pound Lane, Knockholt TN14 7NA, he had been at school with the resident for no. 7 Bond Close and had played cricket with him 19 years ago.

33. Declarations of Lobbying

There were none.

Reserved Planning Applications

The Committee considered the following planning applications:

34. SE/14/01679/FUL - Land South Of Roxburgh, Pound Lane, Knockholt TN14 7NA

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 for the erection of a two storey detached dwelling house with an attached single storey garage and associated parking, and access from Bond Close. The application had been referred to the Committee at the request of Councillor Williamson to consider the impact of the proposal on the character and appearance of the area in relation to policy EN1 of the Sevenoaks Local Plan.

Members' attention was brought to further information contained within the late observations sheet, which amended recommended condition 2. It was noted that a Members' Site Inspection had been held for this application.

The Committee was addressed by the following speakers:

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Development Control Committee - 31 July 2014

Against the Application: Tony Slinn
For the Application: Ian Wyatt
Parish Representative: Cllr. Mrs. Jones
Local Member: Cllr. Grint

Members asked questions of clarification from the Officers. The new development would have a height of 7.4m to the ridge and 5.3m to the eaves compared to 8m and 5.5m for no.8 Bond Close. Officers confirmed there was a landscaping condition which could protect trees on site. The Legal Services Manager confirmed to Members that despite the boundary contention, the Council had been told that all appropriate notices had been served and when he looked at the legal title as part of the Section 106 obligation it appeared that the applicant was correct. Although the Council had been informed part of the boiler house at no.8 may be removed, the Council had no control over this as it did not form part of the application site.

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 noted that the site constituted previously undeveloped back garden. It was thought that the proposal was out of proportion with the plot in height size and mass. It would be detrimental to the defined streetscene as it would be the same size as the only other dwelling that was noticeably out of keeping. It would be overbearing and would affect the outlook and visual amenity of the kitchen at no.7 Bond Close.

The motion was put to the vote and it was lost. It was moved by the Chairman and duly seconded that planning permission be refused as The proposed development would result in an overdevelopment of the site by virtue of the dwelling's size, scale, bulk and mass and would appear cramped form of development, out of character with the established pattern of development in the locality contrary to Policy EN1 of the Sevenoaks District Local Plan and SP1 of the Sevenoaks Core Strategy.

The motion was put to the vote and it was

Resolved: That planning permission be refused as the proposed development would result in an overdevelopment of the site by virtue of the dwelling's size, scale, bulk and mass and would appear cramped form of development, out of character with the established pattern of development in the locality contrary to Policy EN1 of the Sevenoaks District Local Plan and SP1 of the Sevenoaks Core Strategy.

(Cllr. Williamson resumed the Chair)

35. SE/14/00905/HOUSE - Childs Cottage, Childsbridge Lane, Kemsing TN15 0BZ

The proposal was for the erection of a single storey extension and insertion of an eyebrow window within the existing thatched roof. The site was outside the confines of Kemsing and was in the Green Belt. The application was referred to the Committee by Councillor Miss. Stack to debate the applicant's case for very special circumstances and

whether it outweighed the harm to the Green Belt by reason of inappropriateness. Members' were referred to the Case Officer's report.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Michael Dade
Parish Representative:	-
Local Member:	-

Members asked questions of clarification from the Officers. In response to a question, the Case Officer advised she did not believe, on the balance of probability, that there was a reasonable likelihood of the applicants carrying out their fallback position under Permitted Development rights, which constituted the applicant's very special circumstances. No lawful development certificates had been applied for or granted on site including for the fallback position.

It was moved by the Chairman and was duly seconded that the recommendation in the report to refuse permission be adopted.

Members said that if the proposal were not granted permission then it was likely the applicant could build out their fallback proposal under permitted development. The present proposal was preferable, in terms of impact, to the development that fallback proposal.

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

It was moved by the Chairman and duly seconded that planning permission be granted subject to the removal of Permitted Development rights for extensions and outbuildings and such other conditions as to be decided by the Chief Planning Officer in consultation with the local Members.

Members thought that the height, bulk and scale of the development, if approved, would be the most the site could hold and that further extensions or outbuildings would have a cumulative effect such as to be detrimental to the openness of the Green Belt.

The motion was put to the vote and it was

Resolved: That planning permission be granted subject to the removal of Permitted Development rights for extensions and outbuildings and such other conditions as to be decided by the Chief Planning Officer in consultation with the local Members.

THE MEETING WAS CONCLUDED AT 8.23 PM

CHAIRMAN

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DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 14 August 2014 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Miss. Thornton (Vice Chairman)

Cllrs. Mrs. Ayres, Clark, Cooke, Edwards-Winsor, Gaywood, McGarvey, Orridge, Mrs. Parkin, Raikes, Miss. Stack and Underwood

Apologies for absence were received from Cllrs. Bosley, Brookbank, Brown, Firth, Neal and Walshe

Cllrs. Ayres, Mrs. Davison, Pett and Scholey were also present.

36. Minutes

Resolved: That the minutes of the Development Control Committee held on 24 July 2014, be approved and signed by the Chairman as a correct record.

37. Declarations of Interest or Predetermination

Cllrs. Clark and Mrs Parkin declared that they knew the applicant for minute item 40, SE/14/00849/HOUSE & SE/14/00850/LBCALT - Threeways, The Street, Ash TN15 7HA. Cllr. Clark confirmed that he would speak on the matter but would not vote. Cllr. Mrs Parkin confirmed that she would neither speak nor vote on the matter.

38. Declarations of Lobbying

Cllrs. Mrs. Ayres, Clark, Cooke, Edwards-Winsor, McGarvey, Miss. Stack and Williamson declared that they had been lobbied in respect of minute item 40 SE/14/00849/HOUSE & SE/14/00850/LBCALT - Threeways, The Street, Ash TN15 7HA.

Reserved Planning Applications

The Committee considered the following planning applications:

39. SE/14/01187/FUL - Weald Cottage & South Cottage, Four Elms Road, Edenbridge TN8 6AB

The proposal was for the demolition of South Cottage and Weald Cottage and their replacement with a terrace of four town houses with 2 car parking spaces per property, an access road to the rear, garages and landscaping. The site was in the urban confines of Edenbridge and backed onto industrial units in Commerce Way.

The application was referred to the Committee at the request of Councillor Scholey on the grounds that the proposal was not providing an affordable housing contribution and was not financially viable. Members were referred to the Case Officer's report.

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Development Control Committee - 14 August 2014

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Neil Goodhew
Parish Representative:	-
Local Member:	Cllrs. Scholey and Mrs. Davison

Members asked questions of clarification from the Speakers and Officers. Officers confirmed to the Chairman that a CIL payment of £16,000 would be payable on commencement of development. The CIL payment had not been taken account of in the viability assessment on the possible affordable housing contribution. Officers intended that recommended condition 5 would allow Officers to ensure that correct contracts were in place to allow development to take place all at once, before the present site was demolished. This would lessen the chance of a vacant, demolished plot as happened at the neighbouring Beechwood. Officers added that viability was not a material consideration in whether to grant planning permission.

It was moved by the Chairman and was duly seconded that the recommendation in the report to grant permission subject to conditions be adopted.

Members said that the applicant had provided all the information asked for, concerning viability, and had satisfied the test. The design of the proposed development was acceptable, if functional. It would provide family houses which were more affordable due to their size.

The motion was put to the vote and it was

Resolved: That planning permission be granted subject to the following conditions

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

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

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:- Drawing Number P300 Revision P1, dated April 2014, stamped amended plan;- Drawing Number P301 Revision P3, dated April 2014, stamped amended plan;- Drawing Number P310 Revision P1, dated June 2014, stamped amended plan;

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 dwellings and garages 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.

- 4) The development shall achieve a Code for Sustainable homes minimum rating of level 4. 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 4 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 by Policy SP2 of the Sevenoaks Core Strategy.

- 5) No development shall commence until details of the contract for the carrying out of the works of redevelopment of the site has been submitted to and approved in writing by the Local Planning Authority.

To ensure that the demolition is carried out as a continuous operation with the redevelopment of the site, in the interests of visual amenity in accordance with Policy EN1 of the Sevenoaks District Local Plan.

- 6) No development shall commence until the drainage details of the SUDS scheme have been submitted and approved in writing by the Local Planning Authority. The details shall:
- Specify the responsibilities of each party for the implementation of the SUDS scheme;
 - Specify a timetable for implementation;
 - Provide a management and maintenance plan for the lifetime of the development;

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The approved scheme shall be implemented in full.

In the interests of flood prevention and to ensure adequate drainage on the site.

- 7) The first floor windows in the east and west elevations of the terrace block, at all times, shall be obscure glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room.

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

- 8) No development shall be carried out on the land until full details of external surface of hardstanding area (bound surface) have been submitted to and approved in writing by the Council. The approved details shall be implemented in full.

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Development Control Committee - 14 August 2014

In the interest of highway safety and to preserve the visual appearance of the area.

- 9) No development shall be carried out on the land until full details of soft and hard landscape works and associated screening / boundary treatment 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);-a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); and-a programme of implementation;-details of proposed screening / boundary treatment;

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.

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

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

- 11) Before any equipment, machinery or materials are brought on to the land for the purposes of the development, a tree protection statement and plan for the trees on the site shall be submitted to and approved in writing by the Council. Also: A) The means of protection shall be maintained until all equipment, machinery and surplus materials have been removed from the land. B) Within a retained tree protected area:

- Levels shall not be raised or lowered in relation to the existing ground level;
- No roots shall be cut, trenches cut, or soil removed;
- No buildings, roads, or other engineering operations shall be constructed or carried out;
- No fires shall be lit;
- No vehicles shall be driven or parked over the area;
- No materials or equipment shall be stored.

To secure the retention of the trees at the site and to safeguard their long-term health as supported by Policy EN1 of the Sevenoaks District Local Plan.

- 12) The parking spaces / car port shown on drawing P301 Revision 3 shall be provided before the occupation of the dwellings hereby approved 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 to preclude vehicular access.

In the interests of highway safety.

Informatives

- 1) In terms of sewers the applicant is reminded of the following:

- No development or new tree planting should be located within 3 metres either side of the centre line of the public sewer and all existing infrastructure should be protected during the course of construction works.
 - No new soakaways should be located within 5 metres of a public sewer.
- In addition a formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water.

- 2) The proposed development has been assessed and it is the Council's view that the CIL IS PAYABLE. Full details will be set out in the CIL Liability Notice which will be issued with this decision or as soon as possible after the decision.

40. SE/14/00849/HOUSE & SE/14/00850/LBCALT - Threeways, The Street, Ash TN15 7HA

The proposal sought planning permission and listed building consent for the erection of two-storey side extension following demolition of part of the attached listed wall, alterations to rear garden room, minor internal alterations and repairs to chimney stack. The site was at the end of Grade II listed Wallace Terrace and was in the Green Belt.

The application was referred to the Committee at the discretion of the Chief Planning Officer as the recommendation was at odds with conservation advice obtained at pre-application stage by a former Officer of the Council.

Members' attention was brought to further information contained within the late observations sheet, but did not propose any amendments or changes to the recommendation before the Committee.

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

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Chris Munn
Parish Representative:	-
Local Member:	Cllr. Pett

Members asked questions of clarification from the Speakers and Officers. Officers confirmed that the Conservation Officer had felt that the size of the extension the symmetry of the property and the historic floorplan were significant characteristics. Officers had telephoned English Heritage and confirmed that the property had not been delisted because of previous alterations. Officers advised that the applicant did intend to match brick with existing elevations, as well as bonding and tiles.

It was moved by the Chairman and was duly seconded that the recommendation in the report to refuse permission be adopted.

Members were disappointed at the handling of the application process, with the applicants suffering from contradictory advice between the former and present Conservation Officers.

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Development Control Committee - 14 August 2014

A Member indicated that the matter was not clear as even the Conservation Officers had opposing views. Members noted the comments of the Georgian Group that the proposal would “nearly double the footprint of the listed building” and that this was incorrect. Members felt it would be preferable to have a comment from the Georgian Group once the facts of the application had been made clear.

Some concerns were raised by the Committee that the development may overwhelm the host. However Members also indicated the development may provide balance to the terrace as a whole.

A Member suggested that the windows of the proposal perhaps should have matched the existing fenestration. Some Members suggested that the preservation of the fireplace may be beneficial to the conservation of the property, however more information would be needed.

It was moved by the Chairman that the application be deferred to obtain the further information required and so that when the item was reported back to Committee the Conservation Officer would attend the meeting. The motion was put to the vote and it was

Resolved: That consideration of the applications for planning permission and listed building consent be deferred to allow

- 1) the Conservation Officer to contact the Georgian Group to obtain a revised response based on clarity over the size of the extension;
- 2) the Conservation officer to carry out an internal inspection, including considering the historic value of the kitchen fireplace and whether it needs to be retained if an extension is agreed;
- 3) consideration of whether the design of the windows should be altered to better relate to the form of windows on the original building; and
- 4) when the item is reported back for the Conservation Officer to attend the meeting.

THE MEETING WAS CONCLUDED AT 8.33 PM

CHAIRMAN

4.1 SE/14/00642/FUL

Date expired 19 May 2014

PROPOSAL:

Demolition of existing garden building with the retention of its existing facade to facilitate a new dwelling.

LOCATION:

3 Holly Bush Lane, Sevenoaks TN13 3UJ

WARD(S):

Sevenoaks Eastern

ITEM FOR DECISION

This application has been referred to the Development Control Committee since the Officer's view is at variance to the response provided by the Town Council and at the request of Councillor Walshe who is concerned about the potential impact on the conservation area. Councillor Mrs Purves wished for it to be noted that she has had no involvement in the process of considering the application since she is an adjoining neighbour to the site.

RECOMMENDATION A: That subject to receipt of a signed and valid S106 Obligation to secure the off-site affordable housing contribution within 28 days of the decision of the Development Control Committee, that authority be delegated to the Chief Planning Officer to GRANT planning permission subject to the following conditions:-

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

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2015 L1, 2015 L2A, 2015 L3A, 2015 L5 and 2015 S03.

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

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

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

4) No development shall be carried out on the land until full details of soft landscape works have been submitted to and approved in writing by the Council. Those details shall include:-planting plans (identifying existing planting, plants to be retained and new planting);-a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); and-a programme of implementation.

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

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

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approved details.

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

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

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

7) No development shall be carried out on the land until details of the foundation design within the root protection area of the retained Oak tree and details of the proposed utility routes through the site have been submitted to and approved in writing by the Council. The development shall be carried out using the approved details and fully in accordance with the tree protection methods included in section 8 of the Arboricultural Survey, dated 7th July 2014.

To secure the retention of the proposed retained mature trees on the site and to safeguard their long-term health as supported by the National Planning Policy Framework.

8) The ground floor windows in the southern elevation of approved house in the windows approved to be inserted into the side elevations of the first floor element of the existing outbuilding shall be obscure glazed and non openable at all times, unless above 1.7m above the internal floor level.

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

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

- i) Prior to the commencement of development, of how it is intended the development will achieve a Code for Sustainable Homes Design Certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority; and
- ii) Prior to the occupation of the development, that the development has achieved a Code for Sustainable Homes post construction certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority.

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

10) The vehicle parking spaces shown on the approved drawing number 2015 L2A 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 vehicle parking spaces.

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

11) No extension or external alterations shall be carried out to the dwelling hereby

approved, despite the provisions of any Development Order.

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

Informatives

1) Please be aware that this development is also the subject of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.

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),
- 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 provided the opportunity to submit amendments which led to improvements to the acceptability of the proposal.

RECOMMENDATION B: In the event that the legal agreement is not completed within 28 days of the decision of the Development Control Committee, the application be REFUSED for the following reason:-

The proposal would lead to a requirement to contribute towards affordable housing provision. In the absence of a completed Section 106 obligation to secure an appropriate level of affordable housing provision, the development would be contrary to policy SP3 of the Sevenoaks District Council Core Strategy.

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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),
- 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) Working in line with the NPPF, the application was refused as the proposal failed to improve the economic, social or environmental conditions of the area.

Description of Proposal

- 1 The application seeks the approval of the erection of a detached dwelling to the rear of the existing house. The new house would be built around an existing two storey high outbuilding in the rear garden of the existing property, which stands on the shared boundaries with 1 Holly Bush Lane and Nos.2 & 4 Park Lane. The flat roof building would be altered so that the roof would be mono-pitched dropping in height into the site, with the front of the building being built up to meet the new roof.
- 2 The remainder of the proposed house would be single storey in design, curving around the southern and western boundaries of the site. A small projection above the roof would be created at the western end of the house, with a mono-pitched roof, to provide high level windows that would face into the site. The building would have a modern appearance, with an untreated zinc standing seam mono-pitched roof and a mixture of brickwork and white render sections for the walls.
- 3 Access to the property would be provided through the underpass of the existing house and parking would be provided directly to the rear of the existing dwelling.

- 4 The applicant indicates as part of their submission that the existing house would be used as ancillary accommodation to the proposed house. However, no legal agreement has been submitted tying the use of the two properties and conditions imposed are not considered to be sufficient as the property has all the facilities to be a dwelling in its own right. It is therefore the case that the application has been assessed on the basis that the new house would be constructed in addition to the existing dwelling.

Description of Site

- 5 The application site comprises a two storey detached dwelling, which fronts Holly Bush Lane, and a large split level outbuilding. The property is positioned on the western side of the road directly adjacent to the highway. Vehicular access into the site is via an undercroft access which leads into a forecourt behind the house. The dwelling is served by a very substantial rear garden that is much larger than those which surround the application site.
- 6 The existing rear garden is currently laid to lawn and also includes the outbuilding that is located adjacent to the site's southern boundary.

Constraints

- 7 The application site is within the built urban confines of Sevenoaks and the Vine Conservation Area. The site is adjacent to the Vine Court Conservation Area and a listed building at 2 Park Lane.

Policies

Sevenoaks District Core Strategy

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

Sevenoaks District Allocations and Development Management Plan (ADMP)

- 9 Policies – SC1, EN1, EN2, EN3, EN4 (moderate weight) and T2 (significant weight replacing policy VP1 of the Local Plan)

Sevenoaks District Local Plan

- 10 Policies – EN1 and EN23

Other

- 11 The National Planning Policy Framework (NPPF)
- 12 Affordable Housing Supplementary Planning Document (SPD)
- 13 The Vine and Vine Court Conservation Area Appraisals

Planning History

- 14 None relevant to this planning application.

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Consultations

Sevenoaks Town Council – 06.08.14

- 15 'Sevenoaks Town Council recommended refusal on the following grounds:
1. The proposal would fail to protect the setting of the adjacent Grade II listed building and would fail to either preserve or enhance the appearance of the Vine Conservation Area in which the site is situated
 2. The proposal would impose an unacceptable impact on the residential amenities of neighbouring properties, especially no.2 and no.4 Park Lane by reason of the obtrusive roofline, as well as privacy, noise, and light pollution.
 3. The proposal would constitute overdevelopment of the plot, reducing its open character and thus be contrary to the distinctive grain and pattern of the area.
 4. The proposal to fell one of two important trees on the site would detract from the character of the Conservation Area.
- 16 The proposal would therefore be contrary to saved policies EN1 and EN23 of the Sevenoaks District Local Plan, Policy SP1 of the adopted Sevenoaks District Core Strategy as well as creating an inappropriate building in terms of the NPPF.'

Conservation Officer – 16.05.14

- 17 'The site is within the Vine conservation area and there is no objection in terms of paras. 131 and 138 of the NPPF, as the proposal fully accords with the preceding pre-application advice (PA/13/01018). The subject site is also within close proximity to a Grade II listed building. However, the new building will sit comfortably in the local context and not have an unduly dominant presence. In consequence, it will have little impact on the visual quality of the setting of the neighbouring listed building and there is also no objection in terms of para.137 of the NPPF.'

Tree Officer – 13.08.14

- 18 'I offer no objections to this proposal and accept the tree protection methods as stated. I suggest that any consent should condition the foundation design within the RPA of the retained Oak tree (T4). I also suggest that any utility routes should be designed outside of the aforementioned T4.'

Representations

- 19 Forty-three letters of representation have been received, with many of these comprising more than one letter received from the same neighbour. Ten letters have been written in support of the application and the remaining thirty-three raise objections to the scheme on the following grounds:

- Loss of trees;
- Overdevelopment of the site;
- Impact on the conservation areas;
- Comparisons with the scheme at 1 Holly Bush Lane and Lyndhurst Cottage both dismissed at appeal;

- Light pollution;
- Loss of privacy;
- Loss of visual amenities;
- Noise disturbance;
- Creation of two separate dwellings;
- Density of the development;
- Overbearing effect;
- Overlooking;
- Outlook;
- Inappropriate development of a garden and garden grabbing;
- Impact on listed building;
- Highways safety;
- Size of the proposed house;
- Loss of green space;
- Parking provision;
- Use of the existing house;
- Biodiversity;
- Loss of amenity; and
- Pollution.

Chief Planning Officer's Appraisal

20 The main issues in this case are the principle of the development, the potential impact on the character and appearance of the area, the potential impact on neighbouring amenity and the potential impact on trees. Other issues include an affordable housing provision, the Code for Sustainable Homes, parking provision, the potential impact on highways safety, and sustainable development.

Main Issues

Principle of the development

21 The site falls within the built confines of Sevenoaks and so policy LO2 of the Core Strategy applies. This policy seeks to protect the setting of the urban area and the distinctive character of the local environment. In my view, the site is suitable for residential development, given that it currently has a residential use and is located close to the services offered within Sevenoaks town centre. The question of whether the development would protect the setting of the urban area and the distinctive character of the local environment will be addressed below.

22 The NPPF excludes land in built-up areas, such as private residential gardens from the definition of previously developed land. Paragraph 53 of the document advises that local planning authorities should consider the case for setting out

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policies to resist inappropriate development of residential gardens, for example, where development would cause harm to the local area.

- 23 Annex 2 of the NPPF provides a definition for previously developed land stating that it is land 'which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.' This definition excludes, amongst other categories, 'land in built-up areas such as private residential gardens, parks, recreation grounds and allotments'.
- 24 However, the Framework does not preclude development on garden land as a matter of principle. The Local Plan and Core Strategy both contain policies to protect the character of local areas, but neither document sets out any express aim to resist inappropriate development of residential gardens. Policy LO1 of the Core Strategy advises that development will be focused within the built confines of existing settlements, with Sevenoaks being a location for development of a scale and nature consistent with the needs of the town and the surrounding rural area.
- 25 The site currently provides a detached dwelling, detached outbuilding and the associated amenity land surrounding the property. Since the area of the site to be developed comprises the rear garden area of the house, I consider that the site falls outside the category of previously developed land for the purposes of an assessment against the NPPF.
- 26 Policy SP7 of the Core Strategy states that all new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. In conjunction with the delivery of high quality design and in order to make good use of available land and encourage more sustainable patterns of development and services, higher housing densities are encouraged in the urban area of Sevenoaks, with an overall target of 40 dwellings per hectare. This development would result in an overall density of 14 dwellings per hectare (increasing from 7), which is less than policy requirements but this is not an area where high density development would be compatible with the prevailing character of the area.
- 27 Given the policy presumption in favour of the re-use of appropriately sited land within urban areas, which have good access to a range of services (in this instance Sevenoaks Town Centre), there is no objection to the principle of re-development of the site for a more efficient housing use provided the development complies with all other relevant planning policies.

Impact on the character and appearance of the area

- 28 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a Local Planning Authority, in considering development in a conservation area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 29 The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (para. 132). Paragraph 131 of the NPPF states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, and the desirability of new

development making a positive contribution to local character and distinctiveness in determining planning applications.

- 30 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.
- 31 The NPPF also states that the Government 'attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.' (para. 56)
- 32 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.
- 33 Policy EN1 of the ADMP, which can currently be afforded moderate weight, states that the form of proposed development should respond to the scale, height, materials and site coverage of the area. This policy also states that the layout of proposed development should respect the topography and character of the site and the surrounding area.
- 34 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.
- 35 I therefore consider that these policies are broadly consistent with the NPPF.
- 36 The Conservation Area Appraisal for the area describes the predominant impression within the conservation area as being one of openness with interesting views across and beyond the cricket pitch. The generous spacing between the properties highlights their own individual characters framed by the trees and the wide expanse of sky above. In addition, the existing house on the site is identified as one that contributes to the character of the area.
- 37 This part of the conservation area, and the site itself, possesses an open feeling, with the rear garden area providing an open space in amongst the rear gardens of a number of adjoining properties. Views out of the site and across the site are limited to short distant views due to the number of houses that surround the site. Some visual permeability exists between properties but this is limited.
- 38 The proposed house would have a maximum height of 6.8m, dropping down to 5.5m for the small roof projection at the western end of the proposed house and about 4.5m for the main roof. The proposed dwelling would be built up against the southern and western boundaries of the site. Given the height of the building it would project up above existing boundary treatment but not by a significant height. In the context of the large surrounding properties the building would therefore have a low-key appearance.
- 39 I appreciate that private views into the site would be altered by the presence of the new building. However, the low-key design and appearance of the building would continue to allow views through the site towards other surrounding

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properties and through to the views available in between surrounding properties to the conservation area beyond.

- 40 The house would provide generous spacing to neighbouring properties, including the existing house, and an appropriate landscaping scheme, including the replacement of the Spruce tree proposed to be removed, would retain the framing of the site by trees. The retained spacing would also ensure that the development did not result in an overdevelopment of the site.
- 41 I am of the view that in accordance with the NPPF the design and appearance of the new dwelling would therefore make a positive contribution to the local character of the area and distinctiveness, and as such would sustain the significance of the heritage asset. It follows that I believe that the development would not have a significant harm to the occupiers of neighbouring properties who would continue to be provided with views into the site.
- 42 The Conservation Officer has provided her view and considers that the new building would sit comfortably in the local context and not have an unduly dominant presence. As such the Conservation Officer has raised no objection the proposed development.
- 43 Finally, comparisons are drawn between this application, for a new dwelling to the rear of the existing property where public vantage points are limited, and two recent dismissed appeals at 1 Holly Bush Lane, for a new dwelling in a prominent location on the junction with Holly Bush Lane and Park Lane, and Lyndhurst Cottage to the north of the site on Holly Bush Lane, for alterations to enlarge an existing outbuilding to the front of the plot in a prominent location on the street. Given the fact that the application 1 Holly Bush Lane was for a new dwelling, and stands in the same conservation area as No.3, I can appreciate why comparison have been drawn here. However, as explained above, the house proposed for No.3 would be significantly less prominent than that proposed at No.1 and so I would argue that the conclusions drawn by the Inspector do not apply in full here.
- 44 Overall, I am of the opinion that the proposed dwelling would preserve the significance of the conservation area and the character and appearance of the area generally.

Impact on neighbouring amenity

- 45 Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 46 Policy EN1 of the Sevenoaks District Local Plan requires that any proposed development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants.
- 47 Policy EN2 of the ADMP, which can currently be afforded moderate weight, states that proposals will be permitted where they would provide adequate residential amenities for existing and future occupiers of the development and would safeguard the amenities of existing and future occupants of nearby properties.
- 48 I therefore consider that these policies are broadly consistent with the NPPF.

- 49 Due to the mainly low-key nature of the proposed development and distance of separation to most neighbouring properties the development would potentially most affect the occupiers of 1 Holly Bush Lane, and Nos.2 & 4 Park Lane. Properties on Avenue Road, Vine Court Road and other houses on Park Lane would be sited a minimum of 35m away from the proposed dwelling and as such would not experience a detrimental loss of amenity.
- 50 1 Holly Bush Lane shares its northern boundary with No.3. This boundary possesses a significant amount of mature trees and hedging, which is mainly in the ownership of No.1, and so the occupiers of No.1 have a restricted outlook towards No.3. Notwithstanding the natural boundary screen, outlook would not change significantly following the erection of the house since the structure to the east of the existing outbuilding would be single storey, set at a lower level to No.3. This arrangement and a distance of separation of over 15m would mean that no loss of daylight or sunlight would occur and the new building would not be overbearing. The rear facing window would be at a high level but could be controlled to prevent a perception of overlooking towards No.1 by way of condition.
- 51 2 Park Lane currently shares a boundary with the rear of the existing split level outbuilding, with the structure being two storeys in height on the shared boundary. There would be an appreciation of the new mainly single storey element to the house from No.2. However, this would project either side of the rear boundary and is therefore unlikely to exert a detrimental impact on the occupiers of No.2 in terms of outlook, overbearing effect, loss of light or a loss of privacy.
- 52 4 Park Lane faces the most potential impact since the rear boundary of this neighbouring property would be adjacent to the largest section of the new part of the house. However, with the application site being a slightly lower level than No.4 and the new build being single storey in height I believe that an outlook from No.4 would continue to be enjoyed and the dwelling would not be overbearing. The height of the new element of the proposed dwelling would also ensure that loss of daylight was minimum and the fact that No.4 is to the south of No.3 means that no loss of sunlight would be experienced. Some windows would project up above the existing shared boundary treatment but, again, it would be possible to control these to avoid a perception of overlooking.
- 53 I do not believe that an intensity of the use of the site, with a new dwelling introduced to the site and both dwellings being served by the same access and parking area, would cause undue disturbance to the occupiers of these three adjoining houses. This is because the arrangement of the access and parking provision would remain unchanged from the existing and the new dwelling would screen any disturbances that may occur from the use of the house itself. Control of windows facing onto the adjoining properties to the south would also limit light pollution.
- 54 The proposed dwelling would be a sufficient distance from the existing house at No.3 not to cause a detrimental impact upon the occupiers of the existing property and the shared use of the underpass would come with an element of buyer beware to anyone considering occupying the property. The development would also provide an acceptable level of amenity to the occupiers of the future occupiers of the new house.

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- 55 Overall, I am satisfied that the development would not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants. The development therefore accords with the NPPF, policy EN1 of the Local Plan and policy EN2 of the ADMP.

Impact on adjacent listed building –

- 56 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a Local Planning Authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.
- 57 The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (para. 132).
- 58 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.
- 59 The rear wall of the existing outbuilding forms the rear boundary wall of 2 Park Lane, the adjacent listed building. The new dwelling is proposed to be built off the existing outbuilding, projecting mainly to the west away from No.2, with only minor projections of the essentially single storey building rising above the existing boundary treatment.
- 60 The Conservation Officer is of the view that the new building would sit comfortably in the local context and not have an unduly dominant presence. As a consequence, the Conservation Officer states that the dwelling would have little impact on the visual quality of the setting of the neighbouring listed building.
- 61 I would agree with this opinion and consider that the proposed development would therefore conserve the significance of the adjacent heritage asset in accordance with the NPPF and policy EN4 of the ADMP.

Impact on trees –

- 62 The NPPF states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland (para. 118).
- 63 No trees on the site are covered by a tree preservation order but since the site lies within a conservation area where mature trees are provided with some protection. The development would result in the loss of a mature Spruce tree on the southern boundary of the site.
- 64 The Tree Officer has offered no objections to the proposal and accepts the tree protection methods as stated. A condition is suggested relating to the foundation design within the root protection area of the retained Oak tree and the Tree Officer suggests that any utility routes should be designed outside of the Oak tree, which can also be controlled by way of condition.

- 65 Finally, a suitable planting scheme can be requested by way of condition to seek an appropriate replacement for the mature Spruce tree.
- 66 The proposal would therefore not result in the unacceptable loss of mature trees on the site in accordance with the NPPF.

Other Issues

Affordable housing provision –

- 67 Policy SP3 of the Core Strategy requires that proposals involving the provision of new housing should also make provision for affordable housing. In the case of residential development of less than 5 units, that involve a net gain in the number of units, a financial contribution based on the equivalent of 10% affordable housing will be required towards improving affordable housing provision off-site.
- 68 At the time of writing this report, the applicant has indicated that they are willing to provide a completed legal agreement setting out a financial contribution in line with the requirements of policy SP3 in relation to the new unit proposed to be erected in the rear garden of the building existing house. Discussions are currently ongoing in terms of the level of the contribution required and so a split recommendation has been suggested to reflect this.
- 69 The proposal is therefore wholly acceptable in terms of the requirements of policy SP3 of the Core Strategy.

The Code for Sustainable Homes

- 70 Policy SP2 of the Core Strategy states that new homes will be required to achieve at least Level 3 of the Code for Sustainable Homes.
- 71 This is a matter that has been acknowledged by the applicant but no formal Code for Sustainable Homes assessment has been submitted. This can be required by way of condition to ensure that the development complies with policy SP2 of the Core Strategy.

Parking provision and highways safety

- 72 Policy EN1 of the Sevenoaks District Local Plan requires that proposed development should ensure the satisfactory means of access for vehicles and provides parking facilities in accordance with the Council's approved standards.
- 73 The continued use of the existing vehicular access provided to the site would be entirely acceptable. In addition, the development would provide sufficient parking space for the two dwellings.
- 74 The proposed development would ensure the satisfactory means of access for vehicles and would provide parking facilities in accordance with the Council's approved standards. The proposal would therefore comply with policy EN1 of the Local Plan.

The Community Infrastructure Levy

- 75 The proposal comprises the creation of a new dwelling within the rear garden of the existing house, which is to be retained. As such the development is CIL liable, in full, for the new house to be erected.

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- 76 A self build exemption is available to anyone who builds or commissions their own home for their own occupation providing the relevant criteria are met as set out in Sections 54A, 54B, 54C and 54D of The Community Infrastructure Levy Regulations 2010 (as amended).
- 77 The applicant has submitted the relevant forms to apply for a self build exemption and Members will be updated by way of the late observations presented to them whether officers believe that the applicant qualifies for an exemption in this instance.

Sustainable development

- 78 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking (para. 14). For decision-taking this means approving development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies out of date, granting of permission unless:-
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;
 - specific policies in this framework indicate development should be restricted; or
 - material considerations indicate otherwise.
- 79 In my opinion, the proposed scheme fully accords with the development plan, and I have explained this in detail above. It follows that the development is appropriate and there would be no adverse impact in granting planning permission for the development.

Conclusion

- 80 I consider that the proposed dwelling would preserve the character and appearance of the area and neighbouring amenity, would ensure a satisfactory environment for future occupants, would conserve the setting of the adjacent listed building and would not result in the unacceptable loss of mature trees. Consequently the proposal is in accordance with the development plan and therefore the Officer's recommendation is to approve.

Background Papers

Site and Block plans

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

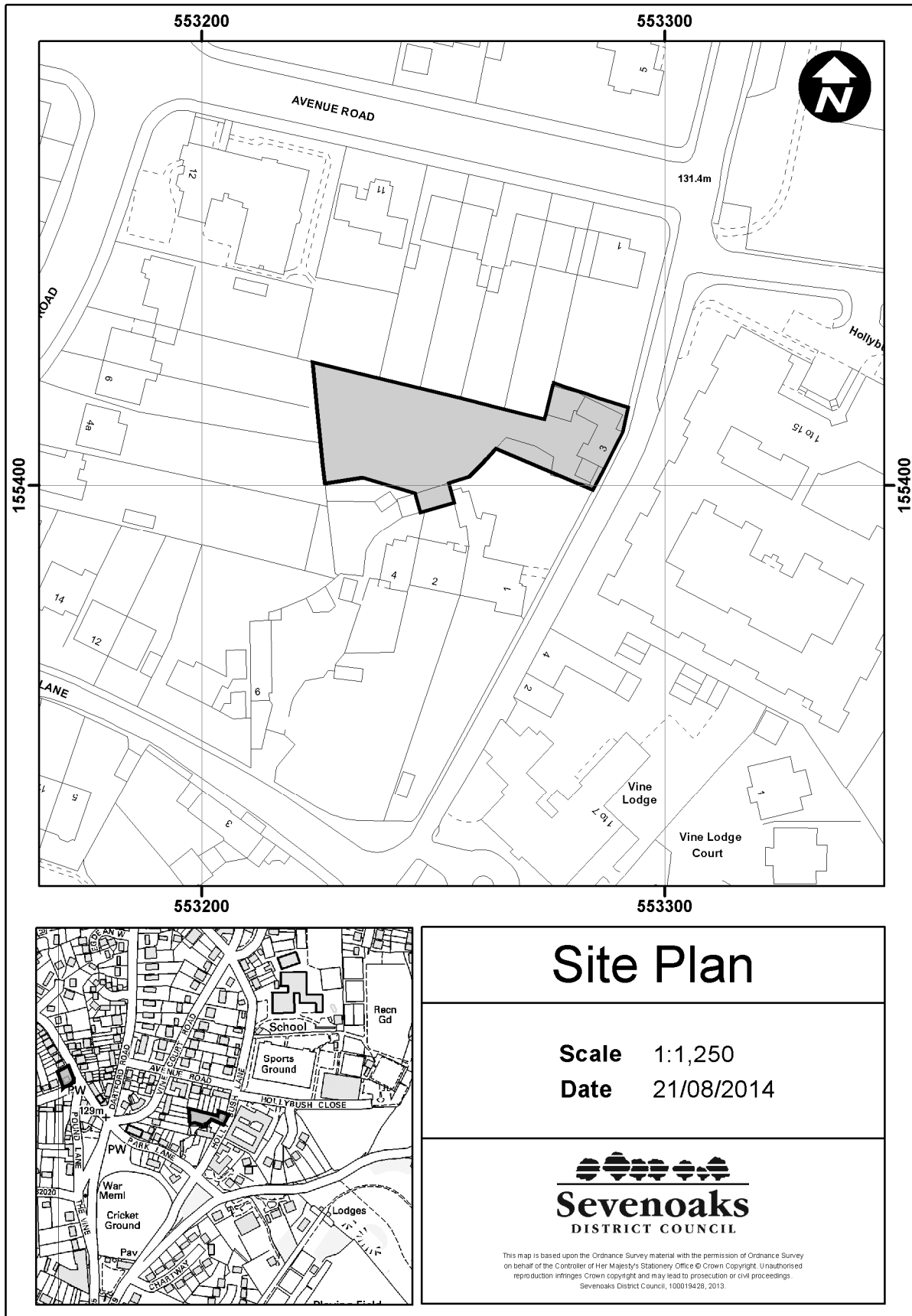
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N1UYUNBK0L000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N1UYUNBK0L000>





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4.2 - SE/14/01527/FUL Date expired 14 July 2014

PROPOSAL: Erection of 4 new dwellings at roof level, changes to elevations including projections at the front of the existing building, and associated landscaping.

LOCATION: Tubs Hill House, London Road, Sevenoaks TN13 1BL

WARD(S): Sevenoaks Town & St Johns

ITEM FOR DECISION

This application has been referred to the Development Control Committee at the request of Councillor Fleming who is concerned about the impact on neighbouring amenity.

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

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

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1323-P-101-010 Revision 01, 1323-P-101-011 Revision 01, 1323-P-101-100 Revision 01, 1323-P-101-101 Revision 01, 1323-P-101-102 Revision 01, 1323-P-101-103 Revision 01, 1323-P-101-104 Revision 01, 1323-P-101-105 Revision 01, 1323-P-101-106 Revision 01, 1323-P-101-107 Revision 01, 1323-P-101-108 Revision 01, 1323-P-101-109 Revision 01, 1323-P-101-110 Revision 01, 1323-P-101-111 Revision 01, 1323-P-102-100 Revision 01, 1323-P-102-101 Revision 02, 1323-P-102-102 Revision 02, 1323-P-102-103 Revision 02, 1323-P-102-104 Revision 02, 1323-P-102-105 Revision 02, 1323-P-103-100 Revision 01 and 1323-P-103-101 Revision 01.

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 building and the extensions 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 area as supported by Policy EN1 of the Sevenoaks District Local Plan.

4) No development shall be carried out on the land until full details of soft landscape works have been submitted to and approved in writing by the Council. Those details shall include:-planting plans (identifying existing planting, plants to be retained and new planting);-a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); and-a programme of implementation.

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

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

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

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

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

7) The development shall achieve a Code for Sustainable homes minimum rating of level 3. Prior to the occupation of the development evidence shall be provided to the Local Planning Authority 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 by the National Planning Policy Framework and policy SP2 of the Sevenoaks District Core Strategy.

8) The rear facing window of the bay windows to be installed in the rear elevations of the building shall be obscure glazed and non openable at all times, unless above 1.7m above the internal floor level.

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

9) No development shall be carried out on the land until details of privacy screens to be erected on the rear wall of the new terraces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved privacy screen.

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

10) No development shall be carried out on the land until a detailed construction management plan has been submitted to and approved in writing by the Local Planning Authority. The plan should take account of all aspects of the proposed works to the building, including the safe removal and disposal of asbestos, and address how the works will be carried out in a manner that avoids significant impacts on the residential amenity of the occupiers of nearby properties. The development shall be carried out in accordance with the approved management plan.

To ensure that the amenities of nearby residents is safeguarded during the course of construction works in accordance with policy EN1 of the Sevenoaks District Local Plan.

11) No development shall be carried out on the land until full details of secure and weatherproof cycle parking for all flats have been submitted to and approved in writing by the Council. The development shall be carried out using the approved details.

To ensure a permanent retention of cycle parking for the site as supported by policy T2 of the emerging Allocations and Development Management Plan document.

12) No development shall take place until a scheme for the provision of at least one communal electrical charging point has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to occupation of the approved development.

To encourage the use of low emission vehicles, to reduce CO2 emissions and energy consumption levels within the District, in accordance with Policy T3 of the emerging Sevenoaks Allocations and Development Management Plan.

Informatives

1) Please be aware that this development is also the subject of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.

2) The proposed development has been assessed and it is the Council's view that the CIL IS PAYABLE. Full details will be set out in the CIL Liability Notice which will be issued with this decision or as soon as possible after the decision.

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),
- 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 provided the opportunity to submit amendments which led to improvements to the acceptability of the proposal.

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Description of Proposal

- 1 The application seeks the approval of the erection of four new units at roof level, changes to elevations including projections at the front of the building and treatment of the exterior of the building, and the creation of a landscaped courtyard in between the main towers.
- 2 The new units would be created by adding an additional floor to each tower, comprising two units each. The additional floor would have a height equal to that of the existing floor heights and would have a flat roof. The additional floors are proposed to be set in from all outer walls by 3m, providing an external balcony around three sides of each new unit.
- 3 The proposed front extensions would project just under 3m to the front of the existing building, extending up to the third floor of the south tower and the fourth floor of the north tower. The two buildings would also be linked by a walkway at ground floor level beneath the two front extensions.
- 4 It is also proposed to alter the external appearance of the building by stripping the building back to its primary structure, fitting new access cores through the buildings and re-cladding the building with mainly different coloured brickwork but also with precast concrete. Projecting box windows are proposed to the rear elevation
- 5 Finally, the application proposes to open up the area in between the towers, which currently serves as the reception area to the building. This area would become a landscaped courtyard, split over two levels.
- 6 Access to the buildings would be through the split level landscaped courtyard and lower level car parking areas for pedestrians and via the existing vehicular accesses to the existing car parking areas for vehicles.

Description of Site

- 7 The site comprises a pair of office blocks, which share a ground floor area, sited on the south-west side of London Road. The building is mainly finished in brick and glass and is 8 storeys high and appears to have been purpose built for office accommodation. Parking areas are situated to the rear and beneath the building, accessed via a drive directly served from London Road. There is also a segregated pull in area to the front of the site that runs parallel with London Road.
- 8 The land is on a gradient falling from south to north and from east to west. No trees of any significance exist in the vicinity of the site.
- 9 The surrounding area is characterised by a variety of land uses and is a mix of larger and contemporary buildings, most of which are in commercial use, and houses with a traditional appearance. There are numerous retail and food establishments along London Road and employment developments include the large BT office development to the north-west of the site beyond the station. There are houses along London Road and the wider area away from London Road is predominantly residential.

Constraints

- 10 The application site falls within the built urban confines of Sevenoaks and adjacent to the Granville Road and Eardley Road.

Policies

Sevenoaks District Core Strategy

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

Sevenoaks District Allocations and Development Management Plan (ADMP)

- 12 Policies – SC1, EN1, EN2, EN4, EMP1(j), T3 (moderate weight) and T2 (significant weight replacing policy VP1 of the Local Plan)

Sevenoaks District Local Plan

- 13 Policies – EN1 and EN23

Other

- 14 The National Planning Policy Framework (NPPF)
15 Affordable Housing Supplementary Planning Document (SPD)
16 Granville Road and Eardley Road Conservation Area Appraisal

Planning History

- 17 SE/06/03211 Proposed remodelling and change of use to provide hotel and support services to level 5 with 3 floors of residential over comprising 18 dwellings, with car parking, pedestrian and vehicular access. Granted 14.03.07.

SE/10/00600 Application to extend the time limit of an extant planning permission approved under reference SE/06/03211/FUL (Proposed remodelling and change of use to provide hotel and support services to level 5 with 3 floors of residential over comprising 18 dwellings, with car parking, pedestrian and vehicular access). Granted 30.09.10.

SE/12/00710 Proposed change of use from offices to residential to include 44 residential units. Withdrawn.

SE/12/01125 Change of use of part ground floor from office to gymnasium. Granted 30.08.12.

SE/13/02391 Application to extend the time limit of an extant planning permission approved under reference SE/10/00600/EXTLMT - Application to extend the time limit of an extant planning permission approved under reference 06/03211/FUL (Proposed remodelling and change of use to provide hotel and support services to level 5 with 3 floors of residential over comprising 18 dwellings, with car parking, pedestrian and vehicular access). Withdrawn.

SE/13/03481 Prior notification for a change of use from B1(a) (offices) to C3 (dwellinghouses). This application is made under Class J of The Town and Country

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Planning (General Permitted Development) (Amendment) (England) Order 2013.Prior Approval not required 15.01.14

Consultations

Sevenoaks Town Council – 07.08.14

18 'Sevenoaks Town Council recommended approval.'

KCC Highways Engineer – 12.06.14

19 'There do not appear to be any issues that would justify an objection on highways grounds, however I would suggest a planning condition requiring the submission of details of secure and weatherproof cycle parking for all flats.

20 It is worth noting that a few of the proposed car parking spaces would be difficult to access in a normal sized car, examples may include 16 and 67.'

Tree Officer – 26.06.14

21 'I consider the proposal to carry out the proposed landscaping to be a positive step, one that can only enhance the visual aspects of the site. I look forward to being consulted on the details.'

Representations

22 Thirteen letters of representation have been received raising objections to the scheme on the following grounds –

- Impact on the adjacent conservation area;
- Light pollution;
- Noise disturbance;
- Overlooking and loss of privacy;
- Safe removal of asbestos;
- Property value;
- Impact on the character and appearance of the area;
- Impact of the construction works;
- The design and appearance of the proposed development;
- Process of considering the application;
- Parking provision; and
- The size of the existing building.

Chief Planning Officer's Appraisal

23 The main issues in this case are the principle of the development, the potential impact on the character and appearance of the area and the potential impact on neighbouring amenity. Other issues include an affordable housing provision, the

Code for Sustainable Homes, parking provision, the potential impact on highways safety, and sustainable development.

Main Issues

Principle of the development –

- 24 Although policies at a national and local level exist that protect the loss of existing employment uses, a prior notification has been accepted as not being required to change the use of the existing building to a residential use. This means that the existing building could be converted to a residential use without the need for planning permission.
- 25 Given this fall back position I am satisfied that the loss of the existing employment use is acceptable in this instance. I am also satisfied that the addition of further units to the building would be acceptable in principle given the effect of the above fall back position.
- 26 The principle of the development is therefore one that could be acceptable provided the development complies with all other relevant policies.

Impact on the character and appearance of the area –

- 27 The NPPF states that the Government ‘attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.’ (para. 56)
- 28 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.
- 29 Policy EN1 of the ADMP, which can currently be afforded moderate weight, states that the form of proposed development should respond to the scale, height, materials and site coverage of the area. This policy also states that the layout of proposed development should respect the topography and character of the site and the surrounding area.
- 30 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.
- 31 I therefore consider that these policies are broadly consistent with the NPPF.
- 32 The existing building is substantial in size but is mainly viewed in the context of the immediate locality due to the topography of the surrounding area and mature trees found in the area. Longer distance views of the site are therefore restricted.
- 33 The erection of new units on the roof of the existing towers, set in from the outer walls of the towers, would not add a significant amount of bulk and built form to the building given the size of the existing building. The front additions would also be subservient to the existing building, being a maximum of four storeys in height.

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- 34 The removal of the central core to the building and replacement with a courtyard would reduce the bulk and built form of the building but I would acknowledge that this would occur at lower level where it would not have a significant effect on the overall size of the building given the height and scale of the two towers.
- 35 I am of the view that the alterations to the exterior of the building would therefore potentially have the most significant impact on the character and appearance of the area.
- 36 The towers of the building are monolithic and possess a significant amount of vertical emphasis. The proposed scheme seeks to address this by breaking up the bulk and mass of the building. This is proposed to be achieved by introducing different brickwork in horizontal sections on both towers and separately from one another, in contrast to concrete panelling installed horizontally. Some recognition of the height of the building would be retained by the vertical grouping of windows in some sections of the exterior.
- 37 This external treatment of the building would, to my mind, increase the horizontal appearance of the exterior of the building and indeed break up the bulk and vertical emphasis of the existing towers. The final finish of the building could be controlled by way of a condition, requiring the submission of all external materials proposed to be used, to ensure that the materials are of a high quality and serve the purpose that the scheme intends.
- 38 The proposed appearance of the building would be considerably more modern than the existing building and would create a building that would continue to be in keeping with the mixed character of the area.
- 39 In terms of the potential impact on the adjacent Granville Road and Eardley Road Conservation Area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development in a conservation area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 40 The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (para. 132).
- 41 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.
- 42 The building is visible from both public and private vantage points along Granville Road and Knotts Place that fall within the adjacent conservation area. From the conservation area the changes to the external finish of the building and, to a lesser extent, the new units to be created on the roof of the towers would be apparent to those viewing the site.
- 43 Given the fact that the roof additions would be set in from the outer walls of the existing towers and, as explained above, the alterations to the exterior of the building would have a positive effect on the appearance of the building, I believe that the proposed development would preserve the significance of the adjacent heritage asset.

- 44 Overall, I would conclude that the development would be designed to a high quality and would respond to the distinctive local character of the area in which it is situated. The proposal is therefore in accordance with the NPPF, policy SP1 of the Core Strategy, policies EN1 and EN4 of the ADPM, and policy EN1 of the Local Plan.

Impact on neighbouring amenity –

- 45 Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 46 Policy EN1 of the Sevenoaks District Local Plan requires that any proposed development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants.
- 47 Policy EN2 of the ADMP, which can currently be afforded moderate weight, states that proposals will be permitted where they would provide adequate residential amenities for existing and future occupiers of the development and would safeguard the amenities of existing and future occupants of nearby properties.
- 48 I therefore consider that these policies are broadly consistent with the NPPF.
- 49 As acknowledged above the existing building is large in size and also possesses a significant number of windows facing in most directions. Existing windows facing in a southerly direction are limited to those serving a stair well through both towers.
- 50 Due to the size of the existing building and the proximity of it to neighbouring and nearby residential properties it currently exerts an impact on the neighbouring amenity enjoyed by the occupiers of these dwellings. In some cases this impact would be in terms of a dominant and overbearing effect, loss of outlook, overlooking, loss of privacy and a loss of light. In the vast majority of cases I do not believe that the situation would significantly change as a result of the proposed development.
- 51 The extensions added to the roof of both towers would be set back from the outer walls and so would not add significantly to the dominant or overbearing effect that the building currently possesses, the loss of outlook or the loss of light that may currently occur.
- 52 The introduction of a terrace around the new units could potentially add to the overlooking and loss of privacy experienced by the occupiers of some neighbouring properties. However, given the height at which the terraces would be located (a minimum of 24m above ground level I am, again, of the view that the existing relationship with the majority of neighbouring properties would not change significantly).
- 53 I do have some concern relating to the relationship with a number of properties to the rear of the site on Knotts Place. My concern relating to the relationship with those properties to the rear on Granville Road is less due the greater distance of separation between Tubs Hill House and these properties. Give the height of the proposed terrace, the distance of separation of someone stood on the terrace

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looking out towards the properties on Knotts Place would be 26m. This is a greater minimum distance than guidance suggests is appropriate.

- 54 However, the perception of overlooking from a terrace in such a position could have a significant impact on the amenities currently enjoyed by the occupiers of the neighbouring properties. As such, I believe that it would be appropriate for details of a privacy screen to be erected along the rear section of each terrace be requested by way of condition to preserve neighbouring amenity. I do not believe that screens are necessary to the eastern side sections of the towers due to the oblique angle of sight across to neighbouring properties combined with the distance of separation to these sections of the building.
- 55 Windows are proposed to be inserted to the rear of the building to serve the new units within the existing building and the existing stairwell windows would be retained. The new windows would be projecting bay windows with an obscure glazed rear facing pane of glass. This would allow natural light in the sides of the bay whilst restricting views out. The retained stairwell windows are proposed to serve kitchens, which fall within the definition of a habitable room. However, under the permitted change of use of the building these window could potentially serve any room, including a habitable room, and so it would be unreasonable of the Council to attempt to control them as part of this application.
- 56 Other windows proposed to be installed in the remaining three elevations of the towers would replace a similar number of windows that exist in the building. The level of overlooking and loss of privacy would not therefore be significantly greater than the existing building. In addition, it is appropriate to take account of the fall back position that could take advantage of the existing openings that could each serve a habitable room.
- 57 The additions to the front of the building would be subservient in size to the overall height and mass of the existing building and so would be viewed by the occupiers of properties opposite the site in the context of the main building. The link structure would be open in appearance and so no more dominant than the existing central core of the building. Outlook from properties opposite would therefore be unaffected and the building would be no more dominant or overbearing. No additional loss of daylight or sunlight would occur due to the retained distance of separation.
- 58 I do not believe that the use of the building for residential purposes would cause a disturbance to the occupiers of neighbouring properties through light pollution or noise.
- 59 The proposal would, on balance, also ensure an acceptable environment for future occupants. Some impacts in terms of privacy, overlooking, provision of light and outlook would be experienced by those occupying the properties facing onto the landscaped courtyard. However, these potential issues would be evident to those potentially considering the occupation of these flats.
- 60 Overall, I am of the view that the development would preserve the amenities currently enjoyed by the occupiers of neighbouring properties and would ensure a satisfactory environment for future occupants. The proposal is therefore in accordance with the NPPF, policy EN1 of the Local Plan and EN2 of the ADMP.

Other Issues

Affordable housing provision –

- 61 Policy SP3 of the Core Strategy requires that proposals involving the provision of new housing should also make provision for affordable housing. In the case of residential development of less than 5 units, that involve a net gain in the number of units, a financial contribution based on the equivalent of 10% affordable housing will be required towards improving affordable housing provision off-site.
- 62 The applicant has provided a completed legal agreement setting out a financial contribution in line with the requirements of policy SP3 in relation to the four new units proposed to be erected on the roof of the building.
- 63 Since the remainder of the building could be changed to a residential use without the requirement of planning permission it would be unreasonable of the Council to seek an affordable housing provision for the new units created within the existing building.
- 64 The proposal is therefore wholly acceptable in terms of the requirements of policy SP3 of the Core Strategy.

The Code for Sustainable Homes –

- 65 Policy SP2 of the Core Strategy states that new homes will be required to achieve at least Level 3 of the Code for Sustainable Homes and that conversions to residential use will be required to achieve BREEAM “Very Good” standards.
- 66 The applicant has provided a Code for Sustainable Homes preliminary assessment stating that the new units could achieve Code Level 3. It is therefore possible to require that a final certificate be submitted on completion of the new units by way of a condition attached to any approval of planning permission.
- 67 Again, since the remainder of the building could be changed to a residential use without the requirement of planning permission it would be unreasonable of the Council to seek that the new units created within the existing building achieve BREEAM “Very Good” standards.
- 68 The development is therefore in accordance with policy SP2 of the Core Strategy.

Parking provision and highways safety –

- 69 Policy EN1 of the Sevenoaks District Local Plan requires that proposed development should ensure the satisfactory means of access for vehicles and provides parking facilities in accordance with the Council’s approved standards.
- 70 Policy T3 of the ADMP states that schemes for new apartments with separate parking areas should include a scheme for at least one communal charging point.
- 71 The Highways Engineer has noted that there do not appear to be any issues that would justify an objection on highways grounds. A condition is suggested in terms of details of cycle parking for the proposed flats, which could be included on any approval of permission.
- 72 The Highways Engineer notes that a small number of the proposed car parking spaces would be difficult to access in a normal sized car. However, the proposed provision of 118 parking spaces exceeds the requirement for the proposed

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number of units by 17 and so the loss of a small number would not result in a lack of parking on site. Hence, the fact that the Highways Engineer has not objected to the proposal on this basis.

- 73 The continued use of the existing vehicular accesses onto the site is also wholly acceptable.
- 74 Since the development comprises new apartments there is a requirement to provide a scheme for at least one communal charging point for electrical vehicles. This is something that can be required by way of condition.
- 75 The proposal would therefore ensure the satisfactory means of access for vehicles and would provide parking facilities in accordance with the Council's approved standards. It follows that the development would comply with policy EN1 of the Local Plan and policy T3 of the ADMP.

Property value –

- 76 This is not a matter material to the consideration of a planning application and so it is not possible to take into account the potential impact on the value of neighbouring properties as part of the assessment of this proposed development.

Impact of construction works –

- 77 This is, again, not a matter material to the consideration of planning permission but is controlled by other legislation. The same is true of the way in which asbestos is handled and disposed of.
- 78 However, given the size of the site and its proximity to a number of residential properties I believe that it would be appropriate to require the submission of a construction management plan prior to the commencement of development. This would ensure that the developer takes into account all aspects of the works that have the potential to impact upon the occupants of neighbouring properties and would deal with each aspect appropriately. This includes the removal and disposal of any asbestos found within the building.

The Community Infrastructure Levy (CIL) –

- 79 The proposal comprises the creation of four new units on the roof of the building, with the remainder of the development capable of being carried out under permitted development rights. As such the development is CIL liable, in full, for *the four new units created*.

Sustainable development –

- 80 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking (para. 14). For decision-taking this means approving development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies out of date, granting of permission unless:-

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;

- specific policies in this framework indicate development should be restricted; or
- material considerations indicate otherwise.

81 In my opinion, the proposed scheme fully accords with the development plan, and I have explained this in detail above. It follows that the development is appropriate and there would be no adverse impact in granting planning permission for the development.

Conclusion

82 I consider that the proposed dwelling would preserve the character and appearance of the area and neighbouring amenity, and would ensure a satisfactory environment for future occupants. Consequently the proposal is in accordance with the development plan and therefore the Officer's recommendation is to approve.

Background Papers

Site and Block plans

Contact Officer(s):

Mr M Holmes Extension: 7406

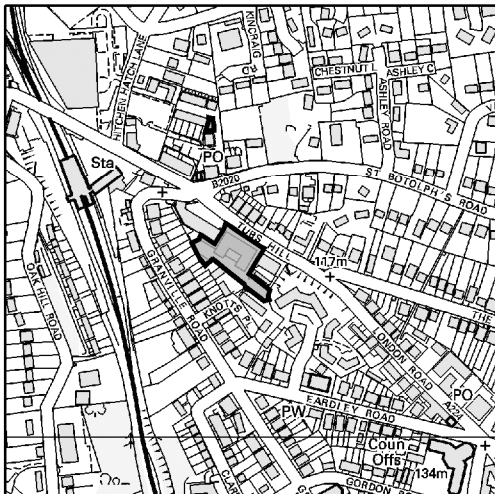
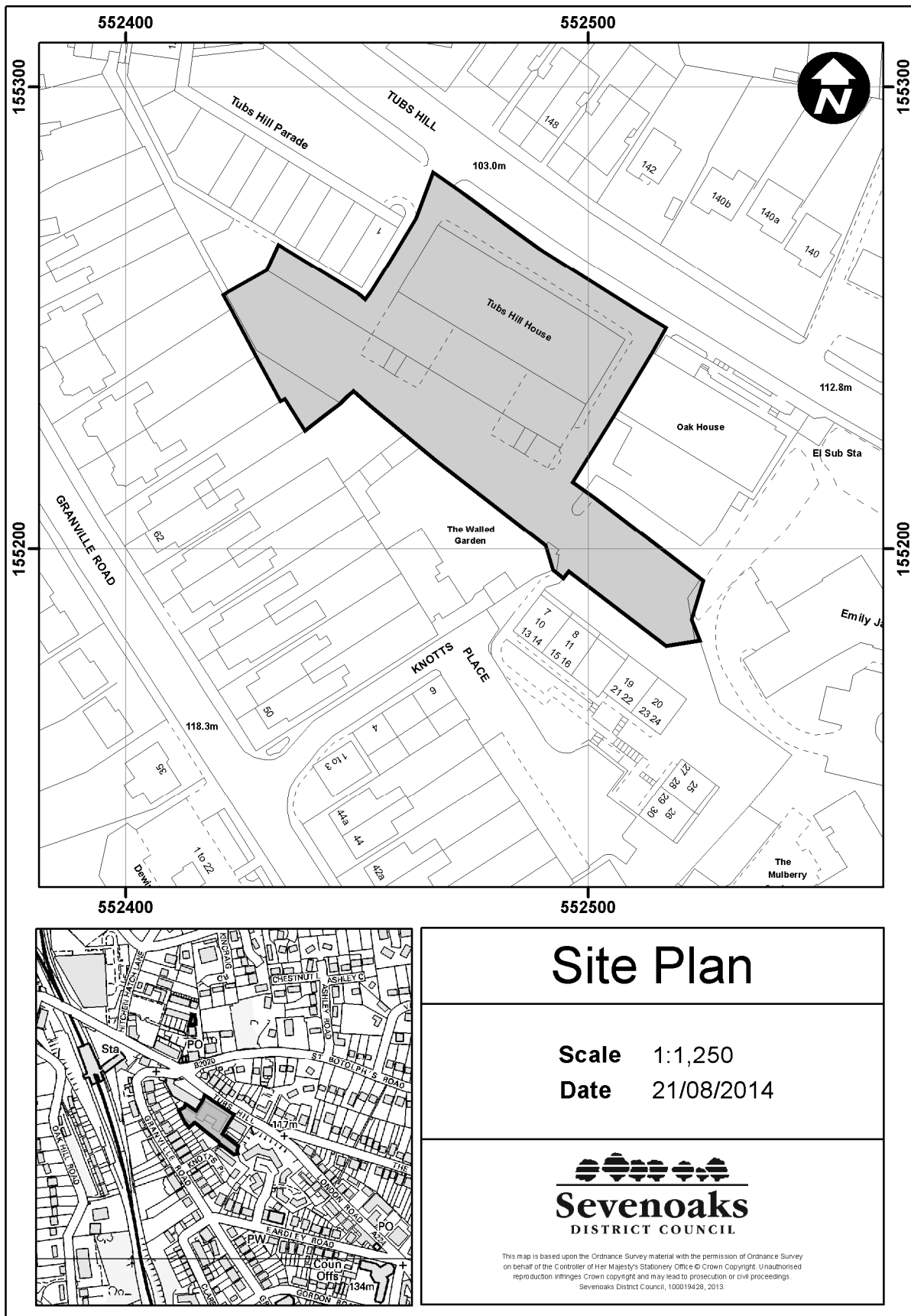
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N5T7NRBKFV00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N5T7NRBKFV00>



Site Plan

Scale 1:1,250

Date 21/08/2014



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Sevenoaks District Council, 100019428, 2013.



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4.3 SE/14/01618/ADV Date expired 5 August 2014

PROPOSAL: Installation of 4 fascia signs (2 illuminated).

LOCATION: Marks And Spencer, 66 London Road, Sevenoaks TN13 1AT

WARD(S): Sevenoaks Town & St Johns

ITEM FOR DECISION

The application has been referred to Development Control Committee by Councillor Raikes on the basis that it is a significant site and could have a major impact on the street scene and Bligh's in particular.

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

1) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 in the interests of amenity and public safety.

2) No advertisement shall be sited or displayed so as to:-
a - endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military)
b - obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
c - hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 in the interests of amenity and public safety.

3) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 in the interests of amenity and public safety.

4) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 in the interests of amenity and public safety.

5) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 in the interests of amenity and public safety.

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6) The advertisements hereby permitted shall not be illuminated outside of store opening hours.

To safeguard the amenities of the area.

Informatives

1) For the avoidance of doubt, the advertisements subject to this consent are those shown on drawing No 00805 Revision 02

Description of Proposal

- 1 This application seeks advertisement consent for the installation of 4 no fascia signs on the elevations of the new M&S store in Sevenoaks. The signage proposed would consist of individual cut lettering set against the building, displaying the “M&S” logo. The lettering would be in aluminium with an acrylic face, and two signs would be internally illuminated by means of LED lighting. The location and size of the lettering would be as follows –
 - 1 x illuminated sign above the main entrance to the building measuring 2010mm x 5000mm
 - 1 x illuminated sign on the east elevation of the building (facing across the larger Blighs car park) measuring 1810mm x 4000mm
 - 1 x non-illuminated sign on the London Road frontage above the basement car park measuring 800mm x 2205mm. This will also include a smaller non-illuminated sign underneath the M&S sign with “car park” displayed.
 - 1 x non-illuminated sign on the north elevation of the building, on the flank wall facing down London Road. This would measure 1210mm x 3000mm
- 2 The application was originally submitted for all advertisements to be illuminated. However, following concerns raised over the impact of some illuminated signage on the setting of the conservation area and listed buildings, the application was amended to reduce the number of illuminated signs as set out above.

Description of Site

- 3 The application site relates to the new retail store constructed at 66 London Road, which will be occupied by M&S. The site is located within the town centre and adjacent to the Sevenoaks High Street Conservation Area. The London Road frontage of the building faces a number of commercial and residential properties, some of which are listed buildings.

Constraints

- 4 Adjacent to the Sevenoaks High Street Conservation Area
- 5 Adjacent to listed buildings (Nos 73-93) on the opposite side of London Road

Policies

Sevenoaks District Local Plan:

6 Policies - EN1, EN23

Sevenoaks Core Strategy:

7 Policies - SP1

Sevenoaks ADMP:

8 Policies - EN1, EN5

Other

9 NPPF: Paras 67 and 68

10 The Sevenoaks High Street Conservation Area Appraisal

Planning History

11 SE/12/01611 – Demolition of existing commercial building and the construction of a new two storey retail unit with undercroft parking and the construction of a separate four storey apartment block consisting of 22 one and two bedroom apartments, together with associated car parking, bin stores and cycle areas - Approved

12 SE/13/01398 - Minor material amendment to SE/12/01611/FUL for the Demolition of existing commercial building and the construction of a new two storey retail unit with undercroft parking and the construction of a separate four storey apartment block consisting of 22 one and two bedroom apartments, together with associated car parking, bin stores and cycle areas, changes to include increase in height of roof, alteration to lift position, reconfiguration of plant area at roof level and changes to fenestration - Approved

Consultations

Sevenoaks Town Council

13 Sevenoaks Town Council recommended refusal on the following grounds:

1. Detrimental impact on the Street Scene
2. Internally illuminated signage is contrary to guidance set out in the Bligh's signage guide.

14 In response to the above comments, Councillor Raikes has referred the application to committee on the basis that it is a significant site and could have a major impact on the street scene and Blighs in particular.

Kent Highways -

15 I have no objection to the proposals.

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SDC Conservation Officer –

- 16 The main conservation considerations when assessing the proposals are impact on the setting of the conservation area and listed buildings (designated heritages), whilst the building itself is not within a conservation area or a listed building the signage will impact on their setting. The previously submitted illuminated signage on the northern and eastern elevation was considered inappropriate because large scale illuminated signage introduces a modern and incongruous element to the small grain of the historic high street. Although the illuminated signage was to be attached to a modern building the signage would have been prominent within the surrounding historic context when viewing along London Road. In removing the illumination from the north and eastern elevations it is considered that the harm has been mitigated.
- 17 The illuminated signage to the car park elevations is considered unobjectionable.

Representations

- 18 None received

Chief Planning Officer's Appraisal

- 19 Regulation 3 of the Advertisement Regulations requires that local planning authorities control the display of advertisements in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors.

Amenity

- 20 The Advertisement Regulations do not explicitly define amenity, but refer to the impact of signage on visual amenity and the general characteristics of a locality, including the presence of any feature of historic, architectural, cultural or similar interest. National guidance on advertisements states that, in practice, "amenity" is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement.
- 21 With regard to this specific application, the advertisements would be installed on a building of substantial size and scale, and on this basis I do not consider that the advertisements would appear over-dominant or excessive in size. The advertisements are limited to one per elevation and I do not consider this would cause any visual cluttering. The advertisements are of a modern design, however they would be installed on a modern building and I consider this approach to be appropriate. Whilst they would utilise modern materials, the advertisements would consist of individually cut lettering applied directly to the building. As such they would have a very limited impact upon the façade of the building, and would not appear unduly prominent.
- 22 Two of the advertisements would be illuminated – the advert over the main entrance to the retail store, and the advert facing the Blighs car park on the east facing elevation of the building. The method of illumination is shown as internal LED lighting set behind the lettering.

- 23 Some of the advertisements would be visible from London Road where the building abuts the Sevenoaks High Street Conservation Area. However, when seen against the sizeable backdrop of the building itself, I do not consider that the adverts would harm the setting of the conservation area – they would remain subservient to the building and of a design to complement the modern appearance and scale of the building. In addition, those adverts closest to the London Road frontage (on the north and west facing elevations) are designed to be non-illuminated and smaller than the adverts on the front elevation of the building and facing east. In my opinion, these smaller, non-illuminated signs would not be harmful to the setting of the conservation area.
- 24 Whilst the illuminated sign over the main entrance would be visible from the conservation area, it would be set back from the conservation area boundary and visible at a greater distance over the car parking area. Given these factors, I do not consider that this sign would harm the setting of the conservation area.
- 25 The sign above the car park entrance on London Road would be sited opposite the last in a row of listed buildings at 73 London Road. However this sign would be non-illuminated, limited in size and very modest in relation to the significant façade of the building that fronts onto London Road. The same can be said of the sign facing north at high level that would be visible as you approach the store from the Council offices. I do not consider that the design, size or siting would cause visual harm to the setting of these buildings.
- 26 The Council's conservation officer is satisfied that the signs would not cause harm to the setting of the conservation area or listed buildings.
- 27 The advertisement would not generate any noise, therefore there would be no impact on aural amenity.
- 28 Overall, I am satisfied that the advertisements proposed would not cause any harm to the amenity of the area, in accordance with regulation 3 of the Advertisement Regulations. They would not harm the setting of the adjacent conservation area, or harm the setting of listed buildings on the opposite side of London Road, and in this respect would be compliant with policies EN1 and EN23 of the local plan, SP1 of the Core Strategy, and EN1 and EN4 of the ADMP.

Public Safety

- 29 The Advertisement Regulations advise that public safety interests would extend to highways safety and crime prevention.
- 30 In terms of highways safety, the advertisements are simple in design, uncluttered, and would not obstruct or distract road users. Kent Highways raise no objection to the proposal on highways safety grounds.
- 31 In terms of public safety, the advertisements would not obstruct CCTV cameras or cause unacceptable levels of glare, and as such would not interfere in the prevention of crime.
- 32 As such I consider that the advertisements would not cause any harm relating to public safety, in accordance with regulation 3 of the Advertisement Regulations, and policies EN1 of the Local Plan and EN1 of the ADMP.

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Other matters

- 33 The town council has raised concern that the signs do not follow guidance within the Blighs signage guide. This guide is not adopted supplementary guidance and as such carries little weight. In any case, the guidance set out relates to the original Blighs shopping development of generally small scale units, which are suited to different forms of advertisements than a large scale retail store as is subject to this application.
- 34 Members may also be aware of a recent appeal decision which dismissed an application to install 16 street signs within Blighs Meadow. Whilst these are smaller in size than the M&S signs, the Inspector was particularly concerned about the proliferation of signage in the area that would arise from the number of signs within the scheme. I do not consider that this is directly comparable to the advertisements proposed at the M&S store.

Conclusion

- 35 I consider that the advertisements would not cause any harm relating to amenity or public safety, in accordance with regulation 3 of the Advertisement Regulations.

Background Papers

Site and Block plans

Contact Officer(s):

Mr A Byrne Extension: 7225

Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N680T9BKFZ400>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N680T9BKFZ400>

