

**DEVELOPMENT CONTROL COMMITTEE**

**12 November 2015 at 7.00 pm**  
**Council Chamber, Argyle Road, Sevenoaks**

**AGENDA**

**Membership:**

Chairman: Cllr. Williamson

Vice-Chairman Cllr. Thornton

Cllrs. Ball, Barnes, Bosley, Brown, Clark, Cooke, Edwards-Winsor, Gaywood, Hogg, Horwood,  
Mrs. Hunter, Kitchener, Layland, Parkin, Purves, Raikes and Miss. Stack

**Pages**

**Apologies for Absence**

1. **Minutes** (Pages 1 - 4)  
To approve the minutes of the meeting of the Committee held on 22 October 2015, 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/15/02253/FUL Ragstones, 1 The Vine, Sevenoaks TN13 3SY** (Pages 5 - 22)  
Demolition of existing building and erection of 6 new build apartments with undercroft parking and associated landscaping and visitor parking.
  - 4.2. **SE/15/02624/CONVAR Asda Stores Ltd, London Road, Swanley BR8 7UN** (Pages 23 - 32)  
Variation of condition 2 of 08/01850/CONVAR (Appeal reference APP/G2245/A/08/2092052/NWF) in order to allow deliveries to be made to the ASDA Store between 05:00 and 23:00 hours on Mondays to Saturdays and between 06:00 and 23:00 on Sundays and Christmas Day.

4.3. **SE/15/03019/FUL Suffolk House, 154 High Street, Sevenoaks TN13 1XE** (Pages 33 - 40)

Installation of 2 No. additional dormer windows and 1 No velux rooflight to the Front (South) elevation to match existing size and materials. Installation of 6No. Photovoltaic (PV) Panels to the front (South) elevation

**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 227247)

Any Member who wishes to request the Chairman to agree a pre-meeting site inspection is asked to email [democratic.services@sevenoaks.gov.uk](mailto:democratic.services@sevenoaks.gov.uk) or speak to a member of the Democratic Services Team on 01732 227247 by 5pm on Monday, 9 November 2015.

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 22 October 2015 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Thornton (Vice Chairman)

Cllrs. Ball, Barnes, Bosley, Clark, Edwards-Winser, Gaywood, Hogg,  
Mrs. Hunter, Kitchener, Layland, Parkin and Purves

Apologies for absence were received from Cllrs. Brown, Cooke, Horwood,  
Raikes and Miss. Stack

Cllr. Piper was also present.

54. Minutes

Resolved: That the Minutes of the Development Control Committee held on 1  
October 2015 be approved and signed by the Chairman as a correct record.

55. Declarations of Interest or Predetermination

There were no declarations of interest or predetermination.

56. Declarations of Lobbying

There were no declarations of lobbying.

Reserved Planning Applications

The Committee considered the following planning application:

57. SE/15/02057/HOUSE San Michele, Church Road, Hartley, Kent DA3 8DZ

The proposal was for the demolition of existing outbuilding and erection of a single storey rear extension. The application was referred to Committee at the request of Councillor Gaywood on the basis that the proposed development would represent inappropriate development in the Green Belt and the very special circumstances advanced were not considered sufficient to justify the development.

Members' attention was brought to the main agenda papers.

The Committee was addressed by the following speaker:

Against the Application:	-
For the Application:	-
Parish Representative:	-
Local Member:	Cllr. Gaywood

## Agenda Item 1

### Development Control Committee - 22 October 2015

It was moved by the Chairman and duly seconded that the recommendation in the agenda to grant planning permission be agreed.

Members discussed whether the very special circumstances were sufficient for the development and whether the application was less intrusive to the Green Belt in comparison to what the applicants could build under permitted development rights.

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: BDS-1298-05 Rev A, BDS-1298-02 Rev A, BDS-1298-100 Rev A.

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

- 3) The materials to be used in the construction of the development shall be those indicated in email dated 06.10.15.

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 Allocations and Development Management Plan.

- 4) Prior to the commencement of the development the outbuilding within 5 metres of the dwelling identified on drawing number BDS-1298-05 Rev A shall be demolished in its entirety and all resulting materials shall be removed from the land.

To protect the openness of the Green Belt and to support the very special circumstances of the case including maintaining the openness of the Green Belt. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England and Wales) 2015 as amended (or any Order revoking or re-enacting those Orders) no development falling within Classes A, B, C, D, E, F and G of Part 1 of Schedule 2 to the said Order shall be carried out.

Agenda Item 1

**Development Control Committee - 22 October 2015**

To prevent further inappropriate development in the Green Belt as supported by the National Planning Policy Framework and policy GB1 of the Allocations and Development Agreement Plan.

- 6) No development shall take place until all existing outbuildings (excluding those identified on site location plan number BDS-1298-100 Rev A) have been demolished and all resulting materials have been removed from the land.

To protect the openness of the Green Belt and to support the very special circumstances of the case including maintaining the openness of the Green Belt. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

THE MEETING WAS CONCLUDED AT 7.25 PM

CHAIRMAN

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4.1- SE/15/02253/FUL Revised expiry date 30 October 2015

PROPOSAL: Demolition of existing building and erection of 6 new build apartments with undercroft parking and associated landscaping and visitor parking.

LOCATION: Ragstones, 1 The Vine, Sevenoaks TN13 3SY

WARD(S): Sevenoaks Town & St Johns

**ITEM FOR DECISION**

Councillor Fleming has referred the application to the Development Control Committee on the following grounds:

Due to its height and scale contrary to inspectors appeal decision

Out of keeping with the Vine Conservation Area

Impact on the historic Vine Cricket Ground

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

1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans: P20B, P22B, P30C, P71B, P72B, P73A, P74B, P92A, P93, P901A

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

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

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing,
- where appropriate wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works

To protect the amenities of the locality

4) Prior to occupation of the development, the landscaping details as shown on

## Agenda Item 4.1

approved plan P20B and P22B shall be implemented, and shall be retained thereafter unless otherwise approved in writing by the local planning authority.

To protect the visual appearance of the area as supported by EN1 of the Sevenoaks Allocations and Development Management Plan.

5) If within a period of 5 years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To protect the visual appearance of the area as supported by EN1 of the Sevenoaks Allocations and Development Management Plan.

6) Despite the details shown in the application, no development shall be carried out on the land until further details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To ensure that the appearance of the development is in harmony with the existing character of the conservation area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

7) No development shall take place until full details of the proposed foul and surface water drainage systems have been submitted to and approved in writing by the Council. Any approved scheme shall be completed to the written satisfaction of the Council prior to the construction of the development. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To avoid overload of any existing drainage systems and to meet sustainability and environmental objectives.

8) Details of cycle storage provision shall be submitted in writing to the local planning authority. The approved details shall be implemented prior to occupation of the building and retained as such thereafter.

In the interests of sustainable transport provision.

9) Details of obscure glazing of the flank windows in the 1st floor of the northern elevation shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to occupation of the building and retained thereafter.

To safeguard the privacy of neighbouring residents as supported by Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

10) Details of all boundary and enclosure treatments of the site including, location, height and materials shall be submitted to and approved by the local planning authority. The approved details shall be implemented prior to occupation of the development and retained thereafter.

To protect the visual appearance of the area as supported by EN1 of the Sevenoaks



Allocations and Development Management Plan.

11) No development shall take place until details of the: existing levels of the land; any proposed slab levels and any changes in levels have been submitted for approval. The development shall be carried out in accordance with the approved details.

To safeguard the visual appearance of the area as supported by EN1 of the Sevenoaks Allocations and Development Management Plan.

**Note to Applicant**

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

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

In this instance the applicant/agent:

- 1) Was provided with pre-application advice that led to improvements to the acceptability of the proposal.

Description of Proposal

- 1 Demolition of existing dwelling and erection of 6 new build apartments with undercroft parking and associated landscaping and visitor parking.

Description of Site

- 2 The application site consists of a large plot containing a detached two storey dwelling. It has an extensive rear garden and sits within the Vine Conservation Area, and the urban confines of Sevenoaks.

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- 3 The site is bounded to the north by Belmont, a detached gable and pitch roof building of 2-3 storeys in yellow brick, and to the south by Pavilion Gardens, a 3 storey, gable clay tile hung block of apartments.
- 4 In front of the site, to the east lies the Vine Cricket Ground which includes the listed Pavilion building.
- 5 The application site is in excess of 33m in length with gardens from The Drive backing onto it.

### Constraints

- 6 Vine Conservation Area

### Policies

#### *Core Strategy*

- 7 Policies – SP1, SP3, SP7, LO1, LO2

#### *ADMP*

- 8 Policies – EN1, EN2, EN4

#### *Other*

- 9 NPPF
- 10 Supplementary Planning Document – Affordable Housing
- 11 Vine Conservation Area Management Appraisal

### Planning History

- 12 14/00680/FUL - Demolition of existing dwelling to provide 5 new residential units with undercroft parking and associated landscaping and visitor parking.  
Withdrawn  
  
14/02577/FUL - Demolition of existing dwelling to provide 5 new residential units with undercroft parking and associated landscaping and visitor parking.  
Dismissed at appeal

### Consultations

#### *Sevenoaks Town Council*

- 13 Sevenoaks Town Council recommended approval, subject to:
  - i) The Planning Officer being satisfied that the extension to the rear elevation and increase in car parking would not have an adverse impact on neighbouring properties
  - ii) The Conservation Officer being satisfied that the materials specified would be in keeping with the Conservation Area

- iii) The Arboriculturalist being satisfied with the treatment of the Holm Oak TPO.

*Kent Highways*

- 14 Kent Highways have advised that they do not raise any objection.

*SDC Arboricultural*

- 15 SDC Arboricultural Officer has advised that *'further to my previous comments on previous applications for this site. The mature specimen trees to the rear have been assessed and although their losses are unfortunate, I will not be objecting as their amenity value has previously been debated and found to be limited. Therefore no objections to this proposal but strongly suggest that a robust and well thought out landscaping scheme be conditioned as well as tree protection for the trees shown for retention.'*

*SDC Conservation*

- 16 SDC conservation officer has advised:

*'Ragstones is a substantial detached house which sits within the row of properties of The Vine. The property reflects characteristics of the conservation area by having a generous front forecourt, a substantial plot and floor area and follows the established building line. However, is not of distinct individual architectural quality to be identified as contributing towards the character of the conservation area within the character appraisal. Its scale is very much reflective of mid-twentieth century residential development rather than the grander proportions of the more historic properties found in the adjacent plots and the wider conservation area. There is no objection to the loss of this building if the building that replaces it reflects the positive characteristics which the current incumbent has and preserves or enhances the character of the conservation area.*

*The replacement building follows the established building line and retains the front garden/forecourt area. It reflects the architectural characteristics of the neighbouring 'Belmont' which has been identified as a building contributing to the character of the conservation area. This row from Pavilion Gardens to Uplands has a strong and distinctive gabled roof character which is expressed in the different architectural styles of the buildings. The proposal would incorporate that and this is something that would make a positive contribution by reflecting local distinctiveness. Similarly the materials that are proposed are appropriate to the area but it will be important to condition samples of the brick and the roof covering to ensure that the quality is reflected in the actual build.*

*The mass of the building is greater than the current building but it is considered that this would not be harmful because in this particular location to increase the mass by the amount proposed would not be out of scale with the surrounding buildings, most importantly Belmont and Uplands. The benefit of the front gables is that it reduces the bulk and mass of roofscapes when viewed from the principle elevation and this is evident here with the views through still clear from the Vine cricket ground'*

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### Representations

- 17 6 representations of objection have been received. They raise the following points:
- The proposal is 3-4 storeys in height contrary to the neighbouring buildings and the Inspectors comments.
  - The proposed building will be much deeper than its neighbours which will be harmful to the amenity of the neighbouring buildings.
  - The proposal would be visually overbearing and overly bulky to the detriment of the conservation area.
  - The raised garden level is unacceptable and would have an unacceptable impact on the amenity of the neighbouring dwellings.
  - There are an unacceptable number of windows facing the side elevations of the neighbouring dwellings. The proposal will result in a loss of privacy of neighbouring occupiers.
  - The proposal is located too close to Pavilion Gardens and the construction will cause damage to the existing building
  - Boundary screening needs to be substantial
  - Concerns about construction impact on neighbouring occupiers.
  - A landscaping scheme should be required
  - Water run off is a problem in the locality
  - The proposal will have an even worse impact on the locality in terms of traffic movements than the last application.
  - Concerns about impact on neighbouring trees.
  - The development is too dense
  - The proposal results in the removal of a protected tree
  - Commercial interests of a developer should not be championed over the retention and enhancement of the conservation area.
  - Concerned that the parcel of land at the end of the site is not included in the application. The proposal should be refused until plans for this area are clear

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

- 18 SC1 of ADMP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. The Council will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with policies in the LDF will be approved without delay unless material planning considerations indicate otherwise.
- 19 Paragraph 14 of 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.
- 20 Policy LO1 of the Core Strategy states that development will be focussed within the built confines of existing settlements. Policy LO2 places an emphasis on the Sevenoaks area as the principal focus for development. Policy SP7 states that

within the urban area of Sevenoaks, new residential development will be expected to achieve a density of 40 dwellings per hectare. It also states that new housing development should 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.

- 21 Policy EN2 of the ADMP requires that the amenity of neighbouring occupiers is protected Policy SP3 requires the provision of an affordable housing contribution in any development that results in the net gain of a residential unit.
- 22 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. The districts heritage assets will be protected and enhanced. EN1 of ADMP states that proposals which would create high quality design will be permitted subject to a number of design criteria including that the form of the development should respond to the scale, height, materials and site coverage of the area; the layout of the proposal would respect the topography and character of the site; the proposal would not result in the loss of open spaces that would have an unacceptable impact on the character of the area; the design of new buildings should be permeable and provide connectivity with neighbouring areas; and would create a safe and secure environment.
- 23 Paragraph 57 of the NPPF states that *'it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes'*
- 24 Paragraph 60 of the NPPF states that *'planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.'*
- 25 EN4 of ADMP states that proposals which affect a heritage asset or its setting will be permitted where the development conserves or enhances the character, appearance and setting of the asset, Applications will be assessed with reference to the historic and/or architectural significance of the asset, the prominence of its location and setting, and the historic and/or architectural significance of any elements to be lost or replaced. The Planning (Conservation Area and Listed Building) Act 1990 requires special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 26 The Vine Conservation Area Appraisal recognises that:

*'Any new development should encourage high quality and innovative design that reflects local identity and distinctiveness and promotes healthy, safe and secure living and working environments. The design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the whole area. The pattern and pedestrian scale of existing local streets and spaces should help determine the character and identity of the new development...*

*...All development in the conservation area, must respond to its immediate environment and context, in terms of scale, density, form, materials and detailing.*

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*Applicants for planning permission must provide a "Design and Access Statement", to justify the design decisions that have been made as the scheme was developed and to show how proposed alterations relate to their context. Where appropriate long views of and from the site must be taken into account. Proposals which fail to respect the local contextual framework or the scale, height, proportion and materials of the local area will not normally be permitted.'*

- 27 Permission is sought for the demolition of the existing dwelling, and the erection of a 6 unit apartment block, 3 storeys high including accommodation within the roof, plus a basement level. The proposal presents a gable on the front street elevation with a lower level pitched roof either side. A level of accommodation is accommodated in the roof level with 3 pitched dormers in the front roof elevation. A bay projects over two storeys on the frontage, providing a roof terrace for one of the units.
- 28 The rear elevation contains one projecting two storey bay and replicates the front elevation with a single gable with a pitched roof to either side. 3 roof dormers are shown along with a central Juliette balcony.
- 29 Materials are shown as multi stock facing brickwork with portland finish stone detailing and grey slate roof tiles. Fenestration is shown as dark grey aluminium windows and conservation rooflights.
- 30 Basement parking is provided, that is accessed to the side of the property via an undercroft. The basement also contains a residential unit that has a private rear garden. The main ground floor rear garden is shown as landscaped with rising levels to the rear boundary of the site to accommodate the basement parking provision. At the rear of the site, the garden is shown as built up behind the existing boundary wall with a planted screen above.
- 31 10 undercroft parking spaces are provided to the rear and 3 visitor spaces to the front.
- 32 The proposed building rises to a maximum height of 13.2m to the top of the central gable, although levels across the site do vary. The proposed building sits 1.3m away from the site boundary with Pavilion Gardens to the South, and 3.1m away from the boundary with Belmont to the North. The development maintains a minimum setback of 11.2m from the front boundary, and still maintains a garden depth of approximately 25m to the rear boundary of the application site.
- 33 The central gable of the proposal sits 4.8m higher than the existing dwelling, whilst the main roof is 1.2m higher than the existing dwelling. At the point where the proposal faces the street it sits on the same northern side boundary line as the existing building, and only 0.4m closer to the south side boundary than the existing building.
- 34 When considered alongside the development to the south of the site, the top of the proposed gable sits a fraction lower than the top gable of the Pavilion Gardens. The top of the pitched roof sits at the same height as the top of the gable to Pavilion Gardens adjacent to the site.
- 35 To the North of the site, the proposed eaves sit at the same level as the eaves height of Belmont. The pitched roof finishes approx. 50cm higher than the pitched roof of Belmont.

*Previous planning permission*

- 36 Permission was recently refused and upheld at appeal. The proposed development protruded further to the south site boundary by 60cm than the current application. The proposal had a significantly more bulky roof and presented more built form at roof height. The proposal was refused by the Council on the grounds of overdevelopment of the site, overbearing impact on Belmont and a detrimental impact on the streetscene, and failure to preserve or enhance the character or appearance of the conservation area. However all these grounds were not upheld by the Inspector.
- 37 He considered that *'by reason of height and bulk, the proposed scale of development would be detrimental to the character and appearance of the streetscene when compared to the existing situation. In my judgement, and taking into account the existing gaps to neighbouring properties, the height of the proposed development and the relationship to the neighbouring 2-storey elements would fail to respond appropriately to the scale and height of the neighbouring properties. This adverse harm would result in the appeal scheme appearing a cramped form of development rather than contributing positively to the generally spacious character and appearance of the Conservation Area.'*
- 38 He also made some comments of support for the proposal: In his appeal decision the inspector found that the erection of an apartment building *'would be an effective use of land within the urban area as required by ADMP Policy EN1.'* He also commented *'There are some aspects of the appeal scheme's design which would make a positive contribution to the streetscene, including the gable features at roof level and proportions of some of the openings. The appeal scheme would preserve the views towards the North Downs and would not result in an unacceptable terracing effect within the streetscene. Although there would be a change to some of the ground levels, the terracing of the rear garden would not materially affect the verdant and spacious character and appearance of the Conservation Area. It was noted during the site visit that Belmont possesses terraces of a similar scale to those proposed'*
- 39 With regard to its impact on neighbouring occupiers, the Inspector found that *'by reason of siting and relationship to the neighbouring properties, the proposed building would not be an overbearing form of development'*. He also considered *'that the proposed building would not adversely affect the level of daylight and sunlight reaching these neighbouring properties. Further, with the potential erection of privacy screens and obscured glazing, there would be no unacceptable overlooking of the neighbouring properties which would cause the occupiers' privacy to be materially harmed.'*
- 40 With regard to the rear garden terracing and the undercroft parking, the inspector considered that *'the bulk of the proposed terrace's flank walls would not be a sufficient reason for this appeal to fail'* and that *'the manoeuvring and parking of vehicles would be contained within an under-croft area which would mitigate any potential adverse impacts'*
- 41 The appeal decision is a material planning consideration that carries significant weight.

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### *Principle of development*

- 42 The site lies within the urban confines of Sevenoaks but outside of the Town Centre. As such, the development of the site is supported by Core Strategy policy which seeks to locate development within the built confines of existing settlements. Sevenoaks is identified as a location where provision will be made for significant housing development where it protects the distinctive character of the local environment.
- 43 The site area is 0.13Ha and the density of the proposed development amounts to 46 Units/Ha. This is marginally greater than the density of 40 dwellings per hectare stated in the Core Strategy but still manages to achieve good design and not compromise the distinctive character of the area in which it is situated. Policy SP7 of the Core Strategy states that in suitable locations close to Sevenoaks Town centre, densities higher than 40 dwellings per hectare will be encouraged. As such, it is considered that the proposal would not result in an overdevelopment of the land.

### *Design and Appearance*

- 44 The bulk of the proposed development would be compatible in terms of scale, height, density and site coverage with other buildings in the locality and within the street scene. Although the proposed dwelling is larger than existing, it would still sit comfortably within the plot.
- 45 The predominant height and roof bulk of the proposal has been reduced considerably when compared with that considered previously by the Inspector. The roof form has been altered so that two storey pitched roof elements sit adjacent to the neighbouring buildings. These side wings of the building are set back from the main 3-storey gable and the third floor is wholly contained within the roof space, with the use of small single casement dormer detailing. The height of the side wings has been reduced by 2.6m in comparison with SE/14/02577/FUL.
- 46 In addition, the main eaves levels and the main ridge levels of the proposed building have been reduced so that they are consistent with both neighbouring buildings on either side.
- 47 This directly deals with the comments made by the Inspector in his appeal decision, relating to the relationship between the neighbouring two storey developments and the application site, and as such addresses the reason that the appeal was dismissed. It therefore now sits within its setting in a congruous manner which reads acceptably within the streetscene and within the wider conservation area.
- 48 The proposal maintains gap of 1.3m to its southern boundary. This is only 40cm closer to the southern boundary than the existing building, and retains a gap of 3.2m between the flank wall of the proposal and that of Pavilion Gardens. This gap between built forms would prevent any appearance of terracing. The appeal proposal protruded 60cm closer to the south site boundary than the current application and was considered to be an acceptable separation distance by the appeal Inspector. As such, the greater distance shown in this application represents an improvement over that which is already considered acceptable.



- 49 A gap of 5.7m would be maintained between the proposed development and the flank wall of Belmont to the North. This spacing is considered appropriate to and reflective of the character of the locality. The degree of spacing between buildings was considered acceptable by the appeal inspector. This application provides a greater degree of spacing than the appeal scheme and is therefore also considered acceptable.
- 50 The proposal extends further back into the plot than the existing. On the southern boundary, it extends 1.7m further back than Pavilion Gardens, and on the northern boundary, it extends 0.8-1.8m further back than the car port at Belmont. This siting of the rear building line of the proposal is very similar to that previously considered. As before and as considered by the inspector previously, the relationship with the neighbouring buildings and the impact on visual amenity is considered acceptable.
- 51 The built up form of the plot is increased throughout the garden which accommodates the basement parking below. This would result in an increased height of the rear garden behind the existing boundary wall. A planted screen of an increasing height up to 1.2m is shown along the boundary. The details of the boundary treatment can be conditioned to ensure an acceptable treatment to the retaining structure and the site boundary above. The previous scheme showed a higher built up garden element (by an additional maximum of 1.3m on the boundary with Belmont). The inspector previously found this element of the proposal, at a higher level to be acceptable. He commented: *'Although there would be a change to some of the ground levels, the terracing of the rear garden would not materially affect the verdant and spacious character and appearance of the Conservation Area. It was noted during the site visit that Belmont possesses terraces of a similar scale to those proposed'*
- 52 The fact that a higher level was considered acceptable by the Inspector and that the proposal is at a lower height, is a material planning consideration which carries significant weight
- 53 The distances between the increased ground level and the neighbouring dwellings to the side and rear, in addition to the gradual increase along the garden, and the fact that it can be screened by way of a hard and soft landscaping condition mean that this element of the proposal, while not ideal, is considered acceptable and would have no impact on neighbouring amenity.
- 54 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). Para 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum use.
- 55 The Planning (Conservation Area and Listed Building) Act 1990 requires special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 56 The design of the new building would relate sympathetically to the character of the conservation area. The elevational treatment and revised roofline of the building would harmonise with the architectural style which is found within the locality. An easily identifiable entrance has been created which provides legibility

## Agenda Item 4.1

to the building. The boundary treatments are shown to match in with the neighbouring plots, and would appear coherent within the streetscene.

- 57 The proposal would result in the loss of a building within a conservation area. The existing Ragstones building is of no particular architectural quality or value within the conservation area. It is not identified as a building that contributes to the character of the conservation area.
- 58 The architectural expression of the proposal would make a positive contribution to the character of the conservation area and would reinforce local distinctiveness. The proposal would preserve the character of the conservation area.
- 59 These elements of the proposal were given merit by the Inspector in consideration of the previous application and continue to be relevant in this case.
- 60 It is therefore compliant with paragraph 131 of the NPPF, which requires new development to make a positive contribution to local character and distinctiveness, and para. 60 requiring LPA's to seek to promote or reinforce local distinctiveness. The proposal would enhance the character or appearance of the conservation area in accordance with the requirements of the conservation area appraisal, and would appear as a congruous and harmonious building within the streetscene.
- 61 The site can be viewed from long views across the cricket green. The ability of the proposal to relate to the local distinctiveness of the area would ensure that it would not have a detrimental impact on this designated heritage asset. The Inspector previously considered this to be the case: *'The appeal scheme would preserve the views towards the North Downs and would not result in an unacceptable terracing effect within the streetscene.'* As previously expressed, the proposal would appear as an acceptable feature within the conservation area and as such would not cause harm to the setting of the Vine cricket ground.
- 62 The proposal would result in the removal of a Holm Oak tree on the site. After extensive discussion and examination of the site during the previous application, the Arboricultural Officer has concluded that the amenity afforded by the tree by its limited view was not such that the resistance to its removal could be maintained. The pine trees at the rear of the garden are not shown as being affected and no objection to the proposal on the basis of impact to these has been raised by the Arboricultural Officer
- 63 The proposal includes a substantial landscaping scheme which shows 2 acceptable replacement trees. This can be conditioned to ensure its implementation.

### *Impact on residential amenity*

- 64 In consideration of the previous scheme, the appeal Inspector did not object to the size and scale of the proposal in terms of its impact on neighbouring occupiers. The current scheme is smaller than the appeal scheme and therefore less likely to have an impact.
- 65 Although higher than the existing dwelling, the proposal is predominantly lower in height than the scheme considered at appeal. The extent of garden to the rear of the proposed building along with the oblique angle of development in relation to the properties at the rear – in the Drive and St Botolphs Road – mean that its

increased impact would be mitigated to an acceptable degree. Due to the siting of the proposal in relation to the two neighbouring buildings, their front and rear building lines and the orientation of the building, the proposal would not result in a significant impact on daylight or sunlight and it passes the daylight sunlight test.

- 66 The Inspector found that *'by reason of siting and relationship to the neighbouring properties, the proposed building would not be an overbearing form of development'*. He also considered *'that the proposed building would not adversely affect the level of daylight and sunlight reaching these neighbouring properties. Further, with the potential erection of privacy screens and obscured glazing, there would be no unacceptable overlooking of the neighbouring properties which would cause the occupiers' privacy to be materially harmed.'*
- 67 On the northern elevation, there are only elevational windows in the ground and first floor levels. The ground floor windows would be shielded by the boundary treatment. The first floor windows service a secondary living room window, kitchen and ensuite. Any potential loss of amenity through overlooking to the neighbouring building can be mitigated by the imposition of a condition requiring details of obscure glazing to the first floor side windows. The windows at second floor level on the northern elevation are rooflights which would not impact on the amenity of the neighbouring dwelling as they would be located in the roof and would divert views in an upward direction, rather than towards the neighbouring building.
- 68 Compared to the previously considered scheme, the rear terrace arrangement has been reconfigured to extend from the height of the existing rear patio terrace. The first floor terrace to Unit 3 has been deleted, and the sedum roof adjacent to the boundary with Pavilion Gardens is no longer shown as a roof garden. A sunken garden is provided to Unit 1 at lower ground floor level, with a terrace garden to Unit 2 to the northern side of the plot where it bounds Belmont, which matches existing patio levels. The remaining communal garden terrace is shown as stepped down lower than the existing rear patio heights
- 69 With regard to the rear garden terracing and the undercroft parking, the inspector previously considered that *'the bulk of the proposed terrace's flank walls would not be a sufficient reason for this appeal to fail'*. The current scheme proposes a lower level terrace with similar height screening but with an overall lower bulk in relation to the amenity of Belmont. The Inspectors conclusion carries significant weight. It is considered that the rear garden terracing and undercroft parking would not have an unacceptable impact on the amenity of the adjoining occupiers.
- 70 Consultation responses have raised concern about noise and traffic pollution from the parking provision. This would be enclosed within a building structure and as such, it is considered that it would not be obtrusive to neighbouring occupiers. The Inspector previously agreed with this assessment: *'the manoeuvring and parking of vehicles would be contained within an under-croft area which would mitigate any potential adverse impacts'*
- 71 The raised garden level would work with the sloping level of the land and, while it would introduce additional bulk to the side boundaries of the site, this is not considered intrusive enough to warrant refusal of the scheme. It would not impact on the amenities of the adjoining buildings. The Inspector supported this view in consideration of the previous similar scheme. The development to the South,

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Pavilion Gardens, has access and parking adjoining the rear garden of the application site and therefore the raised structure would have no adverse impact on the amenity of this space. The garden to the north of the site – Belmont – is 13.5m wide and is well screened by existing and proposed vegetation. As such, there would not be a significant detrimental impact on the amenity of this space

### *Affordable Housing*

- 72 The application has been submitted without a legal agreement regarding an affordable housing contribution. A viability assessment has been submitted by the Applicant which concludes that implementation of the proposal would result in a financial deficit.
- 73 The viability assessment has been checked by the Council's independent consultant who has produced a report which concludes that the viability assessment submitted with the application is an accurate reflection of the viability of the proposal.
- 74 Therefore, although no affordable housing provision is offered, the proposal does accord with the requirements of policy SP3 of the Core Strategy because it has been demonstrated that the proposal is only viable with a zero contribution in line with the Affordable Housing SPD. The Council's independent viability assessor has concluded that the figure paid for the land is reasonable. Given the constraints of the site – its proximity to neighbouring dwellings, the limit on the scale and height of development that would be acceptable, and its location within the conservation area and adjacent to the Vine cricket ground – there are limited variations on how the site can be developed to achieve a greater return.

### *Highways and Parking*

- 75 The maximum parking requirements for proposal in its location is 1 space per unit plus 1.2 spaces for visitor parking. The scheme makes provision for 10 spaces plus 3 visitor parking spaces. This exceeds the policy maximum requirements. Policy T2 of the ADMP states that the Council may depart from established maximum and minimum standards in order to take account of specific local circumstances. In this instance, Kent Highways have assessed the proposal and raised no objection to the parking provision on site, or to the impact of an increase in traffic movements. Given this, and that the Council, nor the Inspector previously objected to a similar provision this aspect of the scheme is considered to be acceptable. Details of the parking layout and the provision of cycle spaces can be dealt with by condition.

### Other matters

- 76 Concerns have been raised that the proposal is located too close to Pavilion Gardens and the construction will cause damage to the existing building. This is not a planning consideration to which any weight can be given. It would be a civil matter for agreement between the developer and the neighbour.
- 77 A concern has been raised that the parcel of land at the end of the site is not included in the application and that the proposal should be refused until plans for this area are clear. The piece of land does not fall within the application site. It is currently domestic garden land and would remain as such until a planning application came in for an alternative use. If this happened, then the application

would be considered on its own merits at the time. It is not possible to prejudge what may happen with this land, and its potential use is not a material planning consideration to which any weight can be attached.

- 78 Concerns have been raised previously about surface water runoff and drainage of the site. A condition could be applied so that the applicant must demonstrate a sufficient drainage arrangement to deal with this.
- 79 Implementation and retention of the hard and soft landscaping details submitted can also be secured via condition
- 80 Comments of concern have been raised about construction of the site given its proximity to residential units. This could be dealt with by way of a condition requiring a construction method statement to be submitted and approved prior to commencement of development.
- 81 At the heart of the NPPF is a presumption in favour of sustainable development. This should be seen as a thread running through plan making and decision taking. Paragraph 1 states that development that accords with the development plan should be approved without delay. An assessment of the proposal has found that the proposal is in accordance with the development plan, and therefore it is recommended that planning permission be granted.

*CIL*

- 82 The application is CIL liable and no exemption has been sought. The CIL contribution payable on the proposal would be £155,550

### **Conclusion**

- 83 That planning permission is granted.

### **Background Papers**

Site and Block Plan

Contact Officer(s): Joanna Russell Extension: 7367

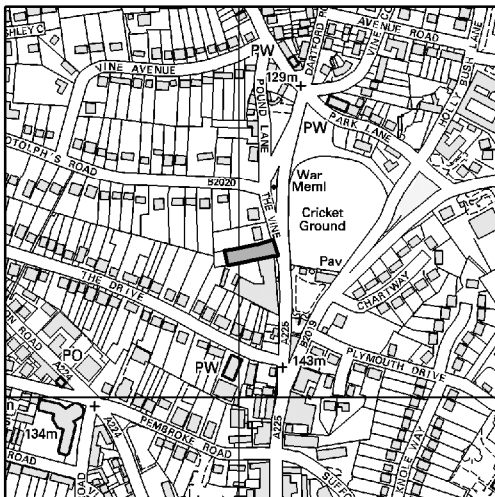
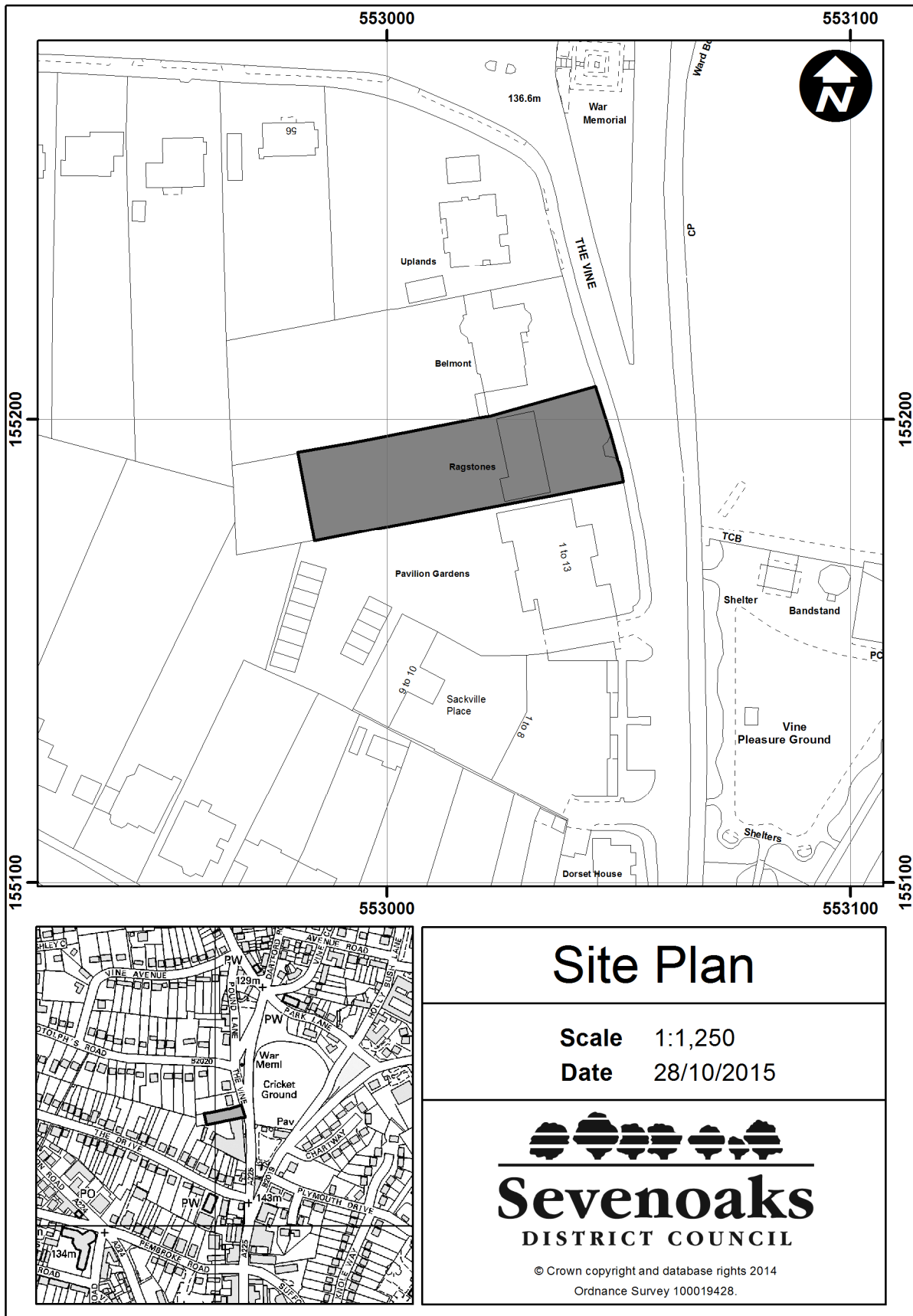
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NRS9D5BKLF800>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NRS9D5BKLF800>



# Site Plan

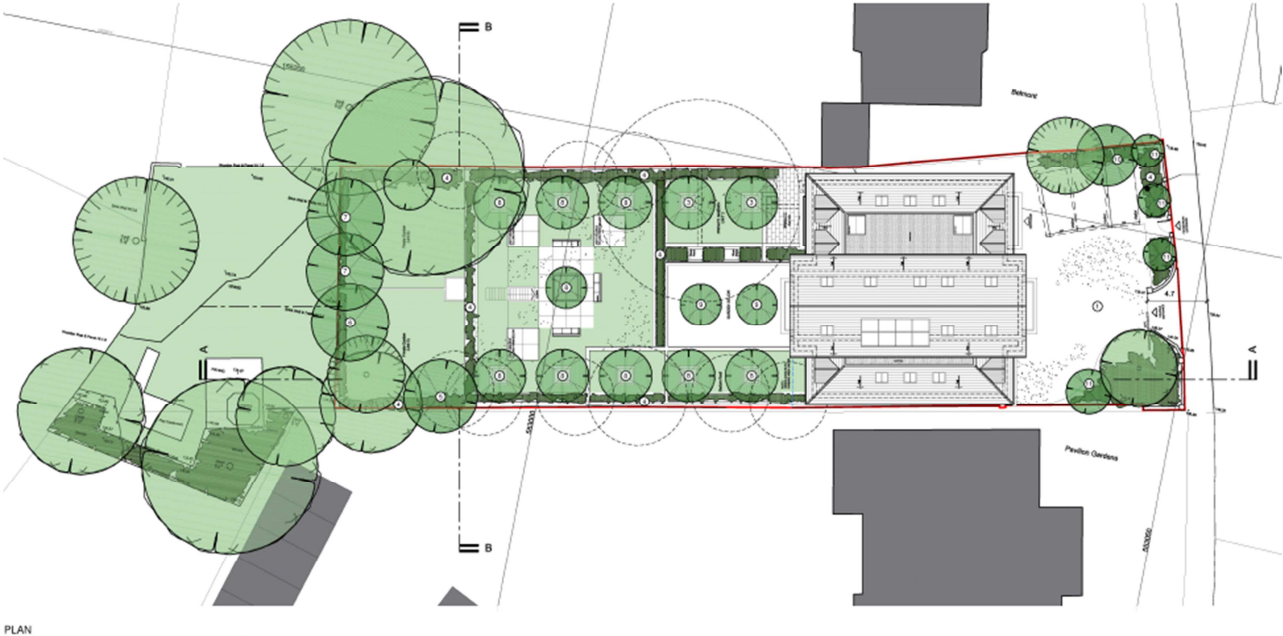
Scale 1:1,250

Date 28/10/2015



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Ordnance Survey 100019428.

Block Plan



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4.2 – SE/15/02624/CONVAR Date expired 18 November 2015

PROPOSAL: Variation of condition 2 of 08/01850/CONVAR (Appeal reference APP/G2245/A/08/2092052/NWF) in order to allow deliveries to be made to the ASDA Store between 05:00 and 23:00 hours on Mondays to Saturdays and between 06:00 and 23:00 on Sundays and Christmas Day.

LOCATION: Asda Stores Ltd, London Road, Swanley BR8 7UN

WARD(S): Swanley White Oak

**ITEM FOR DECISION**

Councillor Rosen has referred this application to Development Control Committee on the concern of the impact of the extend delivery times upon the amenities of nearby residents

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

1) No deliveries shall be made to the ASDA Store except between 05:00 and 23:00 hours on Mondays to Saturdays and between 06:00 and 23:00 hours on Sundays and Christmas Day.

To protect the amenities of surrounding residential properties in the area in accordance with policies EN2 and EN7 of the Sevenoaks Allocations and Development Management Plan.

2) Notwithstanding condition one, the number of deliveries to the Asda Store shall be restricted to no more than 2 deliveries between 0500 and 0630 hours, no more than 2 deliveries between 2200 and 2300hours Monday to Saturdays and no more than 2 deliveries between the hours of 0600 and 0800 hours and no more than 6 deliveries between 1500 and 2300 hours on Sundays and Christmas Day.

To protect the amenities of surrounding residential properties in the area in accordance with policies EN2 and EN7 of the Sevenoaks Allocations and Development Management Plan.

3) The roller shutter doors that serve the service area/warehouse of the building shall remain closed at all times, except when required to be opened for the purposes of vehicular access/egress from the building or in an emergency.

To ensure the acoustic protection within the service area is not compromised and to protect the amenities of surrounding residential properties in the area in accordance with policies EN2 and EN7 of the Sevenoaks Allocations and Development Management Plan.

**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

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with applicants/agents in a positive and proactive manner, by;

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

In this instance the applicant/agent:

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

### Description of Proposal

- 1 This is an application made under Section 73 of the Town and Country Planning Act 1990 (as amended) to allow the variation or removal of a condition of a specific planning permission to facilitate extended delivery times to the existing supermarket.
- 2 This application seeks to vary Condition 2 of planning permission SE/08/01850/CONVAR that states:  
  
*“No deliveries shall be made to the ASDA Store except between 06:30 and 22:00 hours on Mondays to Saturdays and between 08:00 and 15:00 hours on Sundays and Christmas Day.”*
- 3 The reasoning for the condition is to safeguard the amenity of the locality, principally to safeguard the amenities of the residents opposite site from noise and disturbance.
- 4 Since 2003 the store has traded on weekdays for 24 hours per day, opening at 07:00 on Monday mornings and closing at 22:00 on Saturday evenings. It also trades between 10:00 and 16:00 on Sundays. Asda wishes to extend the delivery times as the store trades on a 24 hour basis and provides a home shopping service, in order to support this, there is a need to deliver fresh produce outside the hours permitted by the 2008 planning permission to ensure availability of product in store and allow fresh produce to be ‘picked’ for customers using the home delivery service.

- 5 The extended delivery times will allow for 2 fresh produce deliveries. It is intended that these two deliveries are to arrive at the store at the same time so they can be unloaded within the enclosed service area, first thing in the morning and mitigate the queuing of deliveries on the rampway.
- 6 Once the lorries have entered the service area to unload, the entrance shutters to the yard will be closed. The lorries will move to the northern most end of the service yard to unload the produce deliveries into the chillers or straight onto the shopfloor. Once unloaded, the vehicle(s) will depart from the service area from the northern most exit, which is not located opposite residential properties.
- 7 It is understood that the extended delivery periods would not result in further deliveries being made to the store, but will assist in the logistics in serving the store and increasing trading efficiencies.
- 8 No physical alterations to be building are being proposed.

### Description of Site

- 9 The site lies within the urban area of Swanley, in the heart of the Town Centre. Vehicular access to the store can be gained from the adjacent orbital road into two car parks that are located on the east and western sides of the main store. There is a delivery entrance to the site independent of the car parks, accessed from a rampway that adjoins from Bartholomew Way. Approximately 30m to the east of the site are residential properties along Birchwood Park Avenue, to which the main orbital road separates the properties from the application site.
- 10 Deliveries of goods take place in a service yard area that abuts the eastern elevation of the store. This is a fully enclosed purpose built construction comprising of masonry walls of a height of approx. 2.9m with blanked-off louvres to provide acoustic mitigation.
- 11 As previously mentioned access to the service yard is facilitated by a dedicated ramp to the south of the yard with egress occurring at the northern end of the facility.
- 12 Since 2003 the store has traded on weekdays for 24 hours per day, opening at 07:00 on Monday mornings and closing at 22:00 on Saturday evenings. It also trades between 10:00 and 16:00 on Sundays.

### Constraints

- 13 Built confines of Swanley

### Policies

#### *Sevenoaks Core Strategy*

- 14 Policy – SP1

#### *Allocations and Development Management Plan (ADMP):*

- 15 Policies - EN2, EN7

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### Other

- 16 National Planning Policy Framework (NPPF)
- 17 National Planning Practice Guidance (NPPG) - Noise

### Planning History

- 18 There is an extensive planning history to this site and the following planning permissions are relevant to this application:
  - 08/01850 - Variation of Condition 9 of SE/87/01732/FUL to allow deliveries between 06:30 and 22:00 Monday to Saturday with No Restriction on vehicle numbers on Sundays – REFUSED (*GRANTED at APPEAL*)
  - 08/00631 - Variation of Condition 9 of SE/87/01732/FUL to allow deliveries between 06:30 and 22:00 Monday to Saturday with No Restriction on vehicle numbers on Sundays. - WITHDRAWN
  - 02/02326 - Variation of condition limiting store deliveries of Application SE/87/01732 - REFUSED
  - 96/02267 - Variation of condition 9 of planning permission SE/87/1732 to extend delivery hours on Monday to Saturdays and to allow deliveries on Sundays and Bank Holidays. – GRANTED

### Consultations

#### *Swanley Town Council*

- 19 Swanley Town Council – Objects for the following reasons:

*“Swanley Town Council strongly objects to this application as the proposed extension of delivery hours would be harmful to the residential amenities of properties in the vicinity due to the noise and pollution from exhaust emissions generated by the delivery vehicles which is contrary to planning policy EN1 of the Local Plan.*

*The planning conditions were set when the store was opened and there has been no material change in the surrounding neighbourhood during this time that would make changes to delivery times viable.*

*The Town Council request that Asda seeks to find a solution to the issue of vehicles queuing to enter the delivery yard and considers finding a suitable parking waiting area and must better manage its supply chain. The stacking of vehicles using the public highway raises serious concerns of highway safety. This situation is made worse by the size of the delivery lorries being used.*

*The WHO guidelines are already being exceeded and therefore any increase in opening hours would only make this situation worse.”*

#### *Kent Highways Services –*

- 20 No objection

SDC Environmental Health

- 21 SDC – Environmental Health Officer – *“Having reviewed the acoustic submission I was mindful that it states that the highest LAFmax exceeded the WHO night time guideline values. However the measurement results and time history information demonstrate that the existing traffic movements generate significantly higher levels than the proposed delivery vehicles generate.*

*I suggest that by agreement or possibly a condition that no more than two deliveries in the period 05:00 to 06:30 and two deliveries between 22:00 and 23:00 Monday to Saturday with no more than two deliveries 06:00 to 08:00 and no more than six deliveries between 15:00 and 23:00 on Sundays and Christmas Day.”*

Representations:

- 22 9 Letters of objection received, objecting on the following grounds:

- Highways safety matters;
- Noise generated at unsociable hours;
- Cause noise and disturbance;
- Pollution caused by stationary vehicles;
- Already have been breaches of planning control.

**Chief Planning Officer’s Appraisal**

Principal Issues

- 23 This is a Section 73 application to allow the variation or removal of a condition of a specific planning permission. This will effectively allow the consideration of the variation(s) and allow further conditions to be imposed if it is considered reasonable and necessary in accordance with guidance in the National Planning Practice Guidance (NPPG). This report will discuss relevant material considerations that apply to the proposed variation.

Variation of Condition 2 of planning permission SE/08/01850/CONVAR. It states:

*“No deliveries shall be made to the ASDA Store except between 06:30 and 22:00 hours on Mondays to Saturdays and between 08:00 and 15:00 hours on Sundays and Christmas Day.”*

- 24 The applicant proposes varying the condition to:

*“No deliveries shall be made to the ASDA Store except between 05:00 and 23:00 hours on Mondays to Saturdays and between 06:00 and 23:00 hours on Sundays and Christmas Day.”*

- 25 Asda have found that the approved variation in delivery hours (*approved at appeal – planning reference – SE/08/01850*) is not sufficient for their operational requirements and they require early morning fresh produce deliveries to reduce the risk of the store running out of stock with a key emphasis on early

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morning customers not being able to buy the products they require and offering fresher goods to be picked for home shopping customers.

- 26 The main issue in regard to this application is to whether the variation of condition 2 of SE/08/01850/CONVAR to allow for extended delivery times will have an adverse impact on the amenities of adjoining occupiers.
- 27 Under policies EN1 and EN7 of the ADMP, the environment and sensitive receptors should be protected against pollutants, including noise, and development should not be permitted if it would lead to an unacceptable level of noise nuisance for nearby residents. Moreover, Paragraph 123 of the National Planning Policy Framework stated that planning decisions should aim to “*avoid noise giving significant adverse impacts upon health and quality of life as a result of new development.*” Furthermore they should aim to “*mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including the use of conditions*”
- 28 The applicant has submitted a noise impact assessment (NIA) for extended delivery periods in accordance with BS4142:2014. The methodology used for the 2008 planning application/appeal was that of the PPG24: Noise and the recently superseded BS4142:1997, and was not disputed by the Planning Inspector. This submitted NIA not only considers BS4142:2014, but also uses standards as set out in the Noise Policy Statement for England 2010 (DEFRA) and further guidance published by NPPG 2014. The methodology used for the NIA has not been disputed by the Council’s Environmental Health Officer.
- 29 The results of the NIA establishes the typical background sound levels adjacent the nearest residential property, plus activity noise levels for a refrigerated articulated vehicle arriving on the access ramp and driving into the enclosed service yard.
- 30 The results of the report express that a noise rating of a refrigerated vehicle arrival would be 46 dB LAeq during the day and a rating level of 49 dB LAeq for night-time arrival. It shows that the most dominant noise source is road traffic activity on Bartholomew Way, which is at a higher noise level than the delivery activity to the store, at those proposed extended delivery hour times, which is also a similar conclusion the 2008 NIA.
- 31 As stated in the NIA, consideration has been given to the reference of the exceedance of World Health Organisation (WHO) night-time values, which has been highlighted by the Town Council. It is recognised that the noise activity of the deliveries exceeds the expected night-time values (as cited by WHO), however the existing background noise generated by traffic is even higher than that of the noise activity generated by the deliveries, as expressed by the NIA. Again this is a similar conclusion the Planning Inspector had made in the 2008 appeal whereby, paragraph 16 of that appeal decision, the Inspector stated:
- “Even at the most exposed property (now known as The Grove), predicted noise levels from the serving of the store would be effectively masked by noise from passing traffic along Bartholomew Way and other town centre activity during the particular periods concerned.”*
- 32 Again, it would appear that no harm can be demonstrated by the deliveries being made during the extended periods as qualified by the submitted NIA.

- 33 Further guidance from the Noise Policy Statement for England 2010 (DEFRA) aims to avoid significant adverse impacts upon health and quality of life and uses WHO concept toxicology phrases to determine the overall effect of the noise exposure is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for a given situation. This is reaffirmed by guidance within the NPPG.
- 34 The observed effect levels are described as:
- “• *Significant observed adverse effect level (SOAEL): This is the level of noise exposure above which significant adverse effects on health and quality of life occur;*
  - *Lowest observed adverse effect level (LOAEL): this is the level of noise exposure above which adverse effects on health and quality of life can be detected;*
  - *No observed effect level (NOEL): this is the level of noise exposure below which no effect at all on health or quality of life can be detected.”*
- 35 Taking the above into consideration the submitted NIA demonstrates that the noise impact from the deliveries would be below the Lowest Observed Adverse Effect Level (LOAEL). This is acceptable in planning terms and as stated by NPPG, no further mitigation measures would be required.
- 36 The NIA has been independently assessed by the Council’s Environmental Health Officer. The officer raises no objection to the proposal but has suggested further restriction on the amount of deliveries during the extended periods, which would be a ‘balanced approach’, securing the minimum needs of the store and that of the amenities of the residents. The contents of the report, as qualified by the officer, the noise levels created by the deliveries would be no higher than that of the traffic noise generated within the proposed extended periods. Therefore as it cannot demonstrated that significant harm would caused to the amenities of adjacent residents, there is no basis to justify a reason for refusal of this proposal.
- 37 As discussed above, the only reason for the imposition of the previously conditioned delivery hours was to safeguard the amenities of neighbouring residents and the local area from any undue nuisances. As such there should be no additional material considerations in the assessment of this application. It is however noted that Highway Services have also confirmed no objection to the application, and the absence of any physical alterations will ensure no harm to visual amenity.
- 38 In light of the above it is considered that the proposed extended delivery hours are considered to be acceptable. The proposed hours would ensure the continued protection of sensitive receptors in the area and as such it is proposed that the condition should be varied as follows:
- “No deliveries shall be made to the ASDA Store except between 05:00 and 23:00 hours on Mondays to Saturdays and between 06:00 and 23:00 hours on Sundays and Christmas Day.*
- Reason: To protect the amenities of surrounding residential properties in the area in accordance with policies EN2 and EN7 of the Sevenoaks Allocations and Development Management Plan.*

## Agenda Item 4.2

- 39 Moreover, as suggested by the Environmental Health Officer and has been provisionally agreed by the applicant, it is proposed to introduce a further condition restricting the number of deliveries during the extended time periods to ensure deliveries within the extended periods are strictly controlled without inhibiting the trading efficiency of the store. The additional proposed condition should read -
- 40 *Notwithstanding condition one, the number of deliveries to the Asda Store is restricted to no more than 2 deliveries between 0500 and 0630 hours, no more than 2 deliveries between 2200 and 2300 hours Monday to Saturdays and no more than 2 deliveries between the hours of 0600 and 0800 hours and no more than 6 deliveries between 1500 and 2300 hours on Sundays and Christmas Day.*

*Reason: To protect the amenities of surrounding residential properties in the area in accordance with policies EN2 and EN7 of the Sevenoaks Allocations and Development Management Plan.*

- 41 Upon reviewing the existing planning permissions relating to the store, it is noted that there are no planning conditions relating to the use of the service area vehicle entrance and exit roller shutter doors. The service area has internal acoustic protection and as confirmed by the applicants, the submitted NIA had been undertaken with the service area fully enclosed. To ensure that the acoustic protection offered within the existing service yard is not compromised, it would be reasonable to expect that the service area roller shutters are closed at times when vehicles are being unloaded. At present it is only in-house guidance that ensures that the roller shutter doors remained closed during loading and unloading of vehicle(s) and cannot be wholly relied upon. Therefore by imposing a condition of adds a level of protection to ensure the acoustic performance of the service area is maintained. A condition of this nature would be reasonable and in accordance with the NPPG. The condition recommended condition proposed is:

*“The roller shutter doors that serve the vehicular entrance and exit points from the building service area/warehouse shall only be opened in an emergency or when a vehicle is required to have access to enter or to exit the service area/warehouse.*

*Reason: To protect the amenities of surrounding residential properties in the area in accordance with policies EN2 and EN7 of the Sevenoaks Allocations and Development Management Plan. “*

### Other Matters

- 42 Concerns have been raised by residents that at present lorries parking on the access ramp are over spilling onto the main road, causing a traffic hazard. However, there is other legislation in place to deal with such obstructions on the highway and therefore not a planning consideration. Notwithstanding this, there is a perceived benefit of allowing extend the delivery hours. By allowing the 2 fresh produce deliveries in the morning, logistically these vehicles would come straight from Asda's 'Erith' depot to the allowing all the produce to be delivered to the store and in these first two deliveries. This would alleviate the need for split/mixed deliveries with other store allocations or other chilled foods making the logistical process more efficient. Furthermore being the first two deliveries of the day, the vehicle would enter into the service area without the need to wait



upon the rampway, reducing the risk of vehicles waiting. Therefore the extended delivery hours would only serve to improve the current situation and reduce the need for further deliveries throughout the day.

- 43 KCC Highways have raised no objection to this application; as such no highway objections can be raised.
- 44 The neighbours' representations have been considered. Most of the concerns relate to noise issues. However as highlighted in the previous paragraphs, there is no justified planning reason to withhold the variation of the condition.
- 45 It is worth noting that since previous appeal decision, there have been no reported noise complaints raised to the Council's Environmental Health Team and one complaint to planning enforcement relating to deliveries made outside permitted hours received in September 2015.
- 46 Consideration has been given to making this permission temporary for a time-limited period to assess the impact of the extended deliveries. This precautionary approach could be undertaken, however it is considered that it would not be appropriate in this instance as the Environmental Health Officer has not objected to the proposal and accepted that the variation of the condition proposed would be able to address any harm caused by deliveries outside those hours as cited and further restrictions placed by recommended additional planning conditions.

### **Conclusion**

- 47 It is considered that the extended deliveries can be undertaken without causing disturbance to residential amenity as proved by the submitted NIA and as qualified by the Councils Environmental Health Officer. The application is considered to be acceptable when assessed against the objectives of Policies EN2 and EN7 of the ADMP and would be in line with Paragraph 123 of the NPPF Framework, which states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. It is recommended that the condition is varied and subject to the imposition of additional conditions as recommended.

Contact Officer(s): Sean Mitchell Extension: 7349

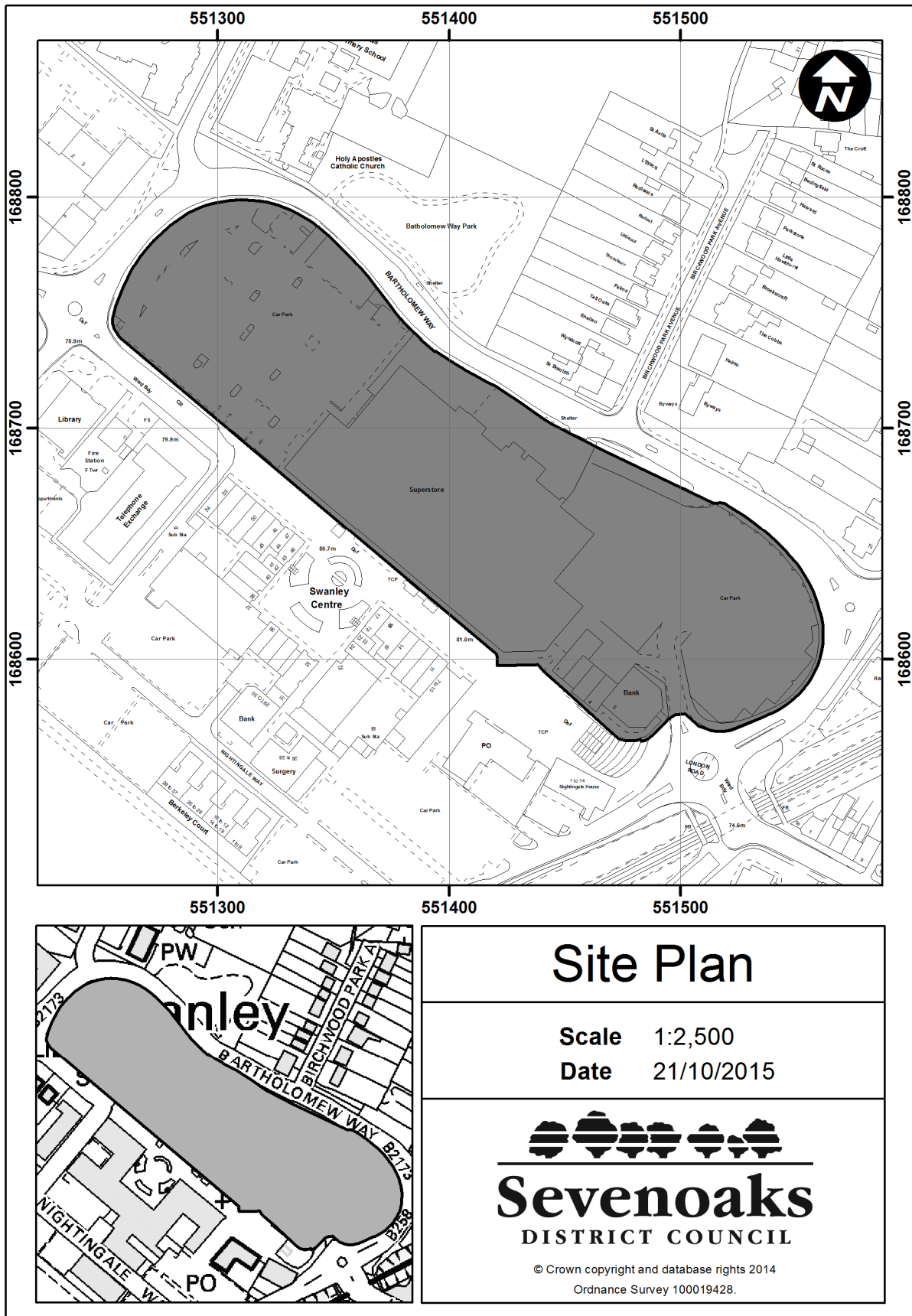
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NTBTA4BKKBZ00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NTBTA4BKKBZ00>



# Site Plan

Scale 1:2,500

Date 21/10/2015



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Ordnance Survey 100019428.

4.3- SE/15/03019/FUL Date expired 20 November 2015

PROPOSAL: Installation of 2 No. additional dormer windows and 1 No velux rooflight to the Front (South) elevation to match existing size and materials. Installation of 6No. Photovoltaic (PV) Panels to the front (South) elevation.

LOCATION: Suffolk House , 154 High Street, Sevenoaks TN13 1XE

WARD(S): Sevenoaks Town & St Johns

**ITEM FOR DECISION**

This application is being referred to Development Control Committee as Sevenoaks District Council is the applicant and owns the building / land in question.

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

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

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

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

To ensure that the appearance of the development is in harmony with the existing character of the building as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan..

3) The development hereby permitted shall be carried out in accordance with the following approved plans: JHP RS85 - 001, 002B, 003, 004 and 005A

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

**Note to Applicant**

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

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line  
([www.sevenoaks.gov.uk/environment/planning/planning\\_services\\_online/654.as](http://www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.as))

## Agenda Item 4.3

p),

- 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) The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

### Description of Proposal

- 1 This application seeks to create additional usable space within part of the roof area of an existing office building. The roof area is already partly in use as office accommodation, and the application seeks to add two dormer windows to the south facing elevation to allow conversion of the remaining space into office use.
- 2 The area in question is currently used as storage space for the existing office accommodation. However, it is not lit by windows. The application seeks to erect two triangle shaped dormer windows on the southern elevation to provide light to this space, together with a roof light. The dormers and roof light would match those currently on the building. This would enable the space to be let out.
- 3 The existing office provides around 1600sqm of space. The proposed additional area created through conversion of roof space would be around 86sqm.
- 4 The application also seeks permission to install 6 no solar panels on the southern roof slope of the building, above the existing and proposed dormer windows.

### Description of Site

- 5 Suffolk House is a large purpose built office arranged over three floors with further accommodation in the roof space. It was built in the 1980's and is of typical design for its age. A large car park providing 84 spaces is located to the east of the building.
- 6 The building occupies a prominent position within Sevenoaks Town Centre, on the junction of the High Street and Suffolk Way. It is surrounded by other buildings predominantly in commercial uses, some of which have residential accommodation on upper floors.
- 7 The building falls within a designated employment site under policy EMP1 of the ADMP. It falls outside of the High Street conservation area, which ends at 150 High Street on the opposite side of Suffolk Way. Otherwise there are no material planning designations.

Constraints

- 8 Protected Employment Site
- 9 Adjacent to the High Street conservation area

Policies

*ADMP:*

- 10 Policies – EN1, EN2, EMP1, TLC1, T1, T2

*Sevenoaks Core Strategy:*

- 11 Policies – LO1, LO2, LO3, SP1, SP8

*Other:*

- 12 The National Planning Policy Framework
- 13 The Sevenoaks High Street Conservation Area Appraisal

Planning History

- 14 SE/85/00333 – Demolition of existing retail, storage and office buildings and erection of an office building - Approved

Consultations

*Sevenoaks Town Council –*

- 15 Sevenoaks Town Council recommended approval.

Representations

- 16 None received

**Chief Planning Officer's Appraisal**

- 17 This application has been reported to the Planning Committee as it relates a development where the Council is the applicant and owner of the land in question.

Principal Issues

- 18 The existing building provides office employment in a sustainable town centre location, compliant with national and local planning policies. This application seeks to modify the existing building to provide further lettable office space, through conversion of part of the roofspace. Policy EMP1 of the ADMP identifies this site and surrounding area as a designated employment site and supports the retention, intensification and regeneration of such sites for business uses. On this basis, the principle of creating additional office space within the building is fully supported.

## Agenda Item 4.3

- 19 The main issue therefore relates to the suitability of the specific external changes proposed to the building. Policies SP1 of the Core Strategy and EN1 of the ADMP state that all development should be high quality and relate well to an area in terms of scale, height and form.
- 20 In this respect, the two dormer windows and roof light as proposed would match existing dormers and roof lights on the buildings, and would be subservient to the main roof. They would therefore be in keeping with the design and style of the existing building. The small amount of additional bulk added to the building would not be harmful.
- 21 The proposed solar panels would be sited at a slightly higher level on the roof slope than the existing / proposed dormers. Although on an elevation fronting the public highway, the solar panels would be a modest addition to the roof slope, and would also be largely obscured by the existing / proposed dormer windows.
- 22 The southern elevation would face across Suffolk Way towards the side elevation of 150 High Street, which marks the boundary of the Sevenoaks High Street conservation area. Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a Local Planning Authority to pay special attention to the desirability of preserving and/or enhancing the character or appearance of a conservation area. Likewise policies SP1 of the Core Strategy and EN4 of the ADMP seek to protect heritage assets and their settings.
- 23 In this instance, the application site falls outside of the conservation area, but given its close proximity to the boundary, consideration should be given to the impact of the development on the setting of the conservation area. In this respect, the existing office is a large building in the context of Sevenoaks Town Centre. However views of the office building from the High Street Conservation Area are limited, largely due to the fact that existing buildings within the conservation area physically obstruct views of the office building.
- 24 As a result, the proposed development would only be visible from within the conservation area from the opposite side of Suffolk Way. In this context, the extensions / alterations as proposed would be modest in scale and size and would match existing design features on the building. It would not increase the scale or prominence of the building to a degree where it would affect or harm the setting of the conservation area. Therefore it would not conflict with the above mentioned legislation or policies.
- 25 The proposed dormers and roof lights would face towards the flank wall of 150 High Street. This property is in use as a retail premises on the ground floor with offices above. A distance of 27 metres is maintained between Suffolk House and 150 High Street. Given the modest nature of the proposal, the separation distance, and the nature of the use of each building, no harmful impacts on the amenities of 150 High Street would be likely to arise.
- 26 Another office building at 3 Suffolk Way is sited immediately to the east of the application site. Due to the orientation of each building, the proposed dormer windows would not face towards this property, and given the modest nature of the proposal it would not have any harmful impacts upon No 3 Suffolk Way.

- 27 Policy EN2 of the ADMP states that new development should safeguard existing amenities. On the basis of the above I consider that the development would comply with this policy.
- 28 The development would add 86sqm of additional office space to the building, with an overall floor area for the building in the region of 1680 sqm. The existing office is also provided with 84 car parking spaces. Taking the proposed floor area into account, the parking ratio would equate to 1 parking space for every 20sqm of office space. The Council does not have any adopted parking standards for office space. However, as a guide, the previous Kent parking standards applied a maximum ratio of 1 space per 25 sqm of office space. Given that the development would achieve in excess of these former standards in a town centre location where maximum standards are often significantly reduced, I am of the opinion that the existing parking provision is more than capable of accommodating the small increase in office space as proposed.
- 29 Policies EN1(d) and T2 of the ADMP seek to ensure that new developments are provided with suitable parking facilities. Although Policy T2 states that non-residential parking should be provided in accordance with advice from Kent County Council, in this instance given the generous parking standards already provided on site, it has not been necessary to seek such advice.

### **Conclusion**

- 30 The proposal would provide additional office space in the town centre, where such provision is directed by local and national planning policies. It would result in a modest extension and alteration to the roof of the building and the impact of this upon the local surroundings and setting of the conservation area would not be harmful. Parking provision on the site is generous by town centre standards. I am satisfied that the development is fully compliant with the development plans, and on this basis that planning permission should be granted.

### **Background Papers**

Site and Block Plan

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

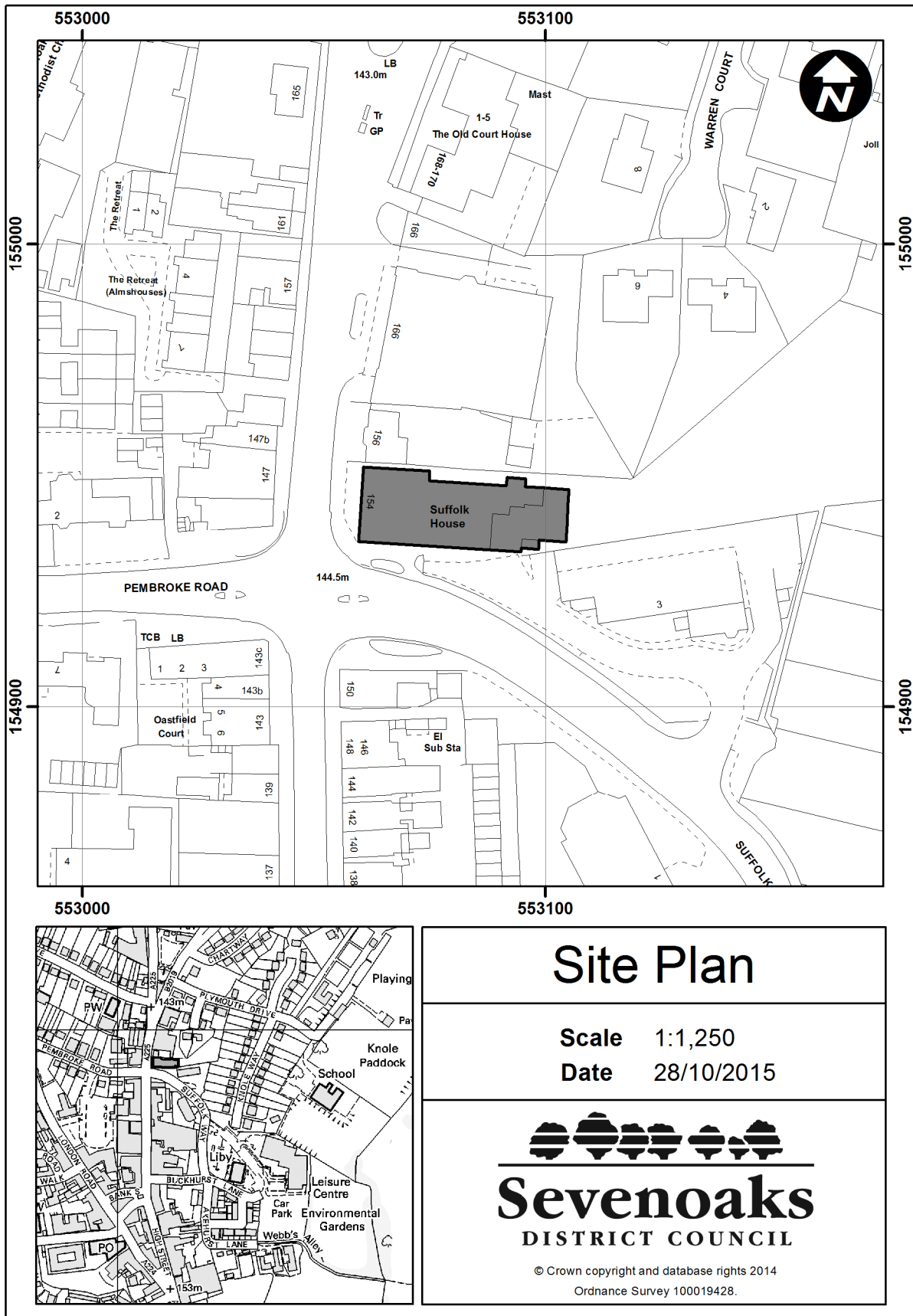
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**Chief Planning Officer**

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# Site Plan

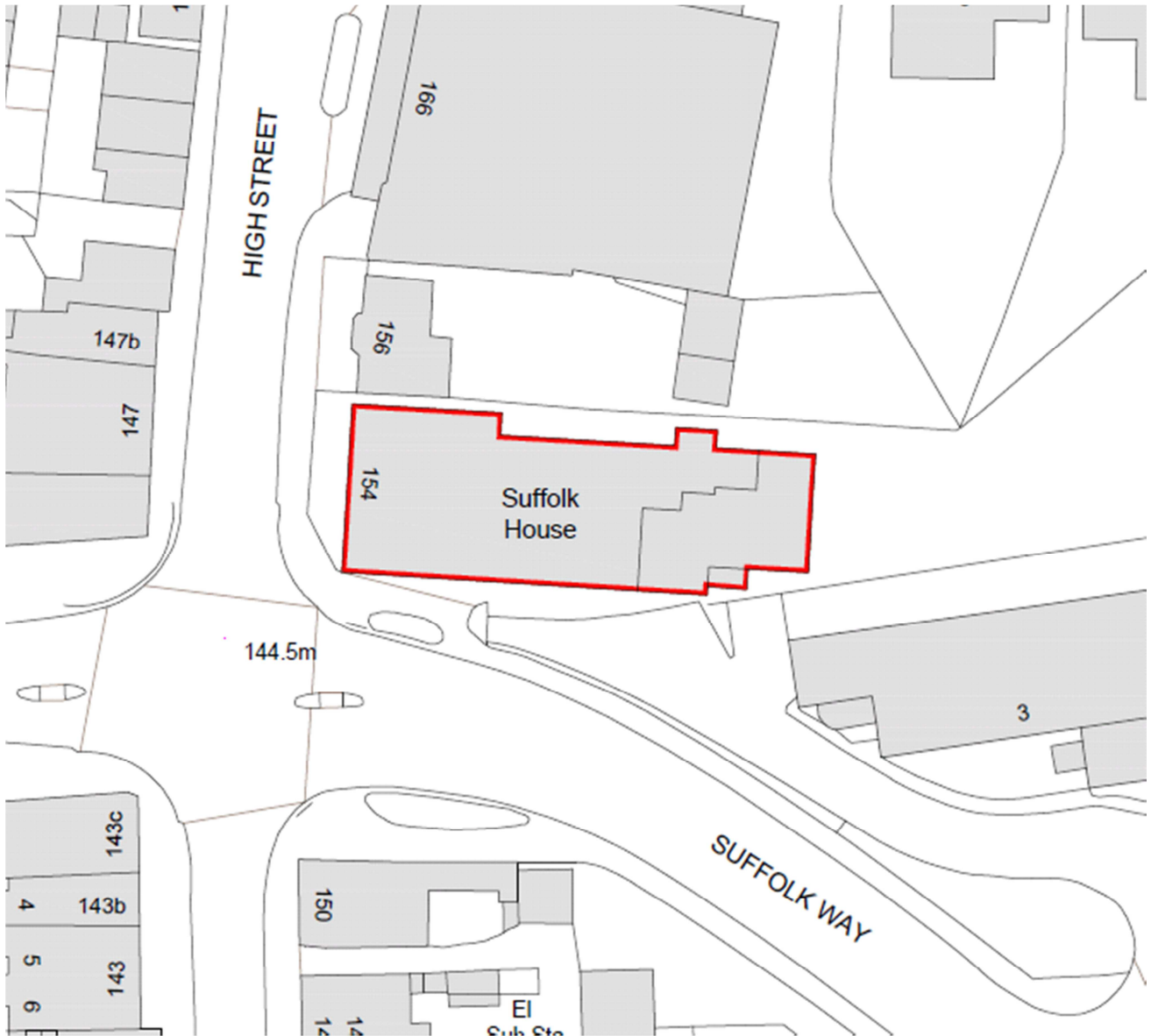
Scale 1:1,250  
Date 28/10/2015



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Ordnance Survey 100019428.



Block Plan



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