22 February 2018 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks Despatched: 14.02.18



Development Control Committee

Membership:

Chairman, Cllr. Williamson; Vice-Chairman, Cllr. Thornton Cllrs. Ball, Barnes, Bosley, Brown, Clark, Coleman, Edwards-Winser, Gaywood, Hogg, Horwood, Mrs. Hunter, Kitchener, Layland, Parkin, Purves, Reay and Raikes

Agenda

There are no fire drills planned. If the fire alarm is activated, which is a continuous siren with a flashing red light, please leave the building immediately, following the fire exit signs.

Pages Apologies for Absence 1. **Minutes** (Pages 1 - 6) To approve the minutes of the meeting of the Committee held on 25 January 2018, as a correct record. **Declarations of Interest or Predetermination** 2. Including any interests not already registered 3. **Declarations of Lobbying Planning Applications - Chief Planning Officer's Report** 4. 4.1 17/03763/FUL - Bluebell Bank And 4 Saddlers Park, (Pages 7 - 18) Station Road, Eynsford DA4 0ER Formation of access and driveway and associated works 4.2 17/03545/FUL - The Coach House, Swan Lane, Edenbridge (Pages 19 - 32) **TN8 6AJ**

Demolition of existing dwelling; erection of replacement dwelling and single storey garage and associated works.

4.3 **17/03753/FUL - Quantum House, High Street, Farningham** (Pages 33 - 42) **DA4 0DT**

Change of use of empty shop (A1) to one residential (C3) self contained unit.

4.4 **17/03889/ADV - Tesco Superstore, Aisher Way, Riverhead** (Pages 43 - 50) TN13 2QS

3 x aluminium fascia signs internally illuminated. (1, 2 and 3). 2 x aluminium panels with full gloss laminated digital graphic (4 and 5).

5. **Tree Preservation Order**

 5.1 Objection to Tree Preservation Order number 7 of 2017 (Pages 51 - 54) Located within the southern corner of the rear garden of 5 Blair Drive, Sevenoaks, TN13 3JR

EXEMPT INFORMATION

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.

Any Member who wishes to request the Chairman to agree a pre-meeting site inspection is asked to email <u>democratic.services@sevenoaks.gov.uk</u> or speak to a member of the Democratic Services Team on 01732 227000 by 5pm on Monday, 19 February 2018.

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. If you wish to obtain further factual information on any of the agenda items listed above, please contact the named officer prior to the day of the meeting.

Should you need this agenda or any of the reports in a different format, or have any other queries concerning this agenda or the meeting please contact Democratic Services on 01732 227000 or democratic.services@sevenoaks.gov.uk.

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DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 25 January 2018 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Thornton (Vice Chairman)

Cllrs. Ball, Bosley, Brown, Clark, Coleman, Edwards-Winser, Hogg, Horwood, Mrs. Hunter, Kitchener, Layland, Parkin, Purves

Apologies for absence were received from Cllrs. Barnes, Gaywood, Reay and Raikes

Cllrs. Fleming, Lake, Lowe and Piper were also present.

63. <u>Minutes</u>

Resolved: That the minutes of the Development Control Committee held on 14 December 2017 be approved and signed by the Chairman as a correct record.

64. <u>Declarations of Interest or Predetermination</u>

Councillor Edwards-Winser declared for Minute 68 - 17/03306/HOUSE - 12 Orchard Road, Otford, Kent TN14 4LG that he was a member of the Parish Council and the local Member but remained open minded.

Councillor Brown declared for Minute 66 - 17/02386/MMA - Ragstones, 1 The Vine, Sevenoaks Kent, TN13 3SY that his Mother in Law lived in a neighbouring road to the property.

65. <u>Declarations of Lobbying</u>

There were none.

Reserved Planning Applications

The Committee considered the following planning applications:

66. <u>17/02386/MMA - Ragstones, 1 The Vine, Sevenoaks, Kent TN13 3SY</u>

The proposal sought permission for a minor material amendment to application SE/15/02253/FUL for the demolition of existing building and erection of 6 new build apartments with undercroft parking and associated landscaping and visitor parking to show modification of the north roof slope at third floor level to create

an inverted terrace, frame less balustrade. The application had been referred to Committee by Councillor Fleming who had concerns regarding the impact of the development on residential amenity of Belmont.

Members' attention was brought to the main agenda papers and the amendments in the late observation sheet.

The Committee was addressed by the following speakers:

Against the Application:-For the Application:Karen Clark (Agent)Parish Representative:-Local Member:Councillor Fleming

Members asked questions of clarification from the Officers.

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

Members discussed the proposed conditions for obscured glazing and discussed whether the inverted recessed roof terrace would be viewable and imposing.

The motion to grant planning permission 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 the time limit imposed on application SE/15/02253/FUL.

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: P20G, P22N, P30M, P71L, P72Q, P73P, P74L, P92A, P93D, P94A, P901A

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

3) The details contained within the Construction Method Statement as approved under application SE/16/01415/DETAIL shall be adhered to throughout the construction period.

To protect the amenities of the locality

4) Prior to occupation of the development, the landscaping details as shown on approved plan P20G and P22N 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) The development shall be carried out using the materials approved under application SE/16/01492/DETAIL.

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) The foul and surface water drainage shall be completed in accordance with the details approved under application reference SE/16/01439/DETAIL.

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

8) Cycle storage shall be provided in accordance with the details approved under application reference SE/16/01558/DETAIL, and retained as such thereafter.

In the interests of sustainable transport provision.

 Details of obscure glazing of the flank windows as approved under application reference SE/16/01521/DETAIL 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 as approved under application reference SE/16/01597/DETAIL 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) The development shall be carried out in accordance with the levels approved under application reference SE/16/01522/DETAIL.

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

12) The rooflights in the north facing elevation of the proposed building shall be installed with a minimum cill height of 1.7 metres above the floor of the room in which the roof lights are installed.

To protect the privacy of the neighbouring property, in accordance with Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

67. <u>17/03227/HOUSE - 9 Wyndham Avenue, Leigh, Kent TN11 8RB</u>

The proposal sought planning permission for the extension of existing patio. The application was referred to the Development Control Committee by Councillor Lake because the patio and fence would be intrusive and not in keeping with the surrounding area.

Members' attention was brought to the main agenda papers. The Committee was addressed by the following speakers:

Against the Application:	Mr. Anthony Vickers
For the Application:	Oliver Leeson
Parish Representative:	Colin Strachen-Brown
Local Member:	Councillor Lake

Members asked questions of clarification from the Officers.

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

Members discussed whether the patio and fence would be overbearing on the neighbouring property and if this affected their amenity land.

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

Councillor Thornton moved and it was duly seconded that planning permission be refused on the grounds of EN2 due to the unacceptable loss of privacy and overbearing on the neighbouring property.

Resolved: That planning permission be refused for the following reason

The extended patio area results in an unacceptable loss of privacy and overlooking of 8 Wyndham Avenue, and the higher fence panels would be overbearing on the occupiers of 8 Wyndham Avenue. As such the development is contrary to the National Planning Policy Framework, policy EN2 of the Sevenoaks Allocations and Development Management Plan and the Sevenoaks Residential Extensions SPD.

68. <u>17/03306/HOUSE - 12 Orchard Road, Otford, KENT TN14 5LG</u>

The proposal sought permission for the erection of a two storey side, single storey front and rear extensions and landscaping works. The application was referred to Development Control Committee as Councillor Lowe stated that the application does not meet The Sevenoaks Residential Extensions Supplementary Planning Document 4.20, the proposed extension was not subservient either on the roof line or being set back from the original building and there was no planning regulation for precedents.

Members' attention was brought to the main agenda papers and the late observations sheet which did not amend the recommendation.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	-
Parish Representative:	Martin Whitehead
Local Member:	Councillor Lowe

Members asked questions of clarification from the Officers. In response questions, Members were advised that the neighbouring properties side extensions were set back to the rear. Most of the dwellings were in line with each other. Officers also advised that the Supplementary Planning Document was there for guidance as to what equated to good quality design but were not Development Plan Policies.

It was moved by the Chairman and duly seconded that the recommendation in the report be agreed.

Members' discussed whether the proposal was subservient to the main dwelling and whether the development would give the appearance of terracing in the street scene due to the 1m gap not being maintained.

The motion to grant planning permission was put to the vote and it was lost.

It was moved by Councillor Thornton and duly seconded that the application should be refused as the development would not be subservient to the main dwelling or maintain a 1m gap and would result in a terracing effect contrary to EN1.

The motion was put to the vote and it was

Resolved: That planning permission be refused for the following reasons

The proposal would result in a terracing effect and a harmful impact on the streetscene. The proposed extension would not be subservient to the main dwelling or maintain a one metre gap to the boundary. As such the proposal is contrary to the National Planning Policy Framework, policy EN1 of the Sevenoaks Allocations and Development Management Plan and the Sevenoaks Residential Extensions SPD.

THE MEETING WAS CONCLUDED AT 8.47 PM

<u>CHAIRMAN</u>

4.1 - <u>17/03763/FUL</u>	Date expired 15 February 2018
Proposal:	Formation of access and driveway and associated works.
Location:	Bluebell Bank And 4 Saddlers Park, Station Road, Eynsford DA4 0ER
Ward(s):	Eynsford

ITEM FOR DECISION

Councillor Horwood has referred this application to Development Control Committee as he is of the opinion that the proposal is not detrimental to the character of the Conservation Area, in accordance with EN4 of the ADMP, and that there is a local parking shortage.

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

The proposal would fail to conserve or enhance the Conservation Area, and the proposal does not include a public benefit which would outweigh the harm to the Conservation Area, and is not in accordance with EN4 of the Sevenoaks Allocations and Development Management Plan.

The proposal would have a detrimental impact on the character of the street, and would not be in accordance with EN1 of the Sevenoaks Allocations and Development Management Plan.

The proposal would fail to conserve and enhance the Kent Downs Area of Outstanding Natural Beauty, by virtue of its detrimental impact upon the character of the village, and is not in accordance with EN5 of the Sevenoaks Allocations and Development Management Plan.

The proposal would be detrimental to the safety of pedestrians and vehicle users on the highway by virtue of providing insufficient splays, and is not in accordance with 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/65 4.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.

Description of proposal

- 1 The proposal includes the creation of a shared access and parking area to the front of Bluebell Bank and 1 Saddlers Park from Station Road, Eynsford.
- 2 The properties are on the eastern side of the road.
- 3 It is proposed that the kerb be dropped, part of a retaining wall to the front of the side partially demolished, and land to the rear excavated. The width of the proposed opening within the wall is 7.5m.

Description of site

- 4 The application site is located close to the centre of Eynsford village and within the Eynsford Village Conservation Area and Area of Outstanding Natural Beauty.
- 5 The site contains two dwellings, each set back from the road by between 13.5m and 15m. No changes to the dwellings are proposed as part of this application.
- 6 At the front (road side) of the site is a 1.4m retaining wall, after which the land the land banks and rises to approximately 2.75m in height, the level at which the houses are situated.

Constraints

- 7 Urban Confines Eynsford
- 8 Conservation Area Eynsford
- 9 Area of Outstanding Natural Beauty (AONB) Kent Downs

- 10 Area of Archaeological Potential
- 11 Biodiversity Opportunity Area
- 12 Public Right of Way along the northern boundary, outside the site
- 13 Opposite two Listed Buildings Avenue Cottage and Flinters Cottage

Policies

Allocations and Development Management (ADMP)

14 Policies:

EN1 - Design Principles EN2 -Amenity Protection EN4 -Heritage Assets EN5 -Landscape T2 -Vehicle Parking

Core Strategy (CS)

15 Policy:

SP1 -Design of New Development and Conservation

Other

- 16 Eynsford Conservation Area Appraisal
- 17 National Planning Policy (NPPF)

Relevant planning history

18 17/03080/HOUSE - Formation of access and driveway and associated works. - Withdrawn - 21.11.17

Consultations

Parish Council

19 Support - Councillors support this application as it would take the pressure off on-road parking.

Conservation Officer

- 20 Objection 'The greenery of the combined front gardens to this pair of semi-detached properties and the sense of enclosure provided by the traditional brick front boundary positively contribute to the streetscene and character of this part of the conservation area. It is for this reason that the boundary of the Conservation Area includes the front gardens of these properties but not the houses themselves.
- 21 The proposal involves a substantial intervention into the existing topography of the area, comprising the excavation of much of the front garden and

demolition of a significant part of the front boundary. For visibility reasons an eight meter wide access would be created towards the street from which the large extent of hard standing and car parking area would be fully visible. This would have an urbanising effect on this part of the conservation area and further erode the village character of the main street which has already suffered from the loss of front gardens to off-street parking. For these reasons I have no choice but to raise an objection from the Conservation point to this proposal.'

Kent Highways

22 'I refer to the above planning application and having considered the development proposals and the effect on the highway network, I raise no objection on behalf of the local highway authority.

If permission is granted the following should be secured by condition:

- Provision of measures to prevent the discharge of surface water onto the highway.

- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.

- Gradient of the access to be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.

- Provision and maintenance of the visibility splays shown on the submitted plan 17/0718/SK02 Rev A with no obstructions over 1 metre above carriageway level within the splays, prior to the use of the site commencing.'

Representations

23 11x Supporting comments, which can be summarised as concerning: concern over vehicle parked over kerbs; lack of parking/ high volume of cars on Station Road and Saddlers Park.

Chief Planning Officer's Appraisal

Principal issues

- 24 The main issues for consideration are:
 - Impact on the Conservation Area
 - Impact on local character and the street scene
 - Impact on the setting of neighbouring Listed Buildings
 - Impact on the Area of Outstanding Natural Beauty
 - Impact on highways and parking
 - Impact on neighbouring amenity

25 Of particular relevance to this application is the following guidance:

Presumption in favour of sustainable development:

- 26 Para 14 of the NPPF confirms that there is a presumption in favour of sustainable development and that development that accords with the development plan should be approved unless material considerations indicate otherwise. (See paras 11, 12, 13 of NPPF.)
- 27 Para 14 of the NPPF (and footnote 9) also advises that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless there are specific policies in the NPPF that indicate that development should be restricted. This applies to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

Appraisal

Impact on the Conservation Area, Area of Outstanding Natural Beauty, and local street scene.

- 28 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).
- 29 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 30 Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.
- 31 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.
- 32 Policy EN1 of the ADMP 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.
- 33 The application site is located on an exposed corner of the road, at the southern entrance to the historic village centre of Eynsford. The corner forms a key entrance to the core of the Conservation Area from the south. When viewed from the south, the site is on the right hand side, with the high boundary wall forming part of the context of the gateway to the history village centre, along with the Listed cottages on the left.

- 34 From the north, within the historic village centre, the bend on the road exposes the boundary wall, which forms part of the visual enclosure of the wider space.
- 35 The Conservation Area Appraisal makes reference to the walls along the road at Eynsford. The walls form a key part of the village's 'Kentish vernacular'. The boundary walls create a 'strong sense of visual enclosure', along with the historic dwellings in close proximity/ directly abutting the road. The Conservation Area Appraisal refers to the walls as a 'prominent feature in the village'.
- 36 The close proximity of development to the road, or the creation of walls and retaining structures, is a key part of the Conservation Area on the eastern side of the road, where the western side has a significantly more open character.
- 37 There are no examples on the eastern side of the road within the Conservation Area of cuttings being made into the landscape, or through a retaining wall, in order to provide access to parking to the front of dwellings. Any cuttings provide pedestrian access. The first example to the south of parking to the front of properties (Dariens Peak) are outside of the Conservation Area and do not significantly alter land levels. Where parking to the front of dwellings occurs on the eastern side of the road within the Conservation Area, it is at existing ground level. There is a surface level, gravel parking area for one vehicle to the side of 'The old school' to the north of the site, and one to the front of a house next to the 'Malt Shovel' pub, where no earth works were required to provide space. The next example to the north on the eastern side of the road is outside of the Conservation Area at 'Dene House'.
- 38 Given the above, there is no local justification for the removal of 8 metres of wall, which form one of the key elements of the Conservation area, in order to provide car parking where this does not form part of the local characteristic and would be harmful to the overall character of the street and the setting of the historic village centre.
- 39 The Countryside and Rights of Way Act 2000 states that the Local Planning Authority should conserve and enhance Areas of Outstanding Natural Beauty. Designating an Area of Outstanding Natural Beauty protects its distinctive character and natural beauty and can include human settlement and development.
- 40 There are therefore two considerations directly related to a site's AONB status when determining a planning application. Firstly, does the application conserve the AONB and secondly, if it does conserve the AONB does it result in an enhancement. A failure to achieve both of these points will result in a conflict with the requirements of the Act.
- 41 Human settlements form a key part of the character of an Area of Outstanding Natural Beauty and aid in creating the sense of place. Within the Kent Downs, traditional Kentish vernacular villages form a key part of this setting. Notwithstanding the Conservation Area allocation for the centre

of Eynsford, the village centre's traditional appearance forms a key part of the user's experience of the AONB.

- 42 The removal of a part of the historic wall within the Conservation Area fails to conserve it and detracts from the visual amenity of the area. The proposal results in the degradation of the historic street scene, where this is little public benefit to outweigh the harm. A small reduction in the parking pressure upon the street and within a lay-by is not a significant public benefit; rather, a few people will benefit to a small degree, although the proposal is not likely to reduce pressures and parking within the lay-by will continue.
- 43 Notwithstanding the loss of the wall, the removal of a large amount of the land to the rear of the wall, towards the house, will give further prominence to the two dwellings which themselves are not within the Conservation Area and do not contribute to its amenity.
- 44 Whilst the wall is the key feature, the existing soft landscaping between the wall and the dwellings assists in softening the impact of the relatively new dwellings upon the street. The additional prominence of these buildings within the Conservation Area would be of detriment to its value, where at present the eye is more drawn towards the more characteristic Listed Buildings on the inside of the corner (left hand side from the south).
- 45 The proposal includes the addition of a large hardstanding area in place of the existing soft landscaping. The loss of the soft landscaping would be of detriment to local character where it aids of creating a softer environment.
- 46 Given the above, the proposal would fail to conserve and enhance the Area of Outstanding Natural Beauty in accordance with EN5 of the ADMP.
- 47 Overall, the proposal is of detriment to local street character, the entrance to and setting of the Conservation Area, and the Area of Outstanding Natural Beauty, and is not in accordance with EN1, EN4 and EN5 respectively.

Parking and highways

- 48 The properties front onto the eastern side of Station Road, where parking is both heavily restricted and impractical. There is limited parking in the form of two lay-bys within close proximity. To the south, some residents have driveways - typically on the western side of the road, where these driveways are typically at or below the level of the road. There are no examples within the Conservation Area on the western side of the road where parking has been achieved in the way proposed i.e. by cutting into the bank.
- 49 Neighbouring respondents to the application and the applicant have suggested that the existing parking arrangements increase parking pressures on Saddlers Park to the rear of the site. As such, the property does currently benefit from an uncontrolled parking arrangement on the street.

- 50 There has also been suggestion that parking on the pavement and over the kerb provides pedestrian hazards, and that the vehicles leaving the exiting lay-by are a hazard.
- 51 The proposal includes a parking area to the front of the property. Submitted illustrations show three vehicles parked and a turning area. Notwithstanding that there is no guarantee that the turning area will remain free, it is also highly impractical to use should more than two vehicles be utilising the parking area. One likely result is that vehicles will reverse from the proposed parking area onto the road, presenting a hazard to both pedestrians and vehicles.
- 52 There is an acknowledged public benefit to be gained through this small relief to existing parking pressures on the road side and Saddlers Park. However, the proposal to include new parking for two dwellings will not alter the overarching pressures faced; the layby will remain, as will the parking pressures.
- 53 Further to the above, Kent County Council Highways has asked for the following condition:

'Provision and maintenance of the visibility splays shown on the submitted plan17/0718/SK02 Rev A with no obstructions over 1 metre above carriageway level within the splays, prior to the use of the site commencing.'

- 54 Elevation plans show that the retaining wall is proposed to be just under 1.4m above carriageway level, and thus the splays shown on the plan and requested by KCC cannot be achieved with the current plans, further reducing pedestrian safety.
- 55 As such, the proposal would not meet the NPPG requirements for a 'reasonable' condition where it would directly contradict plans approved.
- 56 Taking the above into account, the proposal includes development which would be harmful to the safety of pedestrians and vehicles, and would not be in accordance with EN1 of the ADMP.

Amenity

- 57 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.
- 58 Policy EN2 of the Allocations and Development Management Plan outlines 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 by ensuring that development does not result in excessive noise, vibration, odour, air pollution, activity or vehicle movements, overlooking or visual intrusion and where the build form would not result in

an unacceptable loss of privacy, or light enjoyed by the occupiers of nearby properties.

- 59 The proposal would result in a new access directly opposite the cottages which directly front the road. As such, there is potential that on occasion lights from vehicles exiting the proposed parking area will face the windows on the cottages. Whilst this may be noticeable, it is not so harmful as to reduce the amenity of the neighbours, given their existing context within close proximity to the road.
- 60 The proposal is in accordance with EN2 of the ADMP.

Conclusion

- 61 Undertaking a balancing act, the limited private benefits to be gained through the provision of additional parking space close to the dwelling do not outweigh the wider harm to the Conservation Area, local street character and the AONB and the public benefit these afford. As such, the proposal is recommended that it is considered the proposal is not in accordance with EN1, EN4 and EN5 of the ADMP.
- 62 Further, the proposal would not secure pedestrian or highways safety in accordance with EN1 of the ADMP, and it is recommended the proposal be refused on these grounds.

Background Papers

Contact Officer(s): Matthew Besant Extension: 7136

Richard Morris Chief Planning Officer

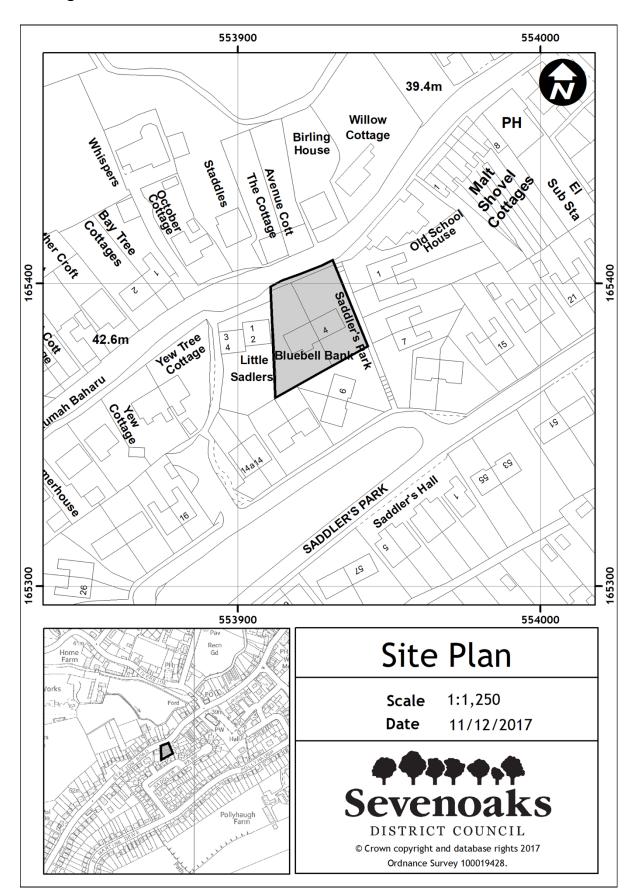
Link to application details:

<u>https://pa.sevenoaks.gov.uk/online-</u> <u>applications/applicationDetails.do?activeTab=summary&keyVal=P06VD5BKFVF00</u>

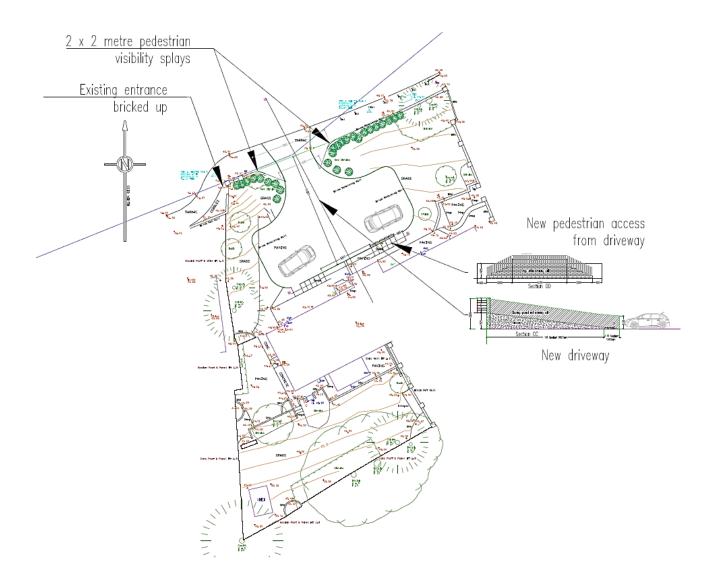
Link to associated documents:

<u>https://pa.sevenoaks.gov.uk/online-</u> applications/applicationDetails.do?activeTab=documents&keyVal=P06VD5BKFVF00</u>

Agenda Item 4.1



Block Plan



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4.2 - <u>17/03545/FUL</u>	Date expired 5 January 2018
Proposal:	Demolition of existing dwelling; erection of replacement dwelling and single storey garage and associated works.
Location:	The Coach House, Swan Lane, Edenbridge TN8 6AJ
Ward(s):	Edenbridge North & East

ITEM FOR DECISION

Councillor Scholey has referred the application to Development Control Committee on the grounds that the proposed new dwelling would not have a more harmful impact on the openness of the Green Belt when compared to the existing dwelling.

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

The site lies within the Metropolitan Green Belt where strict policies of restraint apply. The proposed development, by reason of its siting and the combination of its height, bulk and site coverage, would be inappropriate development in the Green Belt, harmful to its permanence and openness and contrary to Policy GB2 and GB4 of the Sevenoaks Allocations and Development Management Plan, the Sevenoaks Development in the Green Belt Supplementary Planning Document and the NPPF. The potential very special circumstances do not individually or cumulatively outweigh the harm to the Green Belt which is given significant weight.

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.a sp),
- 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 proposes the demolition of the existing dwelling and erection of a replacement dwelling and detached garage to the north-east of the site of the existing property, within the garden.
- 2 The new dwelling would be loosely 'U' shaped, located to the north-east of the existing property, within the centre of the existing garden area. The new dwelling would be arranged over two floors. The ground floor would feature two projecting wings, connected to the main bulk of the property which would have a ridge height of 6.7 metres at its tallest with a varying height of 3 - 3.9 metres for the sloped wings. Below ground would be a basement, entirely submerged with no external openings or windows.
- 3 The materials have been proposed as larch cladding with terracotta coloured render for the external faces, with standing seam metal roofing.
- 4 The detached double garage would be sited centrally behind the new dwelling to the north, with a pitched ridge height of 4 metres and three rooflights.

Description of site

- 5 The site comprises a two storey detached dwelling, situated on the northern side of Swan Lane, outside the urban confines of Edenbridge which lies to the south of Swan Lane.
- 6 The property sits directly behind the larger Lyncroft House, accessed by a driveway to the south-east. The property lies on a slightly sloping site, with land levels decreasing towards the north. The property features barn hipped roofs with red facing brickwork and large prominent chimney, mirroring features of Lyncroft House.

Constraints

- 7 Area of Special Control of Advertisements
- 8 Metropolitan Green Belt

Policies

Core Strategy (CS)

- 9 Policies:
 - SP1 Design of New Development and Conservation
 - SP2 Sustainable Development
 - SP11 Biodiversity

Allocations and Development Management (ADMP)

- 10 Policies:
 - EN1 Design Principles
 - EN2 Amenity Protection
 - GB2 Basements within Residential Developments in the Green Belt
 - GB3 Residential Outbuildings in the Green Belt
 - GB4 Replacement Dwellings in the Green Belt
 - T2 Vehicle Parking
 - T3 Provision of Electrical Vehicle Charging Points

Other

11 National Planning Policy Framework (NPPF)

Para 14 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development that accords with the development plan should be approved unless material considerations indicate otherwise. (See paras 11, 12, 13 of NPPF.)

Para 14 of the NPPF (and footnote 9) also advises that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless there are specific policies in the NPPF that indicate that development should be restricted. This applies to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

12 Development in the Green Belt Supplementary Planning Document (SPD)

Relevant Planning history

13 SW/5/66/456 - Proposed bathroom and garage - Granted

16/01278/LDCPR - To provide extension to the front of the property within permitted development - Withdrawn.

17/01445/FUL - Demolition of existing dwelling and erection of a new dwelling - Withdrawn.

Consultations

Edenbridge Town Council

- 14 Support with the following comments:
 - Provided adequate drainage is included
 - Provided the original dwelling is knocked down in good time.

Environmental Health

- 15 Comments:
 - Drainage details have not been submitted need to be approved by Building Control
 - Applicant advised to contact Environment Agency to determine if any additional consents needed
 - Recommended conditions:
 - Construction Management Plan for demolition and construction (including demolition survey identifying any asbestos and its safe removal)
 - Contamination condition
 - Written scheme for disposal of foul drainage.

Environment Agency

16 No comments to make - but other consents from Environmental Agency may be required.

Southern Water

- 17 Comments:
 - Applicant advised to consult Environment Agency regarding use of package treatment plant/cess pit
 - May be possible for the flows to be connected to a nearby public sewer subject to consent from Southern Water
 - An informative should be attached regarding the basement, stating: 'Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.'

Representations

- 18 One representation of support has been received with the following comments:
 - Proposed dwelling is noticeably lower and of less mass than the existing
 - Materials are modern but perfectly acceptable.

Chief Planning Officer's appraisal

Principal issues

- Impact on the Green Belt
- Design and impact on the streetscene
- Neighbouring amenity
- Highways and parking
- Trees and landscaping
- Biodiversity
- Drainage
- Very Special Circumstances
- CIL

Impact on the Green Belt

- 19 As set out in paragraph 87 of the NPPF, new buildings in the Green Belt are inappropriate development. There are some exceptions to this such as replacement buildings, provided the new building is in the same use and not materially larger than the one it replaces. Where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances.
- 20 Paragraph 88 of the NPPF advises we should give substantial weight to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. Therefore, the harm in principal to the Green Belt remains even if there is no further harm to openness because of the development.
- 21 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principal to the Green Belt from inappropriate development.
- 22 The proposal comprises three parts for the purposes of planning policy, primarily the replacement dwelling itself, but also the proposed basement and detached garage. These elements will be considered below against the relevant policies.

Replacement Dwelling

- 23 Policy GB4 of the ADMP states that proposals for replacement dwellings in the Green Belt which would meet the following criteria will be permitted:
 - a) the existing dwelling to be lawful and permanent in nature;
 - b) the design and volume proposed does not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion;
 - c) the proposal adheres to the 'original' dwelling curtilage; and
 - d) the applicant provides clear evidence that the total floorspace of the replacement dwelling, together with any retained extensions,

alterations and outbuildings would not result in an increase of more than 50% above the floorspace of the 'original' dwelling (measured externally).

- 24 While the original permission for the dwelling cannot be found, it is lawful and permanent in nature. A planning application from 1966 (SW/5/66/456) indicates that the garden area to the north of the property formed part of the residential curtilage, which matches that shown on our historical mapping. Due to this, while the new dwelling would be sited away from the existing property, it would remain within the original curtilage, without any further evidence to the contrary. The proposal would therefore meet parts a) and c) above. However, while it would remain within the curtilage, it would be sited in a more prominent location compared to the existing dwelling, thus the impact of its siting will be assessed below.
- 25 The agent has provided calculations for the increase in floorspace between the original dwelling and the proposed replacement. These are based upon calculations from the 1966 permission and include two areas of covered space by the porch and bathroom. There is no other planning history or drawings which are contrary to this calculation of floorspace, and the Council's mapping layer from 1900-1949 appears to show these areas of covered space. Due to this, the calculations are considered as follows:

Original floor space	222m ²
50% increase set out in policy	111m²
Proposed dwelling (including bay windows)	320m²
Total percentage increase from original	44.1%

- 26 The proposal would therefore also meet part d) of Policy GB4.
- 27 As evidenced above, it is considered that the proposed replacement dwelling would meet criteria a), c) and d). However, while the dwelling would comply with policy in respect of the 50% increase in floorspace, local policy above and paragraph 89 of the NPPF is clear that replacement structures must not result in an overall built form which materially harms openness. The floorspace calculation is therefore just one factor of consideration within Green Belt applications and all other requirements must also be met in order for a development to be appropriate development.
- 28 The proposed dwelling would have a larger footprint than the existing dwelling, increasing from the existing 112sqm footprint to a 310sqm footprint, spread out on the site through the two elongated 'wings' of the dwelling. This represents an increase in the footprint and spread of the property by 176%, a materially harmful increase.
- 29 The main bulk of the property would be located within the 6.7 metre tall hallway, kitchen/living area. This would give the appearance of a large two

storey dwelling within the middle of the site, which would only be 0.15 metres lower than the existing property. This large two storey section would be located in a more prominent, visually intrusive position, and would mean that the perceived and actual bulk on the site would encroach further into the Green Belt. This harm to the openness and permanence of the Green Belt would be compounded by the increase in volume on the site which would be materially larger when compared to the existing dwelling. Based upon the application drawings provided, the volume of the existing dwelling is in the region of 620 cubic metres, whereas the volume of the proposed dwelling would amount to in the region of 1170 cubic metres (the latter of which does not include the vaulted roof element to the new dwelling). This is an increase, which coupled with the more prominent siting, would be materially harmful to the openness and permanence of the Green Belt when compared with the impact of the existing dwelling.

- 30 Therefore, it is considered that the cumulative impact of the tall, wide ridgeline with the elongated broad wings of the proposal would result in a bulk and scale which would be materially larger in regard to its actual and perceived impact on the openness of the Green Belt which would be more harmful.
- 31 While the site is screened by trees and vegetation, the impact to the openness of the Green Belt is not solely in regard to visibility, as openness is different from visual impact and is about freedom from built form. Therefore, while the proposed dwelling may not be visible from the wider landscape, the impact of the additional three dimensional bulk on the site when compared to the original dwelling is considered to be materially harmful to openness in this instance.

Basement

32 Policy GB2 of the ADMP is also relevant as it relates to the provision of basements in the Green Belt. This states that:

Basements will be permitted and will not be subject to the floorspace allowance as set out in Policies GB1 and GB4 if:

- a) the basement would not exceed the footprint of the original dwelling (based on the footprint of the original building as at 1st July 1948 or, when it was first constructed, if this is later);
- b) the basement would be situated entirely underground with no part of it visible at any point externally;
- c) there would be no external windows, entrances or exits to the basement;
- d) the extension or replacement dwelling would not be artificially raised above natural ground level to accommodate the extension; and
- e) the elements of the proposal situated above ground would comply with Policy GB1 (extension) or GB4 (replacement dwellings) in all other respects;

For basement proposals that do not comply with the above, the floorspace of the basement shall be included within the calculation for the purpose of Policy GB1 or GB4.

- 33 While the proposed basement would be sited entirely underground and would meet parts a) to d) of the above policy criteria, as the replacement dwelling as a whole would fail to meet all parts of Policy GB4, the basement would fall foul of part e). This would therefore also, in combination with the above ground elements, be inappropriate development in the Green Belt.
- 34 The proposed replacement dwelling is therefore considered overall to be contrary to Policy GB2 and GB4 of the ADMP and the NPPF. As such, the replacement dwelling would be inappropriate development in the Green Belt and harmful to openness.

Detached garage

- 35 The detached garage, although within 5 metres of the proposed replacement dwelling, would be more than 5 metres away from the existing property. Therefore, when regarding interpretation of policy, which makes reference to existing dwellings, the new garage would need to be assessed under Policy GB3 of the ADMP.
- 36 This states that outbuildings are permitted where the building, including the cumulative impact of other outbuildings and extension within the curtilage of the dwelling, would be ancillary to main dwelling in terms of function and design and would not materially harm the openness of the Green Belt through excessive bulk or visual intrusion.
- 37 The Development in the Green Belt SPD states that we will seek to restrict outbuildings of more than 40 square metres in order to protect the openness of the Green Belt.
- 38 The proposed garage would have a modest form in relation to both the original dwelling and that proposed. It would meet the 40 square metres guidance and would be viewed as having an ancillary function and design, with a comfortable relationship with the dwelling. It would not have an excessive bulk, nor would it be visually intrusive within the landscape. The removal of two outbuildings to the west of the siting of the garage would also aid to offset the additional bulk created by the garage. Therefore, the garage would comply with Policy GB3 of the ADMP.
- 39 While the proposed garage itself may not be considered to harm the Green Belt through inappropriate development, in combination the overall proposal would remain inappropriate development in principle and harmful to openness as a whole.

Very special circumstances

40 The applicant has not specifically submitted a claim for Very Special Circumstances. However, there are some planning considerations that could have weight in such circumstances. These will be assessed towards the end of the report.

Design and impact on street scene

- 41 Policy SP1 of the Core Strategy states that all new development should be designed to a high quality and should respond to the character of the area in which it is situated. Policy EN1 of the ADMP expands upon this and states that development should respond to the scale, height, materials and site coverage of the area and respect the character of the site and surrounding area.
- 42 The site lies outside of the more clustered and regular development of the confines of Edenbridge just south of Swan Lane. The properties along the northern edges vary in age and design and there is no set streetscene pattern.
- 43 The proposed dwelling would have a uniquely modern appearance, which would appear different to the existing and that of Lyncroft House. While this is the case, the property is set well into the site so would not be widely visible from Swan Lane and does not lie within a landscape constrained setting. The site is relatively screened to the north and east by trees and vegetation which would soften the development within wider views. In addition, any grant of permission would ensure landscaping conditions are attached to ensure this remains the case, alongside materials condition to ensure the wooden cladding is the most appropriate in this location and the roofing would not have an unduly reflective quality.
- 44 The proposed detached garage would be constructed with materials to match the cladding of the new dwelling. This would provide consistency across the development. The garage, as discussed above, is considered to be a modest and ancillary structure which would have a comfortable relationship with the dwelling.
- 45 Therefore, while different, the design of the dwelling would not be overly harmful to the character of the area, and as such, would comply with Policy SP1 of the Core Strategy, Policy EN1 of the ADMP and the NPPF in this regard.

Neighbouring amenity

- 46 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development, while ensuring it would not result in excessive overlooking, visual intrusion, noise, vibration, odour, air pollution, vehicle movements, or a loss of privacy and light enjoyed by the occupiers of nearby properties.
- 47 The nearest neighbour to the new dwelling would be Lyncroft, which would be sited between 24 and 25 metres away to the south-west from the new dwelling. The removal of the existing property would improve the outlook from Lyncroft, reducing its sense of enclosure to the north, particularly as the new dwelling would be sited on lower ground.
- 48 The distances between the proposed dwelling and Lyncroft would mean there would not be a loss of light or a reduction in privacy compared to the existing situation.

49 Due to the above, the proposal would comply with Policy EN2 of the ADMP and the NPPF.

Highways and parking

- 50 Policy T2 of the ADMP states that vehicle parking provision should be made in accordance with the current Kent County Council (KCC) vehicle parking standards in Interim Guidance Note 3 to the Kent Design Guide. This states that properties with 3 or more bedrooms require 2 parking spaces in this location.
- 51 Policy T3 of the ADMP states that electrical vehicle charging points should be provided within new residential developments to promote sustainability and mitigate climate change.
- 52 The proposal would provide a double garage and alterations to the driveway which would provide more than sufficient room for the parking of 2 vehicles. The alteration to the driveway would not affect the access into the property which would remain as existing and as such, would be acceptable.
- 53 In order to promote transport sustainability, a vehicle charging point would need to be provided on any new dwelling through a condition on any grant of permission.

Trees and landscaping

- 54 The proposed new dwelling and garage would result in the loss of some trees within the immediate area. The Arboricultural report has assessed the majority of these trees as being young specimens with a low amenity value. It is considered that the loss of these would therefore not be harmful to the character of the wider area. It is welcomed that the larger and mature trees, particularly the Oaks along the boundary, are to be retained, as these do contribute to the rural character of this northern part of Swan Lane and act as a natural screen between the development to the south and the rural landscape to the north.
- 55 The proposed block plan provides an indicative landscaping scheme, although further details of this would be required in order to establish if this was acceptable. As this would normally be requested by condition on any grant of permission, the lack of information regarding the landscape would not form a reason for refusal in this instance.

Biodiversity

- 56 Policy SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancements to ensure no net loss of biodiversity.
- 57 The site would provide a good opportunity for enhancing the biodiversity of the immediate area due to its location close to the edge of Edenbridge but within a semi-rural location. The application does not contain any information regarding ecological enhancements, however, as this could be

requested by condition on any grant of permission, the lack of proposed enhancements would not form a reason for refusal in this instance.

Drainage

- 58 It is noted that the Town Council has made comments regarding the drainage of the site. The site slopes downwards to the north and the site visit indicated that this has resulted in land that is more prone to surface water. There is an existing drainage trench which runs along the existing driveway, northwards before being routed to the east.
- 59 The comments received from the Environmental Health team indicate that satisfactory drainage could be achieved through appropriate conditions upon any grant of permission, and as the Environment Agency has no comments regarding the scheme, it is considered that there is the ability to provide sufficient drainage.

Assessment of any Very Special Circumstances

- 60 Para 88 of the NPPF states that when considering any planning application, we should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by any other considerations.
- 61 Possible very special circumstances these can be summarised as:
 - Architectural merit of the proposed dwelling
 - Low visibility within landscape.
- 62 The harm in this case has been identified as:
 - The harm in principal from inappropriate development in the Green Belt, which must be given significant weight.
 - The harm to the openness of the Green Belt which is also given significant weight.
- 63 It is acknowledged that the dwelling provides interesting architectural merit and would provide a sustainable family home. However, there is nothing to suggest that such a dwelling could not be achieved at a smaller scale. While the NPPF encourages good design, in this case, the architectural and sustainability of the dwelling is given moderate weight against the harm to the Green Belt.
- 64 The application has been supported by various photographs with the outline of the new dwelling indicated on them. The agent has stated that the new dwelling would have a low visual impact within the landscape. While this may be the case due to the screening around the site, the openness of the Green Belt is about the freedom of built form and is different to visual amenity. The siting of the dwelling would result in increased visual intrusion within the immediate landscape when compared to the existing property and the impact of the additional three dimensional bulk where there is currently none would remain harmful. This therefore has limited weight in consideration.

Conclusion on very special circumstances:

65 In reviewing the extent of harm and the potential very special circumstances, it is concluded that the very special circumstances at this time do not provide enough weight individually or cumulatively which outweigh the significant weight given to the harm to the Green Belt through inappropriate development and harm to openness.

CIL

66 This proposal is CIL liable and an exemption has been sought. This will be assessed at the end of this report.

Access issues

67 The access would not be altered as a result of the application.

Conclusion

- 68 The proposal has been robustly tested against our policies and the NPPF. We have concluded that this new property in this location would be inappropriate development in the Green Belt in principle and would be harmful to its permanence and openness.
- 69 The potential very special circumstances do not provide enough weight individually or cumulatively which outweigh the significant weight given to the harm to the Green Belt through inappropriate development and harm to openness.

Background papers

Site and block plan.

Contact Officer(s):

Sarah Cottingham Extension: 7481

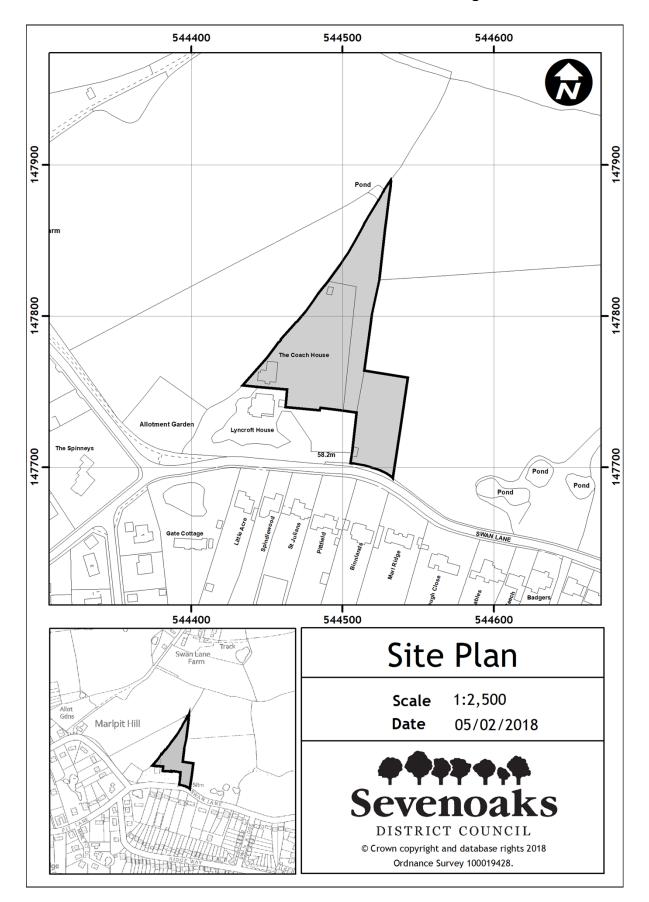
Richard Morris Chief Planning Officer

Link to application details:

<u>https://pa.sevenoaks.gov.uk/online-</u> applications/applicationDetails.do?activeTab=summary&keyVal=OZ3ZBBBKITA00</u>

Link to associated documents:

<u>https://pa.sevenoaks.gov.uk/online-</u> applications/applicationDetails.do?activeTab=documents&keyVal=OZ3ZBBBKITA00</u>





4.3 - <u>17/03753/FUL</u>	Revised expiry date 23 February 2018
Proposal:	Change of use of empty shop (A1) to one residential (C3) self contained unit.
Location:	Quantum House, High Street, Farningham DA4 0DT
Ward(s):	Farningham, Horton Kirby & South Darenth

ITEM FOR DECISION

This application was referred to Development Control Committee by Councillor McGarvey with the reason: 'The proposal would not provide on-site parking in accordance with policy T2 and Appendix 2 of the ADMP, and it is worth noting that there is no capacity for anything other than short-term parking on the highway outside or in adjacent roads'

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: 221/FAR/121

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/65 4.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) Did not require any further assistance as the application was acceptable as submitted.

Description of proposal

- 1 The proposal includes the change of use of the building at ground floor and basement level from a shop (A1) to a residential unit (C3) of one single bedroom.
- 2 Very little in the way of internal alterations are proposed, with limited installation of doors etc to form rooms.
- 3 A shutter to the rear of the building, into a courtyard, is proposed to be replaced with a window, with the associated canopy removed. No other external works are proposed.
- 4 These works, which in some circumstances are 'permitted development' require permission because the application side is within the Area of Outstanding Natural Beauty.

Description of site

- 5 The application site is located fairly centrally within the historic Farningham High Street area.
- 6 The existing building is a mid-terrace property, which has historically been in A1 use at ground floor and basement level with separate residential above.

Constraints

- 7 Farningham Conservation Area
- 8 Area of Outstanding Natural Beauty (AONB)
- 9 Biodiversity Opportunity Area
- 10 Area of Archaeological Potential
- 11 Nearby and neighbouring Listed Buildings

Policies

Allocations and Development Management (ADMP)

12 Policies

EN1 - Design Principles EN2 - Amenity Protection EN4 - Heritage Assets TLC4 - Neighbourhood and Village Centres T2 - Vehicle Parking

Core Strategy (CS)

- 13 Policies
 - SP1 Design of New Development and Conservation
 - LO1 Distribution of Development
 - L07 Development in Rural Settlements

Other:

- 14 Farningham Conservation Area Appraisal
- 15 National Planning Policy (NPPF)

Relevant planning history

16 17/02106/PAC - Prior notification for a change of use from (A1) shop to (C3) dwellinghouse. This application is made under Class M of The Town and Country Planning (General Permitted Development) (England) Order 2015. - Refuse - 24.08.17

[Officer Note: This application was refused in the grounds that this permitted development right does not cover buildings within the AONB]

16/03595/FUL - Change of use from former shop and living accommodation into, 2no. 1 bedroom and 2 bedroom self contained units and roof light to rear elevation. - Withdrawn - 26.01.17

12/00244/FUL - Change of use from class B1 back to class A1 shop with living accommodation. - Granted - 04.05.12

05/02192/FUL - Change of use of former shop and living accommodation to offices (class B1) - granted - 21.01.2005

Consultations

Parish Council

17 Objection - The Parish Council wants to maintain the vibrancy of the village and that includes maintaining a commercial core in the High Street. The loss of another commercial business will have a detrimental impact on the other village businesses. There are other successful businesses in the High Street and there remains interest from retail and service business more

generally in Farningham. We therefore object to a change of use to residential.

Environmental Health

18 No concerns.

Representations

19 1x Objection - concern over loss of unit; parking.

Chief Planning Officer's Appraisal

Principal issues

- 20 The main issues for consideration are:
 - The principle of the loss of the retail unit
 - Impact on local character, Conservation Area and nearly Listed buildings
 - Impact of neighbouring amenity
 - Impact on the area of archaeological potential
 - Impact on parking and highways
- 21 Of particular relevance to this application is the following guidance:

Presumption in favour of sustainable development:

- 22 Para 14 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development that accords with the development plan should be approved unless material considerations indicate otherwise. (See paras 11, 12, 13 of NPPF.)
- 23 Para 14 of the NPPF (and footnote 9) also advises that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless there are specific policies in the NPPF that indicate that development should be restricted. This applies to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

Appraisal

Principle of change of use

- 24 The small group of shops of Farningham High Street have not been allocated a 'Neighbourhood and Village Centre' within Appendix 8 of the ADMP, and thus are not protected by the associated policy of TLC4. As such, the shop is located outside of an identified centre.
- 25 Policy L07 states that we will seek to resist where possible the loss of facilities and services within the rural settlements. However, where it is

demonstrated that the service is no longer financially viable, the Council may accept its loss.

- 26 The evidence submitted with this application shows some detail as to its marketing as a shop, a letter from the previous owner and letters from two estate agents do appear to show that the shop cannot be leased or sold due to lack of market interest, and that the previous owner did not run the business at a profit. He shop has now been empty for over a year.
- 27 In summary, as the shop is located outside of an identified centre, and the evidence submitted shows that the property was marketed and is unviable as an ongoing concern, there is sufficient evidence to accept that the loss of this empty shop would be in accordance with relevant policies.

Impact on the character of the area, Conservation Area, and the setting of neighbouring Listed Buildings.

- 28 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.
- 29 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 30 The NPPF also states that great weight should be given to the conservation of heritage assets (para.132).
- 31 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.
- 32 Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.
- 33 The proposal brings back into use a prominent local building. Very little in the way of external alterations are proposed. The front of the building is proposed to retain its existing characteristics. As such, the proposal will prevent the further decline of the building which is otherwise likely to remain empty.
- 34 The plans submitted show the retention of the existing faeade, which will aid in retaining its visual appearance as a retail unit and provide some indication of the buildings past.

- 35 To the rear, the loss of the service shutters and replacement with a window represent a minor alteration which will have no material impact of the character of the area or the building.
- 36 The proposal respects the character of the street, Conservation area and setting of neighbouring Listed buildings, which will be conserved in accordance with EN4 of the ADMP and the Act.

Area of archaeological potential

37 No external or ground works are proposal, and thus there will be no impact on this designation, in accordance with EN4 of the ADMP.

Impact on Parking and Highways

- 38 Policy T2 of the ADMP and associated Appendix 2 expects that one parking space be provided for a one bedroom unit.
- 39 The proposal includes no parking on-site, as a result of there being no opportunity to provide this. Parking in the immediate vicinity to the road is understood to be under some pressure, but within the surrounding area there is sufficient capacity.
- 40 Sevenoaks residential parking standards have been taken from the Kent County Council Interim Guidance Note 3 to the Kent Design Guide. Consideration should be given to a recent appeal decision on a parking related matter, in which the Inspector stipulated that:

'The Interim Guidance Note itself stipulates on page 6 that it relates primarily to development proposed involved new streets and places, going on to state that it can be applied to minor development, but regard needs to be had for the severity of concerns about safety and/ or amenity before recommendation for refusal are made in respect of numerically 'inadequate' parking. The Guidance Note then goes on to say that unless demonstrable harm is likely to be caused, it may be inappropriate to make such recommendations.'

- 41 The Inspector then goes on to give the policy limited weight.
- 42 In this instance, the proposal does not create a new place or street. There is no demonstrable harm in the form of any policy or assessment that the addition of one vehicle on the road, where there are no restrictions, and sufficient capacity, that could be used to support a refusal.
- 43 Note is also made that Kent County Council standards for retail units of this size would be for the provision of two parking spaces, whereas the guidance required one space for a residential unit of the size proposed.
- 44 The addition of a one bedroom property is unlikely to generate significant extra demand which cannot be accommodated in the immediate area.
- 45 Bearing this in mind, the requirements for a residential unit of this size requires a reduction in vehicle numbers and movements when compared to the shop use.

46 The proposal complies with T2 of the ADMP.

Neighbouring Amenity

- 47 The proposal would not result in any additional built form and thus existing relationships will remain.
- 48 The proposal includes the addition of a window in place of a shutter to the rear elevation. As a result of existing relationships with neighbouring properties, this will not result in any additional overlooking/ in-looking above the existing.
- 49 The proposal is in accordance with EN1 of the ADMP.

CIL

50 This proposal is CIL liable and there is no application for an exemption.

Other issues

51 There are no other issues associated with this application

Conclusion

- 52 The proposal would result in the loss of a retail unit outside of a designated neighbourhood or village centre. In this instance, the shop has been vacant for over a year, marketed as such, and evidence has been submitted showing little in the way of demand, and was run at a loss before hand, making the property unviable for rent as a retail unit. This proposal is thus in accordance with all local policies.
- 53 There are no other issues associated with the limited external and internal works proposed, where heritage assets, local character and neighbouring amenity are protected, in accordance with relevant policies. The proposal complies with EN1 and EN4 of the ADMP.
- 54 The proposal would not result in parking pressures that can be assessed as being harmful, in light of a recent appeal decision, and the limited additional vehicles the proposal would likely generate. The proposal is in accordance with T2 of the ADMP.

Background Papers

Site and block plans.

Contact Officer(s):

Matthew Besant Extension: 7136

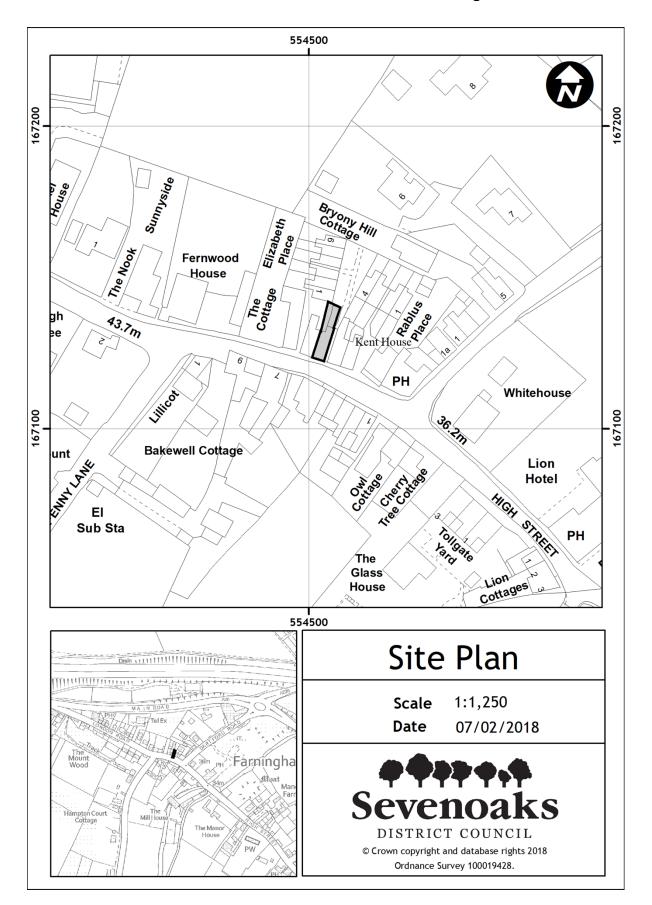
Richard Morris Chief Planning Officer

Link to application details:

<u>https://pa.sevenoaks.gov.uk/online-</u> <u>applications/applicationDetails.do?activeTab=summary&keyVal=P050NFBKFPP00</u>

Link to associated documents:

<u>https://pa.sevenoaks.gov.uk/online-</u> applications/applicationDetails.do?activeTab=documents&keyVal=P050NFBKFPP00</u>



Block Plan



4.4 - <u>17/03889/ADV</u>	Date expired 9 February 2018
Proposal:	3 x aluminium fascia signs internally illuminated. (1, 2 and 3). 2 x aluminium panels with full gloss laminated digital graphic (4 and 5).
Location:	Tesco Superstore, Aisher Way, Riverhead TN13 2QS
Ward(s):	Dunton Green & Riverhead

ITEM FOR DECISION

This application has been referred to Development Control Committee by Councillor Brown on the grounds that the proposal would potentially lead to the additional loss of visual amenity and further light pollution.

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.

6) The intensity of the illumination shall not exceed 800 candelas /m2

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

7) The advertisement(s) to which this consent relates shall be illuminated only while the kiosk is open for business.

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

8) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no's - 3137-P001, 01.

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

Description of proposal

- 1 The application proposes to display a number of advertisements to a Timpson's pod approved under planning application 17/03888/FUL. They are: the following advertisements:
- 2 Sign 1 1 front fascia sign, internally LED illuminated '218mm high fret-cut' Timpson lettering approximately measuring 6.6m x 0.35m x 0.06m;
- 3 Signs 2 & 3 2 side fascia signs, internally illuminated '218mm high fret-cut' Timpson lettering approximately measuring 2.7m x 0.35 x 0.06m;
- 4 Signs 4 & 5 2 aluminium side panels approximately measuring 1.65m x 2m x 0.05m, non-illuminated, vinyl graphic.
- 5 Please note, sign 6, does not require advertisement consent and signs 7 and 8 have been withdrawn from this application as they are 'deemed consent' by virtue of Class 5 of the Advertisement Regulations.

Description of site

- 6 The proposal relates to a small building within the car parking area for the Tesco Supermarket in Riverhead. Much of the surrounding area is taken up with hardstanding associated with the supermarket. There is softer landscaping, notably to the south, west and north-western boundaries of the site, which separates the supermarket from the adjacent housing development.
- 7 The site is located within Sevenoaks urban area.

Constraints

- 8 Area of Archaeological Potential
- 9 The site lies in the urban confines of Sevenoaks

Policies

Core Strategy (CS):

- 10 Policy
 - SP1 Design of New Development and Conservation

Allocations and Development Management (ADMP):

- 11 Policies
 - EN1 Design Principles
 - EN2 Amenity Protection
 - EN6 Outdoor Lighting

Other:

- 12 The Institution of Lighting Engineers Technical Report 5 Brightness of Illuminated Advertisements.
- 13 National Planning Policy (NPPF)

Relevant Planning History

14 16/03788/FUL - Installation of dry cleaning, key cutting, shoe and watch repairs pod to Tesco premises - Refused. (Allowed at appeal).

16/03789/ADV - The advertisements promote the brand and the service the pod can provide - Refused.

17/03705/ADV - Erection of 3 fascia signs and 2 vinyl signs - Granted - (for the Timpson kiosk permitted at appeal)

17/03888/FUL - Installation of new Timpson Dry Cleaning unit to hard standing area within car park and anti-ram raid bollards - GRANTED

Consultations

Riverhead Parish Council

15 Objection - "The LED illumination of the signs will cause light pollution and an overbearing presence in an otherwise small structure."

Representations

16 Neighbours - No written responses received.

Chief Planning Officer's appraisal

Principle issues

- 17 In accordance with Regulation 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the Local Planning Authority is required to exercise its powers in the interests of amenity and public safety. The development plan may be held as a material consideration in the determination of express consent applications.
- 18 The regulations indicate that in the assessment of advertisement consent applications, 'amenity' includes visual amenity. The most relevant matter for consideration in this case is the visual impact of the signage upon the street scene and the character and appearance of the area in which the signage is proposed.
- 19 Paragraph 67 of the National Planning Policy Framework (NPPF) states that advertisements should only be subject to control in the interests of amenity and public safety, taking into account cumulative impacts. Given this, the combined impact of the signage will be assessed as well as their individual impact.

Impact on amenity

- 20 The Timpson name Signs 1, 2 and 3 would be located at a fascia level of the kiosk overlooking the existing car park area. These signs are modest in scale and would not dominate the appearance of this building.
- 21 Signs 4 and 5 are non-illuminated side panels which face the existing car park and again are appropriate when considering the wider context of the this location. These signs would also overlook into the existing car parking area advertising the services offered.
- 22 We have considered the cumulative impact of the proposed advertisements set against the backdrop of the existing landscaped boundary and the frontage of the adjacent supermarket.
- 23 Within this commercial and built up setting there is a range of outdoor advertisements that announce and direct customers. Taking into account the context of the overall site, these modest proposed advertisements will not harm the visual amenity and are not prominent features. They would appear subservient signage, and are therefore acceptable.
- 24 The built environment of the supermarket with petrol filling station comprises a range of outdoor advertisements that contribute to the setting of the use. The site is set within the context of this commercial area and as it is set well within the site, so cannot be seen from wider views. Therefore the advertisements would not harm the visual amenity of the area and would not become prominent features within it. They would appear as subservient features when viewed against the backdrop of the supermarket building.
- 25 The proposed illumination for the fascia signs is appropriate, as they would be located within an existing illuminated area. The proposed 300cd/m²

illuminance would be well within the suggested guidance of 800cd/m² for medium brightness area, as stated by Institution of Lighting Engineers Technical Report 5 - Brightness of Illuminated Advertisements. The level of illumination will be controlled by condition. As such to ensure illumination of adverts is on only during the hours of operation of the business, a condition of this nature is reasonable and necessary.

26 The proposed advertisements are acceptable and would not result in material harm to the visual amenities of the existing building, character and appearance of the local area and would comply with policies EN1, EN6 of the ADMP and the NPPF.

Public Safety

- 27 The proposals would not feature any overhanging signs over the highway and would not be an increase in the risk to public safety.
- 28 The acceptable illuminated tolerance for medium district brightness areas (e.g. small town centres, urban locations), as set out by the Institute of Lighting Engineers Technical Report No.5, within a urban location is 800cd/m². The indicated illuminance of the fret-cut letting would be 300cd/m².
- 29 This would therefore be an acceptable level in this location, and would not result in visual distraction to pedestrian/highway users.
- 30 Given the location of the signage, the proposal would not prejudice existing highway safety conditions.

Access issues

31 The access would not be altered as part of this application.

Conclusion

32 The advertisements proposed would comply with Regulation 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and the NPPF, as they would not have an unacceptable impact on visual amenity or public safety. It is therefore recommended that advertisement consent is granted.

Background Papers

Site and Block Plan

Contact Officer(s):

Sean Mitchell Extension: 7349

Richard Morris Chief Planning Officer

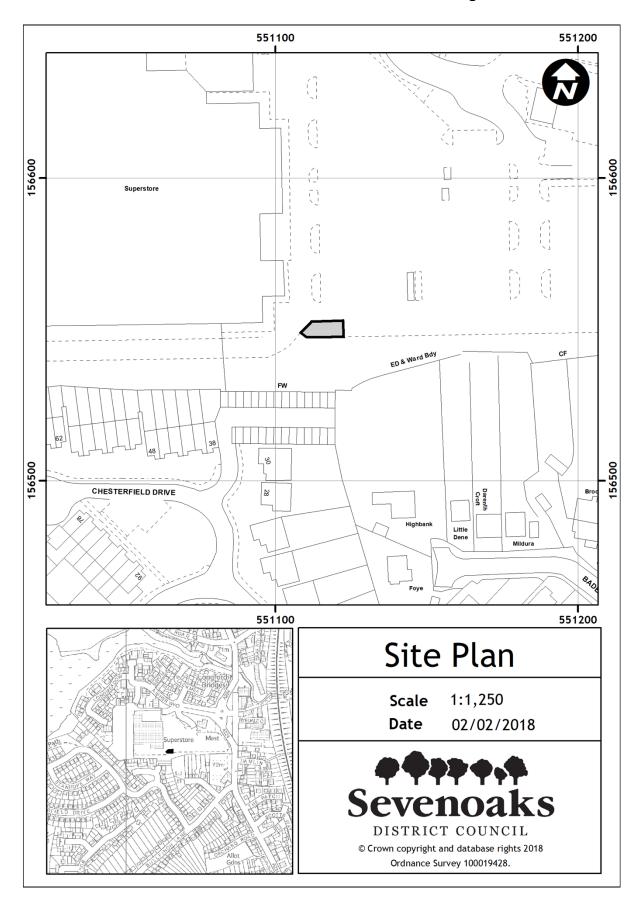
Link to application details:

<u>https://pa.sevenoaks.gov.uk/online-</u> applications/applicationDetails.do?activeTab=summary&keyVal=P0NJBRBKHBB00</u>

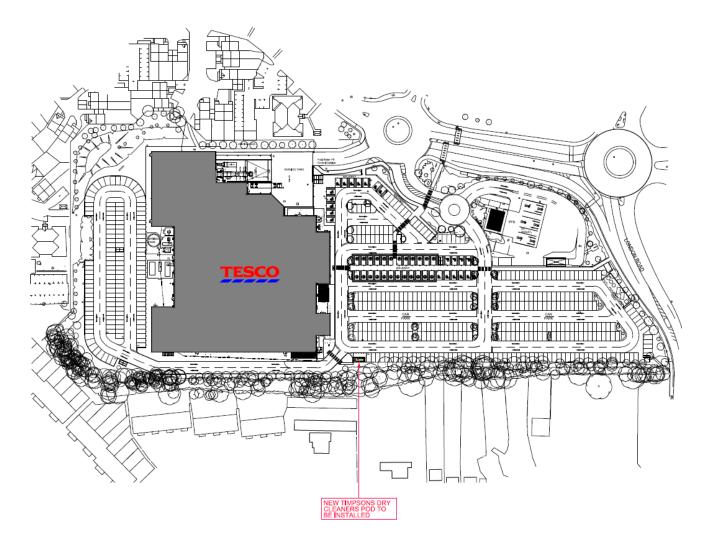
Link to associated documents:

https://pa.sevenoaks.gov.uk/onlineapplications/applicationDetails.do?activeTab=documents&keyVal=P0NJBRBKHBB00

Agenda Item 4.4



Block Plan



5.1 Objection to Tree Preservation Order number 7 of 2017

Located within the southern corner of the rear garden of 5 Blair Drive, Sevenoaks, TN13 3JR

ITEM FOR DECISION

TPO 7 of 2017 has been served

RECOMMENDATION: That TPO 7 of 2017 is confirmed without amendment.

Description of Site

1 5 Blair Drive is a detached property located at the northern end of a cul de sac accessed from Mount Harry Road in Sevenoaks. Most of the properties within the road, inclusive of 5 Blair Drive, have mature vegetation within their front and rear gardens with a variety of shrubs and trees throughout. The subject tree is located within the southern corner of the rear garden of 5 Blair Drive approximately 20 metres from the southern elevation of the house.

Details leading to the serving of the TPO

- 2 It was reported to us that a tree surgery company was on site and were about to fell a mature Pine tree. A site visit and conversation with the tree surgery company confirmed this to be true.
- 3 The tree is fairly prominent and can be viewed from various residential properties. To remove this tree was considered to be a loss to the local amenity and as such the above named order was served on the 28 September 2017 to halt the works.

Constraints

4 TPO 7 of 2017

Policies

- 5 National Planning Policy Framework (NPPF)
- 6 National Planning Policy Guidance (NPPG).

Representations

- 7 Three objections to the serving of the order have been received. The owner of 5 Blair Drive has objected, as has the current tenant of 5 Blair Drive. Both of these objections have the same wording and refer to light blockage as well as concerns that the tree may become dangerous in high winds.
- 8 An objection from 4 Blair Drive has also been received which refers to similar issues of light blockage and cause for concern over its size.

Support to the serving of the TPO.

9 Two letters of support for the TPO have been received from immediate neighbours of 5 Blair Drive referring to the historical loss of trees within the area and the lack of reasoning for the removal of this tree that they state has amenity value for them. One letter states that the tree "has significant visual benefits to our garden".

Appraisal

10 There is clearly mixed feeling for this tree and whether it should be removed or not from those living within the immediate proximity of it. It is prominent, especially during the winter months when nearby deciduous plants have lost their leaves. It is considered that all of the issues raised by the objectors can be overcome by suitable pruning options as well as the management of other vegetation within this and immediately adjacent gardens.

Conclusion

- 11 The issues raised by those supporting the removal of the tree and those seeking its removal have been carefully considered. However due to its prominent nature and the fact that this Pine tree is located within a residential rear garden, a sufficient distance from dwellings, it is concluded that there is not sufficient evidence of detriment to agree to the removal of the tree.
- 12 It is recommended that TPO 7 of 2017 be confirmed without amendment. TPO Plan and Schedule 1 attached as (Appendix 1).

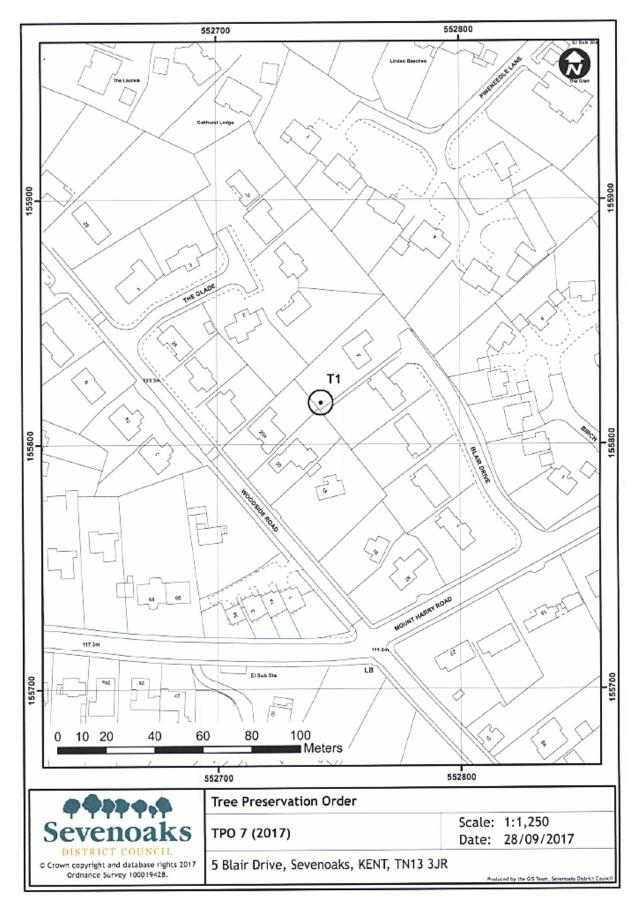
Contact Officer(s):

Les Jones Arboricultural & Landscape Officer

Extension 7289

Richard Morris Chief Planning Officer

APPENDIX 1



SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually (encircled in black on the map)

Reference on Map

Description

Situation*

Τ1

Pine

Southern corner of rear garden

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

Reference on Map

Description None Situation*

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

Reference on Map

Description

None

Woodlands (Within a continuous black line on the map)

Reference on Map

Description None Situation*

Situation*

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

Planning Application Information on Public Access - for applications coming to

DC Committee on Thursday 22 February 2018

<u>4.1 17/03763/FUL Bluebell Bank And 4 Saddlers Park, Station Road, Eynsford DA4</u> <u>OER</u>

Link to application details:

https://pa.sevenoaks.gov.uk/onlineapplications/applicationDetails.do?activeTab=summary&keyVal=P06VD5BKFVF00

Link to associated documents:

https://pa.sevenoaks.gov.uk/onlineapplications/applicationDetails.do?activeTab=documents&keyVal=P06VD5BKFVF00

4.2 17/03545/FUL The Coach House, Swan Lane, Edenbridge TN8 6AJ

Link to application details:

<u>https://pa.sevenoaks.gov.uk/online-</u> applications/applicationDetails.do?activeTab=summary&keyVal=OZ3ZBBBKITA00</u>

Link to associated documents:

<u>https://pa.sevenoaks.gov.uk/online-</u> applications/applicationDetails.do?activeTab=documents&keyVal=OZ3ZBBBKITA00</u>

4.3 17/03753/FUL Quantum House, High Street, Farningham DA4 ODT

Link to application details:

<u>https://pa.sevenoaks.gov.uk/online-</u> applications/applicationDetails.do?activeTab=summary&keyVal=P050NFBKFPP00</u>

Link to associated documents:

https://pa.sevenoaks.gov.uk/onlineapplications/applicationDetails.do?activeTab=documents&keyVal=P050NFBKFPP00

4.4 17/03889/ADV Tesco Superstore, Aisher Way, Riverhead TN13 2QS

Link to application details:

<u>https://pa.sevenoaks.gov.uk/online-</u> <u>applications/applicationDetails.do?activeTab=summary&keyVal=P0NJBRBKHBB00</u>

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