

31 March 2021 at 7.00 pm

This meeting will be held virtually via Zoom,
and livestreamed here:

https://www.youtube.com/channel/UCIT1f_F5OfvTzxjZk6Zqn6g - Virtual
meeting

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Development Control Committee

Membership:

Chairman, Cllr. Williamson; Vice-Chairman, Cllr. Reay
Cllrs. Ball, Barnett, Brown, Cheeseman, Perry Cole, Coleman, P. Darrington,
Hogarth, Hudson, Hunter, Layland, McGarvey, Osborne-Jackson, Pett, Purves,
Raikes and Roy

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	Contact
Apologies for Absence		
1. Minutes To approve the minutes of the meeting of the Committee held on 11 March 2021, as a correct record.	(Pages 1 - 18)	
2. Declarations of Interest or Predetermination Including any interests not already registered		
3. Declarations of Lobbying		
4. Planning Applications - Chief Planning Officer's Report		
4.1 20/03567/MMA - 14 The Old Garden, Chipstead, Kent TN13 2RJ Amendment to 17/00872/HOUSE	(Pages 19 - 28)	Guy Martin Tel: 01732 227000
4.2 20/03395/FUL - 40 High Street, Sevenoaks, KENT TN13 1JG Conversion of building from office to residential use by the creation of 4 flats (3 x 1 bedroom and 1 x 2 bedroom). Creation of	(Pages 29 - 40)	Anna Horn Tel: 01732 227000

basement flat and internal alterations.
Removal of bay window to front elevation
and replacement with a new window.

- 4.3 **20/03396/LBCALT - 40 High Street,
Sevenoaks, KENT TN13 1JG** (Pages 41 - 48) Anna Horn
Tel: 01732 227000
- Conversion of building from office to
residential use by the creation of 4 flats (3 x
1 bedroom and 1 x 2 bedroom). Creation of
basement flat and internal alterations.
Removal of bay window to front elevation
and replacement with a new window
- 4.4 **20/03739/HOUSE - Rosewood, Stonehouse
Road, Halstead KENT TN14 7HN** (Pages 49 - 58) Hannah Donnellan
Tel: 01732 227000
- Removal of existing 2.5m high gazebo
framework. Erection of a single storey, flat
roof, open sided garden room.
- 4.5 **21/00089/MMA - Somerset Lodge, 12
Westerham Road, Bessels Green KENT
TN13 2PU** (Pages 59 - 66) Louise Cane
Tel: 01732 227000
- Minor material amendment to
20/02399/HOUSE.

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.

As it is necessary to observe social distancing to limit the spread of Covid-19, currently the Council is unable to arrange site visits in the established manner and therefore requests for site visits will not be taken.

Please note speakers should register by 5pm on the day of the meeting.

Any slides speakers may wish to have displayed at the meeting should be emailed to dc.committee@sevenoaks.gov.uk, by 5pm the day before the meeting.

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.

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 11 March 2021 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Reay (Vice Chairman)

Cllrs. Ball, Barnett, Brown, Cheeseman, Perry Cole, Coleman, P. Darrington, Hogarth, Hudson, Hunter, Layland, McGarvey, Osborne-Jackson, Pett, Purves, Raikes and Roy

Cllrs. Fleming, Grint, McArthur and Thornton were also present.

157. Minutes

Resolved: That the Minutes of the Development Control Committee held on the 18 February 2021, be signed by the Chairman as a correct record.

158. Declarations of Interest or Predetermination

Councillor Raikes declared for Minute 161 - 20/03476/FUL, 136 High Street, Sevenoaks, Kent TN13 1XA, and Minute 162 - 20/03289/HOUSE, Riftwood, Oak Avenue, Sevenoaks Kent TN13 1PR that as a member of the Sevenoaks Town Council Planning Committee he had looked at the applications but would remain open minded. Furthermore, he declared he had chaired a committee relating to the local list but would remain open minded.

Councillor Hogarth declared for Minute 161 - 20/03476/FUL, 136 High Street, Sevenoaks, Kent TN13 1XA, and Minute 162 - 20/03289/HOUSE, Riftwood, Oak Avenue, Sevenoaks Kent TN13 1PR that as a member of the Sevenoaks Town Council Planning Committee he had looked at the applications but would remain open minded. Furthermore, he declared he had had some input in Minute 161 - 20/03476/FUL, 136 High Street, Sevenoaks, Kent TN13 1XA, in his capacity as Commissioner for the Public Realm, but would remain open minded.

Councillor Hunter declared that for Minute 162 - 20/03289/HOUSE, Riftwood, Oak Avenue, Sevenoaks Kent TN13 1PR, she would be addressing the Committee as the local ward member, and leave the meeting for the debate.

159. Declarations of Lobbying

All Councillors present declared that they had been lobbied in respect of: Minute 161 - 20/03476/FUL, 136 High Street, Sevenoaks, Kent TN13 1XA; Minute 162 - 20/03289/HOUSE, Riftwood, Oak Avenue, Sevenoaks Kent TN13 1PR; and Minute 160 - TPO 7 of 2020, located on land to the south of Waystrode Cottages, Spode Lane, Cowden.

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Councillor Williamson declared that he had been lobbied in respect of Minute 163 - 20/03261/FUL - Land North of Cherry Tree Cottage, Main Road, Knockholt Kent TN14 7LH.

CHANGE IN ORDER OF AGENDA ITEMS

With the agreement of the Committee, the Chairman brought forward consideration of the Tree Preservation Order.

160. TPO 7 of 2020 - Located on land to the south of Waystrode Cottages, Spode Lane, Cowden.

The Assistant Arboricultural Officer brought Members' attention to the main agenda papers. TPO 7 of 2020 was served to protect the remaining deciduous species located on land to the south of Waystrode Cottages, Spode Lane, Cowden.

Resolved: That TPO 7 of 2020 be confirmed without amendment.

RESERVED PLANNING APPLICATIONS

The Committee considered the following planning applications:

161. 20/03476/FUL - 136 High Street, Sevenoaks, Kent TN13 1XA

The proposal sought planning permission for the demolition of existing buildings and re-development to provide 104 no. apartments (use class 3) and 931 sq m of retail/commercial uses (use class e) across 3 blocks of 4-6 storeys with undercroft car parking, servicing, access and associated highway works, landscaping and boundary treatments. The application had been referred to Development Control Committee by the Chief Planning & Regulatory Services Officer due to the applications significance.

Members' attention was brought to the main agenda papers and late observation sheet which amended Recommendation A and recommended an additional informative. In addition, the Case Officer also recommended a further amendment to Recommendation A to include the requirement of an archaeological watching brief condition (Condition 26).

The Committee was addressed by the following speakers:

Against the Application: John Stambollouin

For the Application: Paul Brailsford

Parish Representative: Town Cllr Bonin

Local Member: Cllr Fleming

Members asked questions of clarification from the speakers and officers. Questions centred around electrical charging points, daylight/sunlight assessment in relation to the differing ground levels, parking, cladding and why there was no wheelchair accessibility in Block C where no affordable units were being offered. It was noted that: the daylight/sunlight assessment surpassed targets, and the small amount that did not meet the criteria failed by a small margin with an overall compliance rate of 79%; accessibility would be covered by the Equality Act 2010 and Building Regulations; and fire safety and cladding would also fall to Building Control. With regards to the design of the building and its impact and suitability within a market town, Members heard from the Design Officer and Design & Conservation Officer.

It was moved by the Chairman and duly seconded that the recommendations within the report as amended by the late observations and the inclusion of an archaeological watching brief condition with details to be submitted, be agreed.

Members discussed the application. Members considered that the provision of electric vehicle charging points should be greater and have the infrastructure for future additional charging points rather than a future of retrofits. It was moved by Councillor Barnett and duly seconded that Condition 13 be amended to reflect the need for in excess of 17 electric vehicle charging points and the infrastructure for further charging points.

The amendment was put to the vote and was carried.

Members continued in debate on the substantive motion.

It was moved by Councillor Perry Cole and duly seconded, that a percentage of the 15 affordable units should be built to M4(3), Access to and Use of Buildings Approved Document M, Building Regulations 2010.

Officers clarified the position with regards to the Building Regulations and the Equality Act 2010 provisions. It was also noted that the wording within M 4(3) was not within the Council's own policies, and even the merging Local Plan only requested 5%. Appropriate protection would be covered by Building Regulations and enforced by Building Control, and floor plans for Block C indicated sufficient space for wheelchairs to manoeuvre.

The amendment was put to the vote and was lost.

After further debate the substantive motion was put to the vote and it was

Resolved: That if the requirements of recommendation A below are not met, resolution B be followed

- A) planning permission be granted subject to the following conditions and informatives below, to include completing a Section 106 agreement

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within 4 months of the date of the resolution of this Committee for: affordable housing, public art, car club and Travel Plan;

- 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) Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. The details will include native species planting within the soft landscaping proposals. The approved details will be implemented prior to first occupation of the development hereby approved and thereafter retained.

To ensure ecological net gains on site in accord with policy SP11 of the Sevenoaks District Council Core Strategy and paragraph 175 of the National Planning Policy Framework (2019).

- 3) No development shall be carried out on the land until full details of soft landscape works have been submitted to and approved in writing by the local planning authority. Those details shall include: -planting plans (identifying existing planting and trees, plants and trees to be retained and new planting and trees), -written specifications (including cultivation and other operations associated with tree, plant and grass establishment), -schedules of new plants and trees (noting species, size of stock at time of planting and proposed number/densities where appropriate), and-a programme of implementation. The approved details shall be implemented prior to first occupation of the development hereby approved. If any part of the approved landscaping scheme is removed, dies, becomes severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the local planning authority within the next planting season.

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

- 4) No development (except for demolition) shall commence in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall be based upon the principles contained within the Sustainable Drainage Strategy report by Elliot Wood (06/11/2020). The submission will also demonstrate that the surface water generated by this

development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100-year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance): - that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters, - appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker. The drainage scheme shall be implemented in accordance with the approved details.

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 5) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

- 6) The retail/commercial units hereby approved shall achieve a BREEAM minimum rating of 'Very Good' or alternative as agreed in writing by the local planning authority. Evidence shall be provided to the Local Authority in the following format and at the following times: i) Prior to first use of the retail/commercial element of the development, a

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final post-construction certificate certifying that the development has achieved a BREEAM minimum rating of 'Very Good' or alternative as agreed, shall be submitted to and approved in writing by the Local Planning Authority. Achievement of BREEAM 'Very Good' or alternative as agreed, must include at least a 10% reduction in the total carbon emissions through the on-site installation and implementation of decentralised, renewable or low-carbon energy sources.

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

- 7) The proposed three units located at ground floor of block A adjacent to the High Street shall only be used for Class E(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended) for retail purposes only, unless otherwise agreed in writing by the local planning authority, and for no other purpose.

In the interests of the vitality of the High Street in accord with policy TLC1 of the Sevenoaks District Council Allocation and Development Management Plan.

- 8) No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

To ensure the development does not significantly impact the local underground sewerage utility infrastructure.

- 9) Prior to reaching finished slab level of retail units hereby permitted, details of the fascia signage and any external finish panelling to the ground floor north and west facing elevations shall be submitted to and approved in writing by the local planning authority. The details shall include elevation plans at a scale of no less than 1:50. The proposed development shall be carried out in accordance with the approved details. The shop front shall be installed prior to the occupation of the residential units in block A.

To ensure the proposal conserves the character of the Conservation Area in accord with policy EN4 of the Sevenoaks District Council Allocation and Development Management Plan.

- 10) Prior to the commencement of the development hereby permitted details of all the proposed hard landscaping across the development including the proposed service yard shall be submitted to and approved in writing by the local planning authority. The proposed details shall include an alternative surface for the proposed service yard. The development shall be carried out in accord with the approved details.

To ensure that the proposed development is in keeping with the character of the area, conserve the Conservation Area in accord with policy EN1 and EN4 of the Sevenoaks District Council Allocation and Development Management Plan.

- 11) Prior to the commencement of the development hereby approved including a demolition works a Construction Management Plan shall be submitted to and approved in writing by the local planning authority, the management plan shall include the following: (a) Routing of construction and delivery vehicles to / from site, (b) Parking and turning areas for construction and delivery vehicles and site personnel, (c) Timing of deliveries, (d) Provision of wheel washing facilities, (e) Temporary traffic management / signage, (f) Construction hours. The proposed development shall be carried out in accord with the approved management plan at all times.

In the interest of Highway Safety and neighbouring amenity in accord with policies EN2, EN7 and T1 of the Sevenoaks District Council Allocation and Development Management Plan.

- 12) Prior to the first use or occupation of the development hereby permitted, a Parking Management Plan shall be submitted to and approved in writing by the local planning authority. The plan shall include details of: a) A one-way system, b) Signage, c) Space allocation, d) Any widening of proposed parking spaces. The development shall be carried out in accord with the approved details and they shall be implemented prior to bringing the development into first occupation.

In the interests of Highway Safety and in accord with policy T2 of the Sevenoaks District Council Allocation and Development Management Plan.

- 13) Prior to first occupation of the development hereby approved a scheme to show the provision of electric vehicle charging points in excess of 17 charging units plus infrastructure for more, including the proposed location, type and specifications shall be submitted to and approved by the Local Planning Authority. The charging points shall all be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling WiFi connection). The charging point shall be

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installed in accordance with the approved details prior to first occupation of the development.

In accord with policy T3 of the Sevenoaks District Council Allocation and Development Management Plan.

- 14) Prior to first occupation of the development hereby approved, the cycle storage provision as shown on the approved plans for both private and public shall be provided and retained as such thereafter.

In accord with policy T2 of the Sevenoaks District Council Allocation and Development Management Plan.

- 15) Prior to first use of the commercial units hereby approved, the proposed opening hours and delivery hours of each unit shall be submitted to and approved in writing by the local planning authority. The proposed units shall operate in accordance with the approved details.

In the interest of neighbouring amenity in accord with policy EN2 of the Sevenoaks District Council Allocation and Development Management Plan.

- 16) The proposed windows to the third floor, south side facing elevation on block A for the eastern most room (bedroom) shall be obscure glazed up to 1.7m from finished floor level and fixed shut at all times.

To ensure privacy in accord with policy EN2 of the Sevenoaks District Council Allocation and Development Management Plan.

- 17) No development shall take place until details of the implementation and phasing for the development have been submitted to and approved in writing by the local planning authority. The approved scheme shall be phased as agreed in writing by the local planning authority.

To ensure the visual amenity of the area is maintained, in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan and the NPPF.

- 18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015, no development shall be carried out within Class A of Part 2 Schedule 2 of that Order (or any Order revoking and re-enacting that Order) (enclosures) other than that approved by virtue of the proposed development.

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

- 19) No development shall commence until details of a site investigation strategy based on the relevant information discovered by the desk study by GEA. The strategy shall be approved by the Local Planning Authority prior to investigations commencing on site.
- a) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
 - b) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. The Local Planning Authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
 - c) Approved remediation works shall be carried out in full on site under a quality assured scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.
 - d) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include details of the remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

To ensure safe amenity of the site in accord with policy EN2 of the Sevenoaks District Council Allocation and Development Management Plan.

- 20) Prior to reaching slab level on the development hereby permitted a detail public realm strategy shall be submitted to and approved in writing by the local planning authority. The details shall include: a) Details of all street furniture - lighting, bins, benches, seating, plinth, bollards, b) A detailed site plan at a scale of no less than 1:200 with the siting of all public realm elements, c) Proposed internal lighting for the tunnelled access to the service yard as indicated on plan 9678-L-01 Rev C, d) Details of access arrangements to southern access from the High Street to Suffolk Way through the proposed service yard, e) Details of all enclosure details to the southern corner for the entrance to the bus stop. The proposed development shall be carried out in accord with the approved details and implemented prior to first occupation of the development hereby approved.

In accord with policy EN1 of the Sevenoaks District Council Allocation and Development Management Plan.

- 21) Prior to the occupation of the development hereby approved a long term public realm and landscape management of site shall be submitted to and approved in writing by the Local Planning Authority and maintained as such thereafter.

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

- 22) No development shall take place until a scheme for ventilation and protecting the proposed dwelling(s) from noise from traffic on the adjacent road(s) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before any permitted dwelling is occupied unless an alternative period is first agreed in writing by the local planning authority.

To ensure the occupiers of the development are not unduly affected by noise disturbance in accordance with Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

- 23) Prior to first occupation of the development hereby approved details of all proposed privacy screens, including an additional privacy screen to the fifth floor balcony to the rear of block B (at its corner join) shall be submitted to and approved in writing by the local planning authority. The approved privacy screens shall be installed prior to first occupation of the development hereby approved.

To ensure sufficient privacy in accord policy EN2 of the Sevenoaks District Council Allocation and Development Management Plan.

- 24) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 9678-L-04 Rev B, 9678-L-03 Rev B, svok DLA ZZ XX DR A 275, svok, DLA ZZ XX DR A 274, svok DLA ZZ XX DR A 273, svok DLA ZZ XX DR A 272, svok DLA ZZ XX DR A 271, svok DLA ZZ XX DR A 270, svok DLA ZZ XX DR A 262, svok DLA ZZ XX DR A 261, svok DLA ZZ XX DR A 260, svok DLA XX XX DR A 250, svok DLA XX XX DR A 243, svok DLA XX XX DR A 242, svok DLA XX XX DR A 241, svok DLA XX XX DR A 240, svok DLA XX XX DR A 238, svok DLA XX UG DR A 237, svok DLA XX 05 DR A 235B, svok DLA XX 04 DR A 234C, svok DLA XX 04 DR A 234B, svok DLA XX 05 DR A 234A, svok DLA XX 03 DR A 233C, svok DLA XX 03 DR A 233B, svok DLA XX 04 DR A 233A, svok DLA XX 02 DR A 232C, svok DLA XX 02 DR A 232B, svok DLA XX 03 DR A 232A, svok DLA XX 01 DR A 231B, svok DLA XX UG DR A 230C, svok DLA XX UG DR A 230B, svok DLA XX UG DR A 230A, svok DLA XX XX DR A 220, svok DLA XX XX DR A 212, svok DLA XX XX DR A 211, svok DLA XX XX DR A 210, svok DLA XX XX DR A 208, svok DLA XX UG DR A 207, svok DLA XX RF DR A 206, svok DLA XX 04 DR A 204, svok DLA xx 01 DR A 201, svok DLA A 200, svok DLA XX XX DR A 244, svok DLA XX 02 DR A 231A, svok DLA XX XX DR A 221, svok DLA XX 05 DR A 205, svok DLA XX 03 DR A 203, svok DLA XX 02 DR A 202, 2200360-EWP-ZZ-00-DR-C-1000, svok DLA XX 01 DR A 231C, 9678-L-01 Rev C, 9678-L-02 Rev C.

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

- 25) The development hereby approved shall obtain a Secured by Design accreditation for the development hereby permitted, a copy of which must be submitted to, and approved in writing by the Local Planning Authority unless otherwise agreed within 3 months of the completion of the development hereby permitted.

In the interest of Security, Crime Prevention and Community Safety and in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 26) No development shall be carried out on the land until the applicant, or their agents or successors in title, has secured the implementation of a "watching brief". This shall be undertaken by an archaeologist approved in writing by the local planning authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written specification and timetable which has been submitted to and approved in writing by the local planning authority. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

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Reason: To investigate and record archaeological features as supported by Policy EN4 of the Sevenoaks Allocations and Development Management Plan.

Informatives

- 1) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.
- 2) A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 0203577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

As required by Building regulations part H paragraph 2.36, Thames Water request that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk.

Please refer to the Wholesale; Business customers; Groundwater discharge section.

Thames Water would recommend that petrol/ oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol/oil interceptors could result in oil-polluted discharges entering local watercourse.

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency's approach to groundwater protection (available at: <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

- 3) The proposed development has been assessed and it is the Council's view that the CIL is payable. Full details will be set out in the CIL Liability Notice which will be issued with this decision or as soon as possible after the decision.
- 4) New build developments or converted properties may require street naming and property numbering. You are advised, prior to commencement, to contact the Council's Street Naming and Numbering team on 01732 227328 or visit www.sevenoaks.gov.uk for further details.
- 5) Please be aware that this development is also the subject of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.
- 6) The applicant is advised to contact the Council's Economic Development team to discuss how the public realm areas can assist in the town's cultural events.

OR

- B) in the event that, using all reasonable endeavours, the legal agreement referred to in A) is not completed within 4 months of the date of the resolution of this Committee that the application be refused for failure to provide an appropriate level of affordable housing.

At 9.00 p.m. the Chairman adjourned the Committee for the convenience of Members and Officers. The meeting resumed at 9.05 p.m.

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162. 20/03289/HOUSE - Riftwood, Oak Avenue, Sevenoaks Kent TN13 1PR

The proposal sought planning permission for the erection of an annexe and demolition of an existing garage. The application had been referred to Development Control Committee by Councillor Hunter on the grounds of residential amenity, over intensification and the effect on both Locally and Nationally Listed buildings, in relation to policies EN1, EN2, EN4 and the Residential Extensions SPD.

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

The Committee was addressed by the following speakers:

Against the Application: Tony Rice

For the Application: -

Parish Representative: Town Cllr Piper

Local Member: Cllr Hunter

Members asked questions of clarification from the officers focussing on why the annex was considered to be ancillary to the main dwelling, noting that Condition 5 prohibited it being used as a separate self-contained unit.

It was moved by the Chairman and duly seconded that the recommendations within the report, be agreed.

Members discussed the application, in particular the balance of opinion on the impact on the street scene, density and whether it would enhance the heritage asset, and the ancillary nature of the proposed building.

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

It was moved by Councillor Layland and duly seconded that the application be refused on the grounds of residential amenity, over intensification and the effect on both Locally and Nationally Listed buildings, in relation to policies EN1, EN2, EN4 and the Residential Extensions SPD, as set out in the main agenda papers by Councillor Hunter in her reasons for referring the application to the Committee. The Lead Officer clarified adverse impact on the character and appearance of the street scene, causing harm to residential properties and causing harm to the locally listed building. It was also noted that any reasoning based on it not being ancillary would not be advisable as could be negated by conditioning as had been proposed in the recommendation for approval.

The motion was put to the vote and it was

Resolved: That planning permission be refused on the grounds of adverse impact on the character and appearance of the street scene, harm to

residential amenity and the harm on both Locally and Nationally Listed buildings, in relation to policies EN1, EN2, EN4 and the Residential Extensions SPD.

(Councillor Hunter left the meeting after speaking as the local member and before the debate of this item. Therefore she did not take part in the debate or voting thereon.)

163. 20/03261/FUL - Land North of Cherry Tree Cottage, Main Road, Knockholt Kent TN14 7LH

The proposal sought planning permission for demolition of single storey garage and plant room. Conversion of existing outbuilding to provide two bedroom dwelling erection of single storey extension, creation of garden utilising part of existing garden land serving Cherry Tree Cottage and use of existing access. The application had been referred to Development Control Committee by Councillor Grint because the proposed development would be a backland development, which would have an adverse impact on the neighbouring properties.

Members' attention was brought to the main agenda papers and late observation sheet which recommended an additional condition 7.

The Committee was addressed by the following speakers:

Against the Application: Bernard Holloway

For the Application: Pete Hadley

Parish Representative: -

Local Member: Cllr Grint

Members asked questions of clarification from the officers, which included what constituted backland development, the street line and why this building was not ancillary. It was noted that the overall floor space would decrease slightly by the removal of existing outbuildings.

At 10.23 p.m. it was moved by the Chairman that, in accordance with rule 16.1 Part 2 of the Constitution, Members extend the meeting beyond 10.30 p.m. to enable the Committee to complete all the business on the agenda. The motion was put to the vote and agreed.

It was moved by the Chairman and duly seconded that the recommendations within the report as amended by the late observations, be agreed.

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

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Development Control Committee - 11 March 2021

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

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

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

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

- 3) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 4182-20-PL001-P5 1 of 3, 4182-20-PL001-P6 2 of 3, 4182-20-PL001-P6 3 of 3.

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

- 4) Prior to first occupation, details of two independently assessable parking spaces per dwelling shall be submitted and approved in writing by the Local Planning Authority. The parking shall be retained on site thereafter at all times.

To ensure highway safety as supported by Policy T2 of the Sevenoaks Allocations and Development Management Plan.

- 5) Prior to first occupation, details of an electrical vehicle charging point shall be submitted and approved in writing by the Local Planning Authority. Details shall include a specification and location of the charging point. The electrical vehicle charging point shall remain thereafter at all times.

To promote sustainable development as supported by Policy T3 of the Sevenoaks Allocations and Development Management Plan.

- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement, improvement or other alteration permitted by Class A, AA, B, C, D or E of Part 1 of Schedule 2 of the 2015 Order (as amended), shall be carried out or made to the dwelling without the grant of a further planning permission by the local planning authority.

To ensure any future development on the site maintains the character of the area and protects neighbouring amenity in accordance with Policy

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EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

- 7) Notwithstanding the driveway and parking areas as shown on the approved plan no. 4182-20-PL002 P6, no development shall take place until further details of a passing bay, parking areas and the widening of the existing driveway have been submitted and approved in writing by the local planning authority. The works shall be completed in full prior to the first occupation of the proposed dwelling and shall remain on site at all times.

Reason: To ensure highway safety of the application site as supported by Policies EN1 and T2 of the Sevenoaks Allocations and Development Management Plan.

THE MEETING WAS CONCLUDED AT 10.31 PM

CHAIRMAN

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4.1 20/03567/MMA Revised expiry date 1 April 2021

Proposal: Amendment to 17/00872/HOUSE.

Location: 14 The Old Garden, Chipstead, KENT TN13 2RJ

Ward(s): Brasted, Chevening And Sundridge

Item for decision

The application has been called to the Development Control Committee by Councillor London due to the increase in size of the proposal not representing a minor material amendment and the adverse impact in respect to neighbours amenities in terms of overlooking and loss of light.

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

1) The materials to be used in the construction of the development shall be those indicated on the application form of 17/00872/HOUSE.

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 100/01A, 03A, 04,

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

National Planning Policy Framework

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

Description of site

- 1 The site comprises a two storey detached dwelling located on the western side of The Old Garden, within the confines of Chipstead. The dwelling is sited slightly above the road and has an attached tandem garage which sits forward of the front elevation. The property is set back from its neighbour and features multi-stocked brickwork with white weatherboarding details below the windows.

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Description of proposal

- 2 Minor material amendment to 17/00872/FUL (Conversion of an existing tandem garage into living space. Erection of a single-storey side extension and a single-storey front extension.
- 3 The changes comprise of:
 - the enlargement of the previously granted northern extension 1.75m to the west;
 - a stepped increase in the width of the northern extension and the original northern elevation northward by 1.2m, 2.5m, 2.7m and 3.1m;
 - an additional window on the northern side of the east facing elevation;
 - a two roof lanterns and two roof lights above the amended northern elevation
 - Add four rooflights above the single storey southern elevation;

Relevant planning history

- 4 17/00872/FUL Conversion of an existing tandem garage into living space. Erection of a single-storey side extension and a single-storey front extension. Granted 29.08.17
- 5 Building control history
17/02393/GACBN Garage conversion BCO 23/10/2017

Policies

- 6 National Planning Policy Framework (NPPF)
- 7 Para 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-to-date development plan should be approved without delay.
- 8 Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:
 - application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 6); or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 9 Footnote 6 relates to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

10 Core Strategy (CS)

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

11 Allocations and Development Management Plan (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- EN4 Heritage Assets

12 Other:

- Sevenoaks Development Extensions Supplementary Planning Document (SPD)
- Sevenoaks Residential Character Area Assessment SPD

Constraints

13 The following constraints apply

- Adjacent Chipstead Conservation Area (edge of Conservation area on rear western boundary)
- Landfill Site (LANDF/UA/SE04)

Consultations

14 Chipstead Parish Council

“Object. We object on the grounds that the Parish Council does not believe this could be considered and MMA given the increase in footprint which forms the amendment of the plans.”

Representations

15 1 response neither supporting or objecting, but requesting changes to the proposed development. 2 responses objecting in respect to:

- the proposal not being a minor material amendment
- that the proposal would represent overdevelopment of the site;
- that the proposal would fail to conserve the character of the adjacent Conservation Area;
- loss of light received by neighbouring gardens;
- adverse impact upon the street scene.

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Chief Planning Officer's appraisal

- 16 The main planning considerations are:
- Background
 - Design and Impact upon the Street Scene;
 - Impact upon amenities;
 - Impact upon the adjacent Conservation Area;
 - Access, parking and highways.

Background

- 17 Planning permission was granted under 17/00872/FUL for the conversion of an existing tandem garage into living space. Erection of a single-storey side extension and a single-storey front extension. The current application is to make changes to this granted permission as set out above.
- 18 In reviewing SDC's Building Control's records, a completion certificate was issued on the 7 Augusts 2018 for the conversion of the existing tandem garage into living space, reference 17/02393/GACBN. It is accordingly considered that works have started on 17/00872/FUL and the current applicant is extant.
- 19 There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme - an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990.
- 20 The proposal results in an increase in the footprint of the approved extensions under 17/00872/FUL however, the nature and description of the permission remains unchanged. Therefore, the proposal can be considered to be a minor material amendment.

Design and impact on the character of the area

- 21 Policy SP1 of the Core Strategy and Policy EN1 of the ADMP state that all new development should be designed to a high quality and should respond to and respect the character of the area in which it is situated.
- 22 Planning application 17/00872/HOUSE comprised of the conversion of the existing garage into living space, the erection of a single storey rear extension to the west of the original garage, the extension of a porch, and an infill to the north western elevation of the property to connect the rear and side lounges.
- 23 The development would not incorporate the porch extension. It would retain the conversion of the garage which has already occurred and retain the rear extension to the west of the original garage.

- 24 On the north western elevation of the house the element connecting the two lounges would be retained however the works would incorporate extensions to the north extending from the east westward by 1.2m, 2.5m, 2.7m and 3.1m, respectively with roof lights above. The works would result in an increase of the floor area of the side extension of 36.11 square metres above that previously granted under 17/00872/FUL.
- 25 Due to the works being located predominantly to the rear of the property with an appropriate design and materials in keeping with the existing dwelling it is not considered that it would have an adverse impact upon the street scene and would represent a minor material change to the original planning permission. Therefore, the development will not result in harm to the visual amenity of the local area and complies with policy EN1 of the ADMP.

Neighbouring Amenity

- 26 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.
- 27 The development would extend the property to the west and north with a single storey rear and side extension. At its closest point the proposal would extend the development 0.85m from the boundary with Sunningdale to the north. The northern boundary comprises of a close boarded fence rising to a height of 1.8m with a trellis above with the two properties to the north Sunningdale and 14c Chipstead Place being set back 18m from the boundary with 14 The Old Garden.
- 28 Through incorporating the tests for light, as set out within SDC's Residential Extensions SPD, the proposal would not result in any loss of sunlight or background daylight to these neighbouring properties or their private amenity space (the 5m directly to the rear of the dwellings).
- 29 The development would not incorporate any side windows facing Sunningdale and 14c Chipstead Place and therefore would not result in any loss of privacy to these properties. The fenestration on the rear elevation would look out into the rear garden with the western boundary comprising of a mature hedge rising to a height of over 3m in height ensuring that the works would overlook the rear garden of The Pump House. The inclusion of rooflights, would have views to the sky, which would ensure these roof openings will not result in any loss of privacy to neighbouring properties.
- 30 Due to the extensions being single storey located within the rear and side gardens of the property with a mix of close boarded fencing and vegetation the development would not have an adverse impact upon the outlook from neighbour's properties.
- 31 In consequence, it is not considered that the development proposal would have an adverse impact upon local amenities meeting the requirements of national and local planning policy EN2 of the ADMP. .

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Impact upon the adjacent Conservation Area

- 32 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.
- 33 Applications will be assessed with reference to the following:
- a) the historic and/or architectural significance of the asset;
 - b) the prominence of its location and setting; and
 - c) the historic and/or architectural significance of any elements to be lost or replaced.
- 34 The land to the rear of no. 14, comprising of the rear garden of The Pump House and the land to the west and north of this property lies within a Conservation Area. The development would result in a single storey rear and side extension set back from the boundary with The Pump House rising to a height of 2.8m with roof lights above. The extension would be set back 6.8m from the boundary with The Pump House with the boundary comprising of a mature hedge rising to a height of over 3m. The development would conserve the setting of the Conservation Area and therefore complies with policy EN4 of the ADMP.

Parking and Highways Impact

- 35 Policy SP2 of the Core Strategy states that the district will contribute to reducing the causes and effects of climate change by promoting best practices in sustainable design and seek to improve facilities for cyclists and pedestrians.
- 36 Policy EN1 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking.
- 37 The site possesses parking for 2 cars which would meet the requirements for a property within this location with three or more bedrooms.

Other issues

- 38 Landfill site

The application site falls within the confines of an old landfill site. However, the extension would be located where the ground has already seen a large degree of disturbance as part of the construction of the dwelling, thus contamination conditions would not be reasonable upon the grant of planning permission in this instance.

Community Infrastructure Levy (CIL)

- 39 This proposal is not CIL liable.

Conclusion

40 The development would not have an adverse impact upon local amenities, the adjacent conservation area and would incorporate an appropriate design which would represent a minor material amendment.

Recommendation

41 It is therefore recommended that this application is granted.

Background papers

Site and block plan

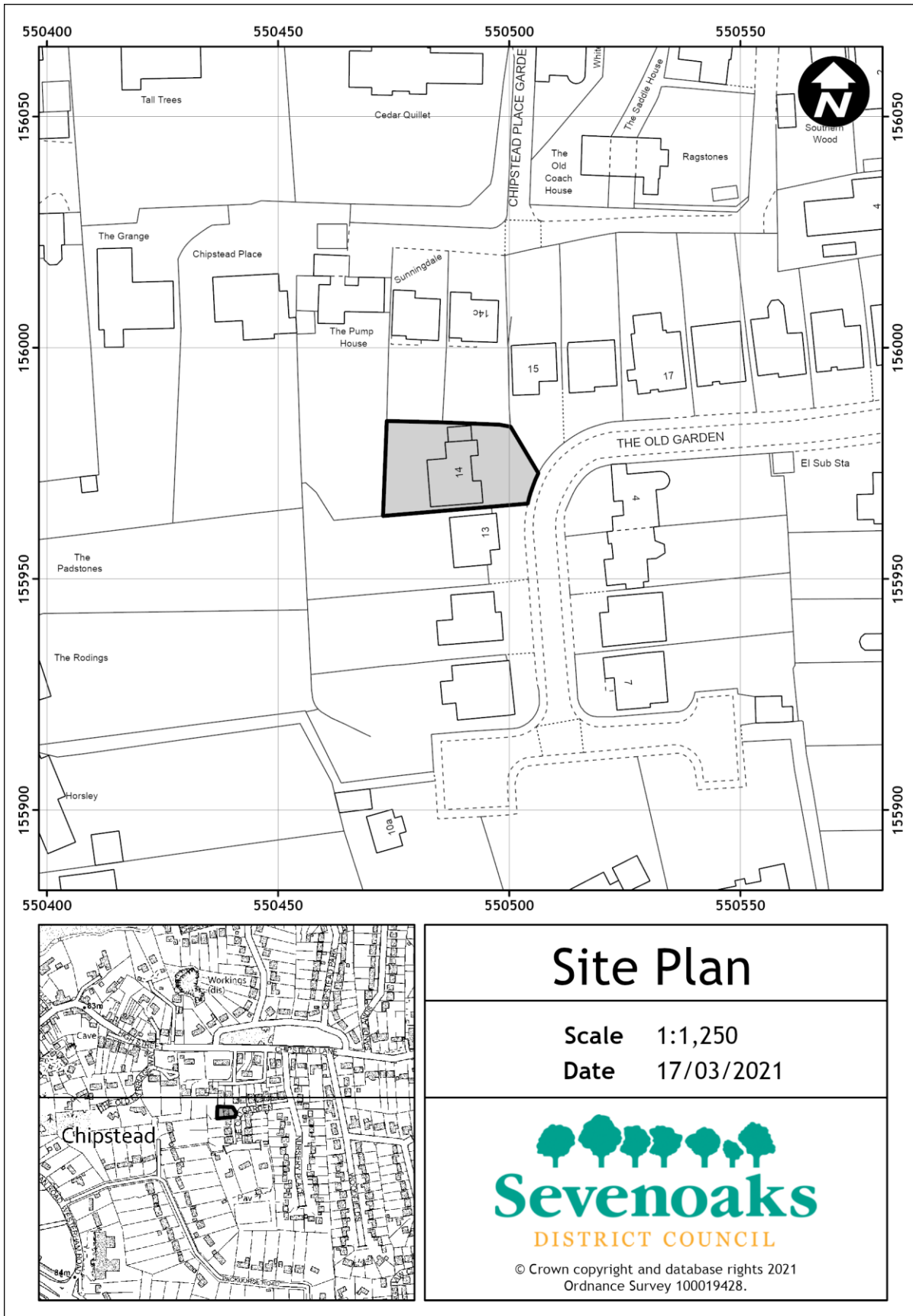
Contact Officer(s): Guy Martin 01732 227000

Richard Morris
Chief Planning Officer

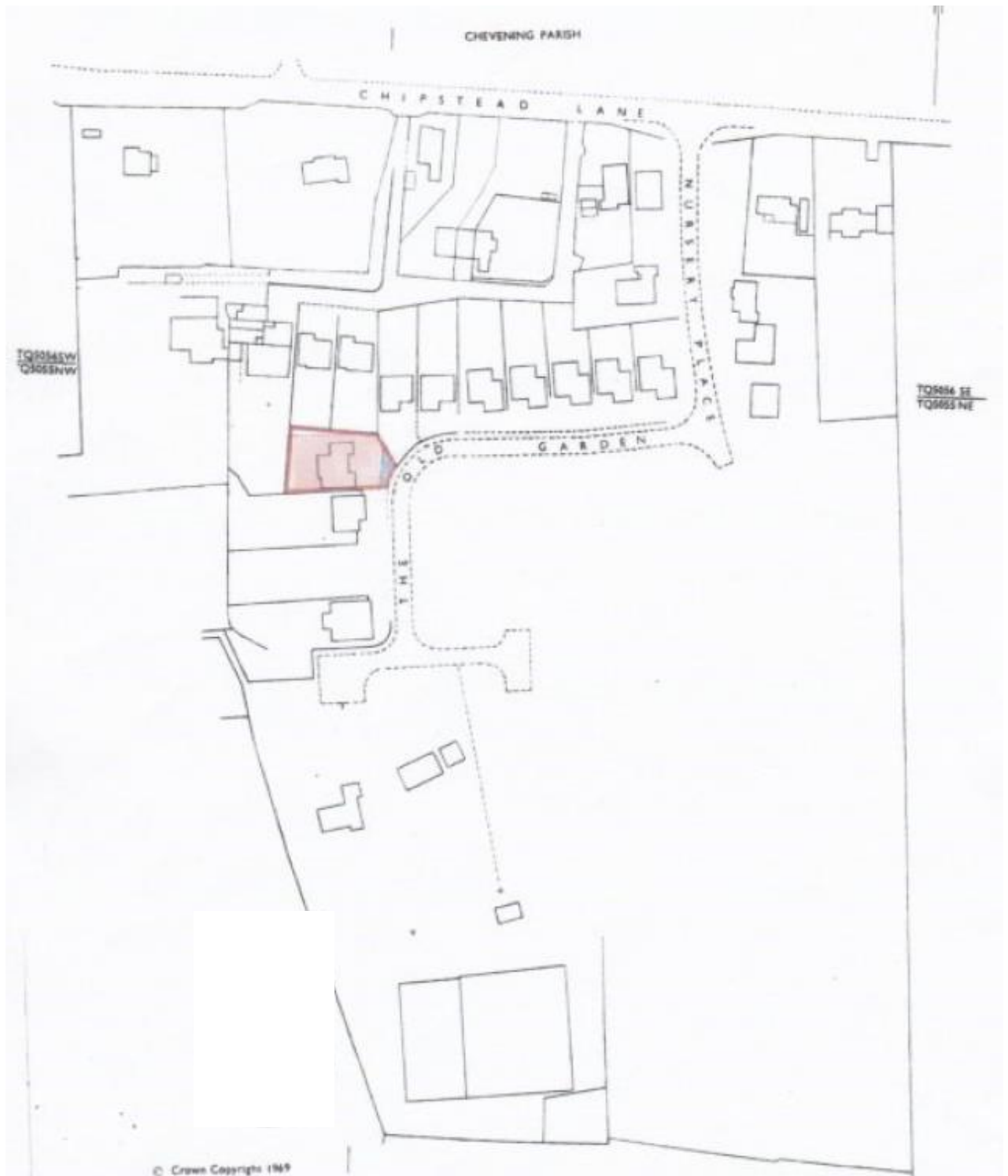
[Link to application details:](#)

[Link to associated documents:](#)

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BLOCK PLAN



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4.2 20/03395/FUL

Revised expiry date 2 April 2021

Proposal: Conversion of building from office to residential use by the creation of 4 flats (3 x 1 bedroom and 1 x 2 bedroom). Creation of basement flat and internal alterations. Removal of bay window to front elevation and replacement with a new window.

Location: 40 High Street, Sevenoaks, KENT TN13 1JG

Ward(s): Sevenoaks Town & St Johns

Item for decision

Councillor Fleming has referred the application to Development Control Committee on the grounds of design and impact on the character and appearance of the area (paragraphs 127, 128, 130 and 131 of the NPPF) and the impact on heritage assets (paragraphs 189, 192, 193 and 194 of the NPPF).

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 and details: 2038-01, 2038-02, 2038-03, 2038-04, 2038-05, 2038-06, 2038-07A, 2038-08A, 2038-09B, 2038-10A and 2038-11A.

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

3) The materials to be used in the construction of the development shall be those indicated on the approved documentation and plans: Section 9 of the Application Form, dated 20/11/2020, and plan numbers 2038-08A, 2038-09B, 2038-10A and 2038-11A.

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

4) The existing first floor flat roof area on the east facing rear elevation shall not be used as private amenity space in relation to the development hereby approved. Access shall only be retained for safety and maintenance purposes.

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

National Planning Policy Framework

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

Description of site

- 1 The site consists of a three storey terraced property located to the east of the High Street within the town centre of Sevenoaks. The site consists of a Grade II Listed Building and is located within the Sevenoaks High Street Conservation Area. The site comprises an office use and is flanked by residential properties to the north and south.

Description of proposal

- 2 Permission is sought for the conversion of the currently vacant property into four flats, comprising three x1 bedroom flats and one x2 bedroom flat. The works would involve the creation of a basement flat and the replacement of the existing bay window with a replacement new window, in keeping with the proposed residential use of the site.

Relevant planning history

- 3 84/00263/HIST Alterations to building and affixing of externally illuminated fascia lettering and projecting sign. GRANT 12/09/1984.
- 4 84/00137/HIST Display of externally illuminated fascia lettering and double sided projecting sign. GRANT 13/09/1984.
- 5 84/00136/HIST Alterations and use of first and second floors of premises for office purposes. GRANT 31/10/1984.

Policies

- 6 National Planning Policy Framework (NPPF)
- 7 Core Strategy (CS)
 - SP1 Design of New Development and Conservation
 - LO1 Distribution of Development
 - LO3 Development in Sevenoaks Town Centre

8 Allocations and Development Management (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- EN4 Heritage
- EMP5 Non allocated employment sites
- T2 Vehicle Parking

9 Other

- Sevenoaks Residential Extensions Supplementary Planning Document (SPD)
- Sevenoaks High Street Conservation Area Appraisal

Constraints

10 The following constraints apply

- Grade II Listed Building
- Sevenoaks High Street Conservation Area

Consultations responses

11 Sevenoaks Town Council - "Sevenoaks Town Council recommended approval subject to the planning officer and conservation officer being satisfied with the amended drawings and changes, and also that the five main conditions listed by the conservation officer in their report to the original application approved by STC are satisfactorily carried out."

12 Conservation - No objection - Summary: "Overall the proposals will entail the loss of some fabric, but they also present an opportunity to reinstate the front area, railings and steps which will better reveal the significance of the building and terrace. This combined with the removal of the shop front and replacement with sash window to match adjacent houses will help to reinstate a consistency to the terrace. Please note that the use of high-quality bricks and appropriate mortar mix to match existing is of extremely high importance for the reinstatement of a sash window in the front elevation to be successful. The use of the house as residential is understood to be a viable use."

13 Thames Water - No objection with regards to waste water network and sewage treatment works infrastructure capacity.

14 KCC Archaeology - No comments.

15 Planning Policy - No comments.

Representations

16 One objection received to the amended plans raising concerns of errors on the application form, errors on the existing plans, details of materials, new

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rails on flat roof area and use of space as a terrace, loss of front bay window, ventilation of bathrooms and kitchens and fire break in roof space.

Chief Planning Officer's appraisal

- 17 The main planning considerations are:
- Principle of development
 - Impact to the character and appearance of the area
 - Impact to neighbouring amenity
 - Impact on the Listed Building
 - Impact on the Conservation Area
 - Impact to highways and parking

Principle of Development

- 18 Policy LO1 of the Core Strategy states that development should be focused within existing settlements. With policy LO3 stating that a mix of uses including retail, offices, leisure, culture and residential accommodation, will be retained and enhanced within the Town Centre with the historic form and character being maintained.
- 19 Whilst the site is within the town centre, it is not on a primary or secondary retail frontage nor is it an allocated employment site. Whilst the unit is currently vacant it has previously been used for offices, as such it is considered a non-allocated employment site and policy SP8 of the Core Strategy and policy EMP5 of the ADMP are relevant to establishing the principle of development.
- 20 Policy SP8 of the Core Strategy states that sites used for business purposes will be retained in business use unless it can be demonstrated that there is no reasonable prospect of their take up or continued use for business purposes.
- 21 This is consistent with policy EMP5 of the ADMP which states that the Council will permit the loss of non-allocated lawful business premises to other uses where it can be demonstrated that the site has been unsuccessfully marketed for re-use in employment for a period of 6 months and there is no reasonable prospect of the site remaining in employment use.
- 22 The applicant provides evidence that the unit has been vacant and unsuccessfully marketed since November 2014. No interest has been shown in the property for employment and business use since August 2019 which was when the last offer was made but fell through, meaning the unit has remained vacant and not been in viable business or employment use since November 2014.
- 23 Similar conversions into residential units have taken place within the wider context of the site, including 43 - 45 High Street and number 48 High Street. The building is in need of repairs, maintenance and updating to be brought

into a viable use and the applicant has provided evidence that the site has been unsuccessfully marketed for a period in excess of 6 months and is not suitable for office use. The evidence provided suggests that no offers have been made on the property for business or employment use since August 2019.

- 24 Considering the age of the building and the long period of vacancy (despite marketing), it is considered that the proposed change of use of the building would comply with policies SP8 and LO3 of the Core Strategy and policy EMP5 of the ADMP. The proposal would provide additional housing in a sustainable location and would see a currently vacant Listed Building brought back into a viable use, making a contribution to the vitality of town centre and the district's housing supply.
- 25 The site is located within the built confines of Sevenoaks, within walking distance to local amenities, open spaces and public transport links, and is considered to be a sustainable location. The development plan seeks to maximise the potential of such sites given the wider Green Belt constraints of the district.
- 26 Considering the above, there is no objection to the principle of the conversion of the existing building into residential use. This is subject to the proposal being considered acceptable with regard to other material considerations, including the character and appearance of the area, the impact on the designated heritage assets, neighbouring amenity and highway considerations.

Design and Impact on the Character of the Area

- 27 Policy SP1 of the Core Strategy and Policy EN1 of the ADMP state that all new development should be designed to a high quality and should respond to and respect the character of the area in which it is situated.
- 28 The site is located within the town centre of Sevenoaks and will involve the conversion of the existing building. Much of the works proposed are internal alterations to the inside configuration of the building. The works to the principle elevation that will be visible from the public realm are principally the removal of the bay window and the reinstatement of the front steps, railings and access to the basement. These alterations would not be considered as harmful to the character and appearance of the site frontage or the wider street scene. The changes to the frontage of the building would be considered as in keeping with the adjoining neighbouring sites and would not appear incongruent or harmful to the character and appearance of the surrounding area and streetscape. As such, the proposal is considered in accordance with policies SP1 of the Core Strategy and EN1 of the ADMP.

Impact on neighbouring amenity

- 29 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.
- 30 The proposed development would not result in an extension to the existing built form as such the proposed development would not result in a

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significant loss of daylight, sunlight or outlook to any neighbouring properties.

- 31 The site is located within the Town Centre which has an expected degree of overlooking due to the density of development. The proposal would not therefore result in an unexpected degree of overlooking for this location.
- 32 The proposal has been amended with the previously proposed roof terrace omitted from the design of the upper floor flat. Moreover, the existing first floor rear-facing window will remain obscurely glazed, as it is currently, to protect neighbouring amenity.
- 33 The proposal would not be considered to have any increased impact on neighbouring properties than existing, as many of the changes proposed are internal, with the fenestration largely remaining as existing.
- 34 Regarding the living standards of the future occupants, all the bedrooms are served by natural sources of light and meet the National Minimum Space Standards for double occupancy bedrooms. Additionally, the light wells serving the basement flat have been enlarged to allow a greater level of natural light to serve the bedroom and habitable spaces.
- 35 Whilst it is noted that the future occupants of the apartments would have no private amenity space, due to the town centre location there is considered to be good access to public open spaces within walking distance of the property. The Development Plan encourages residential properties within town centre locations as they are sustainable locations with good access to services, open space and community facilities. In light of this, despite the lack of amenity space provision, it would be difficult to justify a refusal for the property not providing private amenity space.
- 36 Regarding noise and air pollution, as the building is listed the degree of sound insulation and adequate ventilation for residents allowed is naturally more limited. Whilst the main road and town centre location may give a degree of noise and air pollution, considering the residential character of the immediate locality with residential uses to the north and south of the site, this would not be considered to be to a harmful degree to future occupiers of the flats. The proposal would create additional residential properties in a sustainable location and the noise and air quality impact is not considered sufficient in warranting a refusal on this basis. The Development Plan supports the provision of homes in built up locations and due to the town centre location a degree of noise pollution would be considered to be expected. Comments from Environmental Health are awaited and any requirements for mitigation measures can be secured through condition in the late observation papers.
- 37 Overall, the proposal would not be considered to pose a harmful increased impact to neighbouring amenity and would be considered to provide an acceptable standard of living to future occupants. The proposal is therefore considered to comply with policy EN2 of the ADMP.

Impact on the Listed Building

- 38 Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990 placed a duty on a local planning authority, in considering development, which affects a listed building or its settings, to having special regard to the desirability of preserving the building or its setting, or any features or architectural or historical interest it possess.
- 39 The NPPF states that great weight should be given to the conservation of heritage assets (para 193).
- 40 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.
- 41 The Conservation Officer has raised no objections to the scheme, stating that whilst the works may entail some loss of historic fabric, they would largely present an opportunity to reinstate the site frontage and better reveal the historic significance of the building.
- 42 The existing shop front is Georgian in appearance but of modern fabric and is not considered to be original. The existing operable, retractable awning of the shop front was a type of mechanism that was popular in the second half of the 19th century. However, census information for 1881 indicates that this building was in residential use, and a 1919 sales particular for the terrace describes the buildings at that time as residential. This suggests that the existing shop front and awning mechanism are 20th-century fabric, in line with the listing description.
- 43 The removal of the shop front and replacement with a window would help to reinstate a consistency to the terrace and improve the appearance of the terrace from the streetscape, respecting the history of the site. Whilst the Conservation Officer comments that a 6 over 6 sash window would be preferable, the new window has been designed to match the upper floor windows on the front of the site and this is considered to be acceptable and consistent with the existing site frontage.
- 44 The removal of the existing modern concrete deck at the front of the building and the reinstatement of the front area, steps and railings (based on the appearance of adjacent examples) will have a positive impact and help to better reveal the special interest of the Listed Building.
- 45 The removal of the ground floor rear doors and replacement with a window to enlarge the light well to the basement flat would be considered to cause less than substantial harm to the Listed Building. However, the public benefits of the scheme in bringing a currently vacant Listed Building back into a viable use within Sevenoaks Town Centre and the adequate provision of natural light to the future occupiers of the basement flat are considered to outweigh this less than substantial harm.
- 46 present an opportunity to reinstate the site frontage which will better reveal the significance of the building and terrace. This combined with the removal of the shop front and replacement with a window will help to

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reinstate a consistency to the terrace. The use of high-quality bricks and appropriate mortar mix to match the existing is of extremely high importance for the reinstatement of a sash window in the front elevation to be successful. This will be controlled through a condition regarding details of material samples.

- 47 On the whole, the proposals are considered to be in accordance with the NPPF (para 193) and are supported in conservation terms. The less than substantial harm of the alterations to the rear doors and window would be considered to be outweighed by the public benefits of the scheme, as stated above. As such, the proposed works are considered to conserve, and in places reinstate and better reveal, the significance of the heritage asset in line with paragraph 193 of the NPPF and policy EN4 of the ADMP.

Impact on the Conservation Area

- 48 Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 placed a duty on a local planning authority that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. . The NPPF states that great weight should be given to the conservation of heritage assets (para 193).
- 49 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.
- 50 As stated above, the Conservation Officer has raised no objections to the alterations proposed. The works to the site frontage would be considered to be consistent in design with the adjacent properties along the terrace and would be considered to reinstate the original character of the property, making a positive contribution to the Conservation Area.
- 51 The external alterations proposed would not be considered as harmful to the character, appearance or setting of the Conservation Area and would be in keeping with the wider streetscape. The removal of the front bay window would represent an opportunity to reinstate consistency to the terrace and reinstate the frontage of the site as it would have been.
- 52 The proposal is therefore considered to conserve and even enhance the character and appearance of this part of the Conservation Area, in accordance with policy EN4.

Impact on highways safety and parking provision

- 53 As previously stated, the site is within a town centre location and the proposal is to convert the property into 4 flats.
- 54 Policy T2 requires parking to be provided for residential developments in accordance with KCC parking standards, contained in Appendix 2 of the ADMP. Policy T2 states that the Council may depart from the maximum or minimum standards in order to take into account of specific local circumstances.

- 55 The provision of off-street parking spaces for this unit cannot be achieved due to the location and site constraints, and this was the same for the previous office use which did not have any on-site parking spaces provided.
- 56 The KCC Supplementary Planning Guidance SPG4 (2006) outlines the maximum vehicle parking standards recommended for each use class. For a B1 office use one parking space per 20 metres squared of office space is recommended. According to this standard, for the current office use of the site a maximum of 6 parking spaces would be expected. Based on the guidance in Appendix 2 of the ADMP, for 1-2 bedroom flats in a town centre location a maximum of one parking space per unit is required, which is less than that technically required as offices. Therefore, the proposed scheme results in a technical highway betterment than the existing use. .
- 57 In light of the above considerations and the town centre location, the proposal complies with Policy T2 of the ADMP in this instance.

Other Issues:

- 58 The objection received to the scheme references errors on the submitted documentation, plans and certificate signed.
- 59 The points raised in this objection regarding the application form and plans are considered to be minor and not material to the determination of the application. The points raised would not represent a reason to invalidate the plans or form reasonable grounds of refusal. Having carried out a site visit and reviewed the plans and documentation, the Council is satisfied that the existing plans are correct and of a suitable standard to allow determination.
- 60 Regarding the certificate, the applicant has signed certificate B to indicate they do not own all the land shown in the red outline, with an obligation to serve notice on the other property or interested party that may own part of the land shown in the red outline. The Council is satisfied that the correct certificate has been signed and the correct procedure followed regarding the validation of the application.
- 61 The flat roof area needs to be maintained as a fire exit with access for maintenance only. The proposed roof terrace has been omitted from the plans and this area will be conditioned to not be used as private amenity space to protect the privacy of the neighbouring bedroom window which faces out onto this area. Moreover, the details of material samples will also be secured through condition on the Listed Building Consent application.
- 62 The amendments that have been made to the scheme are considered to address and alleviate the original concerns raised within the public comment and the additional points raised subsequently are considered to be minor or are non-material and do not constitute a reason for refusal.
- 63 The proposal would see this currently empty unit be brought back into use and this is a benefit of the scheme with regards to the Listed Building and the vitality of Sevenoaks Town Centre. The scheme will provide four new flats in a sustainable town centre location.

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Community Infrastructure Levy (CIL)

64 The proposal is CIL liable and no exemption has been applied for.

Conclusion

65 The proposal would not result in the loss of a commercial use that would cause detriment to the viability and vitality of the Sevenoaks Town Centre. The development would preserve the historic character and fabric of the Listed Building and the character and appearance of the Conservation Area, compliant with policy EN4 and the heritage principles of the NPPF. The unit is in a highly sustainable location and the use of the building would not compromise the amenities of the existing neighbours or the future occupiers of the site.

66 As highlighted in the report above the proposed development accords with the NPPF and our adopted development plan.

Recommendation

67 It is therefore recommended that this application is GRANTED.

Background papers

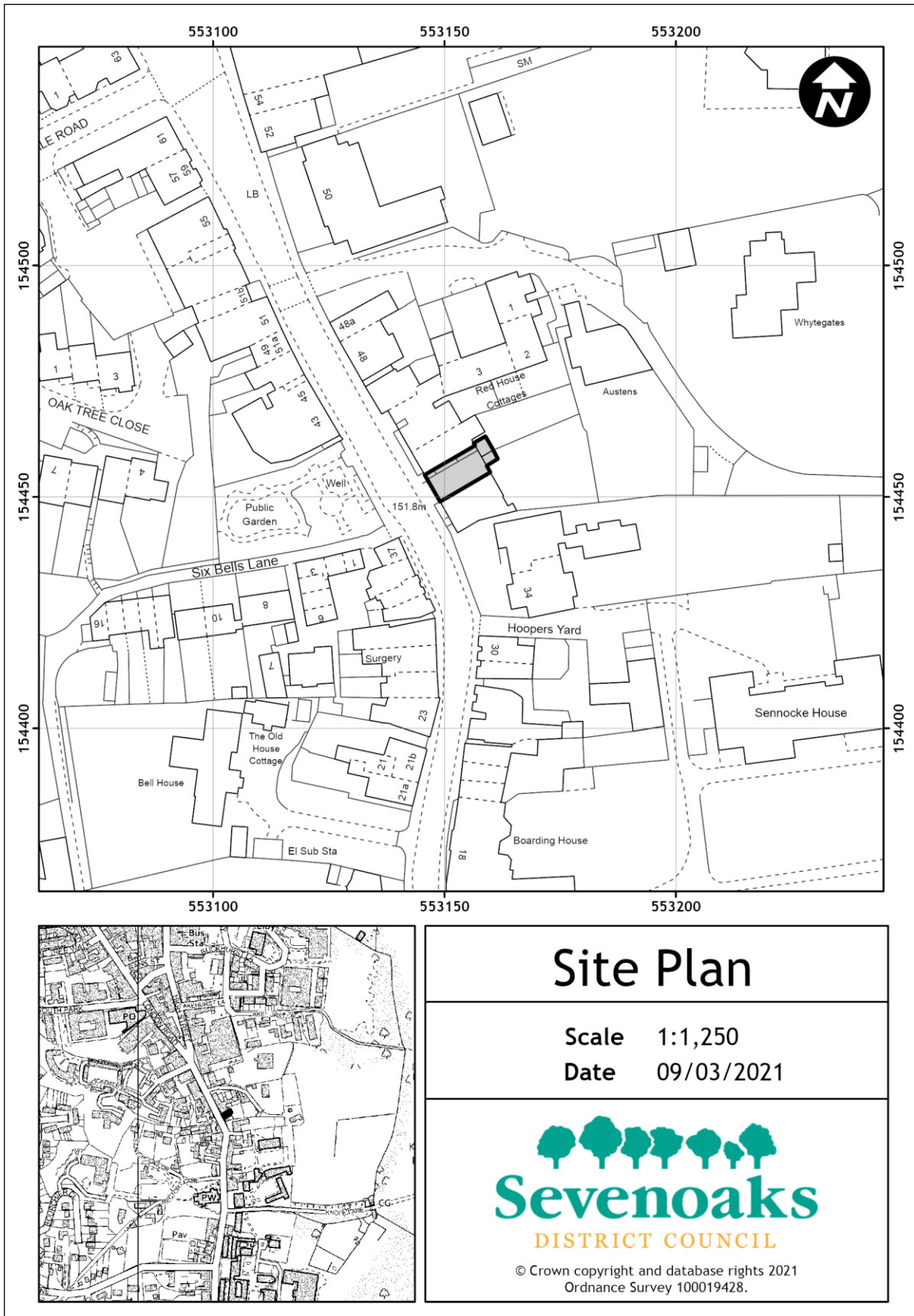
Site and block plan

Contact Officer(s): Anna Horn - 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



Site Plan

Scale 1:1,250
Date 09/03/2021



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Ordnance Survey 100019428.

4.3 20/03396/LBCALT Revised expiry date 2 April 2021

Proposal: Conversion of building from office to residential use by the creation of 4 flats (3 x 1 bedroom and 1 x 2 bedroom). Creation of basement flat and internal alterations. Removal of bay window to front elevation and replacement with a new window.

Location: 40 High Street, Sevenoaks, KENT TN13 1JG

Ward(s): Sevenoaks Town & St Johns

Item for decision

Councillor Fleming has referred the application to Development Control Committee on the grounds of the impact on heritage assets (paragraphs 189, 192, 193 and 194 of the NPPF).

RECOMMENDATION: That Listed Building Consent be GRANTED subject to the following conditions:

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

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 2038-01, 2038-02, 2038-03, 2038-04, 2038-05, 2038-06, 2038-07A, 2038-08A, 2038-09B, 2038-10A and 2038-11A.

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

3) Prior to the commencement of works to the external walls, specifications (including, where applicable, size, colour, texture, profile, finish, bonding and pointing) and a sample panel of 1metre square of the external surface materials of the development (brickwork to front elevation) will be submitted to and approved in writing by the Council.

To maintain the integrity and character of the listed building as supported by policy EN4 of the Sevenoaks Allocations and Development Management Plan.

4) Prior to the commencement of works, window details (including architrave, frame, heads, glazing bars and mouldings, reveal, cill, lintel and method of opening) shown in elevation drawings at a scale of 1:10 and horizontal and vertical section at a scale of 1:5, will be submitted to and approved in writing by the Council.

To maintain the integrity and character of the listed building as supported by policy EN4 of the Sevenoaks Allocations and Development Management Plan.

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5) Prior to the commencement of works to the boundary treatment(s), plan and elevation drawings at a scale of 1:50 detailing the positions, height, design, materials and type of proposed boundary treatments will be submitted to and approved in writing by the Council.

To maintain the integrity and character of the listed building as supported by policy EN4 of the Sevenoaks Allocations and Development Management Plan.

6) Prior the commencement of works, specifications, including section drawings, of all rainwater goods (and any external soil or waste pipes) will be submitted to and approved in writing by the Council.

To maintain the integrity and character of the listed building as supported by policy EN4 of the Sevenoaks Allocations and Development Management Plan.

7) Historic chimneypieces and the original internal doors should be retained and protected during works.

To maintain the integrity and character of the listed building as supported by policy EN4 of the Sevenoaks Allocations and Development Management Plan.

Description of site

- 1 The site consists of a three storey terraced property located to the east of the High Street within the town centre of Sevenoaks. The property is a Grade II Listed Building and is located within the Sevenoaks High Street Conservation Area. The site comprises an office use and is flanked by residential properties to the north and south.

Description of proposal

- 2 Listed Building consent is sought for the conversion of the currently vacant property into four flats, comprising three x1 bedroom flats and one x2 bedroom flat. The works would involve the creation of a basement flat which includes reinstating the front area and revealing the steps on the principle elevation. The existing bay window on the front elevation will be replaced with a new window, in keeping with the proposed residential use of the site. Consent is also sought for internal alterations including the removal of the internal staircase from basement and ground floor and the removal of some internal partitions.

Relevant planning history

- 3 84/00263/HIST Alterations to building and affixing of externally illuminated fascia lettering and projecting sign. GRANT 12/09/1984.
- 4 84/00137/HIST Display of externally illuminated fascia lettering and double sided projecting sign. GRANT 13/09/1984.

- 5 84/00136/HIST Alterations and use of first and second floors of premises for office purposes. GRANT 31/10/1984.

Policies

- 6 National Planning Policy Framework (NPPF)
- 7 Core Strategy (CS)
- SP1 Design of New Development and Conservation
- 8 Allocations and Development Management (ADMP)
- EN4 Heritage
- 9 Other
- Sevenoaks High Street Conservation Area Appraisal

Constraints

- 10 The following constraints apply:
- Grade II Listed Building
 - Sevenoaks High Street Conservation Area

Consultations responses

- 11 Sevenoaks Town Council - "Sevenoaks Town Council recommended approval subject to the planning officer and conservation officer being satisfied with the amended drawings and changes, and also that the five main conditions listed by the conservation officer in their report to the original application approved by STC are satisfactorily carried out."
- 12 Conservation - No objection - Summary: "Overall the proposals will entail the loss of some fabric, but they also present an opportunity to reinstate the front area, railings and steps which will better reveal the significance of the building and terrace. This combined with the removal of the shop front and replacement with sash window to match adjacent houses will help to reinstate a consistency to the terrace. Please note that the use of high-quality bricks and appropriate mortar mix to match existing is of extremely high importance for the reinstatement of a sash window in the front elevation to be successful. The use of the house as residential is understood to be a viable use."
- 13 Thames Water - No objection with regards to waste water network and sewage treatment works infrastructure capacity.
- 14 KCC Archaeology - No comments.

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- 15 Planning Policy - No comments.
- 16 Amenity Societies - No response.

Representations

- 17 One objection received to the amended plans raising the following points:
 - errors on the application form
 - errors on the existing plans, details of materials, new rails on flat roof area and use of space as a terrace, loss of front bay window, ventilation of bathrooms and kitchens and fire break in roof space.

Chief Planning Officer's appraisal

- 18 The main planning consideration is:
 - Impact on the Listed Building

Impact on the Listed Building

- 19 Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990 placed a duty on a local planning authority, in considering development, which affects a listed building or its settings, to having special regard to the desirability of preserving the building or its setting, or any features or architectural or historical interest it possess.
- 20 The NPPF states that great weight should be given to the conservation of heritage assets (para 193).
- 21 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.
- 22 The Conservation Officer has raised no objections to the scheme, stating that whilst the works may entail some loss of historic fabric, they would largely present an opportunity to reinstate the site frontage and better reveal the historic significance of the building.
- 23 The existing shop front is Georgian in appearance but of modern fabric and is not considered to be original. The existing operable, retractable awning of the shop front was a type of mechanism that was popular in the second half of the 19th century. However, census information for 1881 indicates that this building was in residential use, and a 1919 sales particular for the terrace describes the buildings at that time as residential. This suggests that the existing shop front and awning mechanism are 20th-century fabric, in line with the listing description.
- 24 The removal of the shop front and replacement with a window would help to reinstate a consistency to the terrace and improve the appearance of the terrace from the streetscape, respecting the history of the site. Whilst the Conservation Officer comments that a "6 over 6" sash window would be

preferable, the new window has been designed to match the upper floor windows on the front of the site and this is considered to be acceptable and consistent with the existing site frontage.

- 25 The removal of the existing modern concrete deck at the front of the building and the reinstatement of the front area, steps and railings (based on the appearance of adjacent examples) will have a positive impact and help to better reveal the special interest of the Listed Building.
- 26 The removal of the ground floor rear doors and replacement with a window to enlarge the light well to the basement flat would be considered to cause less than substantial harm to the Listed Building. However, the public benefits of the scheme in bringing a currently vacant Listed Building back into a viable use within Sevenoaks Town Centre and the adequate provision of natural light to the future occupiers of the basement flat are considered to outweigh this less than substantial harm.
- 27 Overall, the proposals will entail the loss of some historic fabric, but they also present an opportunity to reinstate the site frontage which will better reveal the significance of the building and terrace. This combined with the removal of the shop front and replacement with a window will help to reinstate a consistency to the terrace. The use of high-quality bricks and appropriate mortar mix to match the existing is of extremely high importance for the reinstatement of a sash window in the front elevation to be successful. This will be controlled through a condition regarding details of material samples.
- 28 On the whole, the proposals are considered to be in accordance with the NPPF (para 193) and are supported in conservation terms. The less than substantial harm of the alterations to the rear doors and window would be considered to be outweighed by the public benefits of the scheme, as stated above. As such, the proposed works are considered to conserve, and in places reinstate and better reveal, the significance of the heritage asset in line with paragraph 193 of the NPPF and policy EN4 of the ADMP.

Other Issues:

- 29 The objection received to the scheme references errors on the submitted documentation, plans and certificate signed.
- 30 The points raised in this objection regarding the application form and plans are considered to be minor and not material to the determination of the application. The points raised would not represent a reason to invalidate the plans or form reasonable grounds of refusal. Having carried out a site visit and reviewed the plans and documentation, the Council is satisfied that the existing plans are correct and of a suitable standard to allow determination.
- 31 Regarding the certificate, the applicant has signed certificate B to indicate they do not own all the land shown in the red outline, with an obligation to serve notice on the other property or interested party that may own part of the land shown in the red outline. The Council is satisfied that the correct

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certificate has been signed and the correct procedure followed regarding the validation of the application.

- 32 The flat roof area needs to be maintained as a fire exit with access for maintenance only. The proposed roof terrace has been omitted from the plans and this area will be conditioned under the full application to not be used as private amenity space to protect the privacy of the neighbouring bedroom window which faces out onto this area. Moreover, the details of material samples will also be secured through condition on the Listed Building Consent application. The Conservation Officer has raised no objections and conditioned the required information.
- 33 The amendments that have been made to the scheme are considered to address and alleviate the original concerns raised within the public comment and the additional points raised subsequently are considered to be minor or are non-material and do not constitute a reason for refusal.

Conclusion

- 34 As highlighted in the report above the proposed development accords with the NPPF and our adopted development plan.

Recommendation

- 35 It is therefore recommended that this application is GRANTED.

Background papers

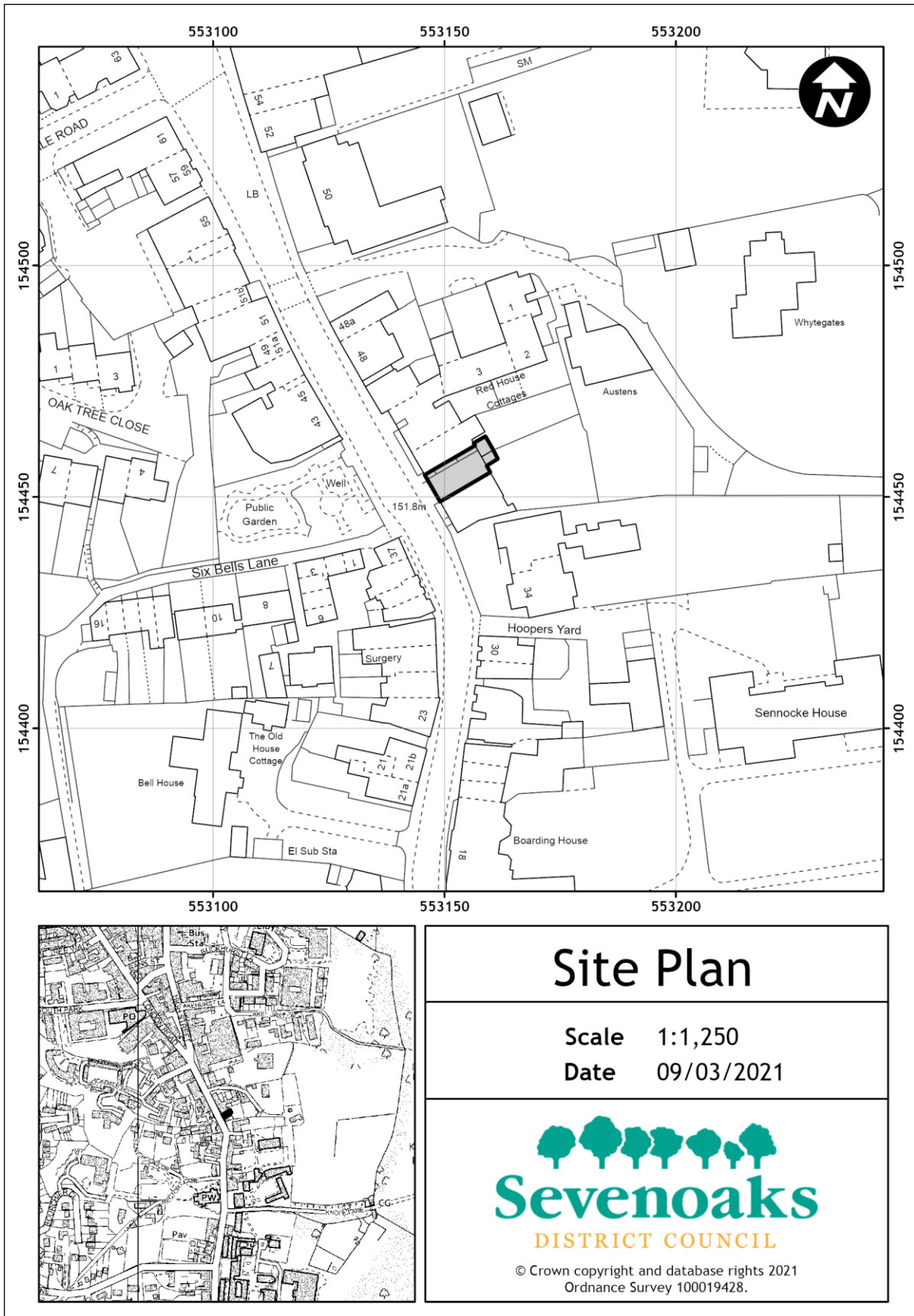
Site and block plan

Contact Officer(s): Anna Horn : 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



Site Plan

Scale 1:1,250
Date 09/03/2021



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4.4 20/03739/HOUSE Date expired 12 February 2021

Proposal: Removal of existing 2.5m high gazebo framework.
Erection of a single storey, flat roof, open sided garden room.

Location: Rosewood, Stonehouse Road, Halstead KENT TN14 7HN

Ward(s): Halstead, Knockholt & Badgers Mount

Item for decision

This application has been referred to Development Control Committee by Councillor Grint due to the impact on neighbouring properties and the openness of the Green Belt

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 and details: 1556/P4; 1556/P3

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

National Planning Policy Framework

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

Description of site

1 The application site comprises of a two storey detached dwelling

Description of proposal

2 The application seeks permission for the removal of a 2.5m high pergola and the construction of a flat roofed and open sided garden room. The building

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would be 2.8m in height and measuring 44 square metres. It would be white rendered with grey aluminium windows and a grey flat roof.

Relevant planning history

- 3 11/01885/FUL Revised scheme as permitted under reference SE/11/00011/FUL for a five bedroom detached house, with integral basement parking. GRANT 14/09/2011
- 4 20/03738/LDCPR Erection of single storey, open sided, flat roof garden room - GRANT 09/02/2021

Policies

- 5 National Planning Policy Framework (NPPF)
- 6 Core Strategy (CS)
 - SP1 Design of New Development and Conservation
- 7 Allocations and Development Management Plan (ADMP)
 - SC1 Presumption In Favour Of Sustainable Development
 - EN1 Design Principles
 - EN2 Amenity Protection
 - GB3 Residential Outbuildings in the Green Belt
- 8 Other:
 - Sevenoaks Residential Extensions SPD
 - Development in the Green Belt SPD

Constraints

- 9 The following constraints apply
 - Metropolitan Green belt

Consultations

- 10 Halstead Parish Council: This council feel that, due to the lay of the land, the proposed development would have a significant impact on both the neighbouring properties and the openness of the green belt.
- 11 The bulk, height and scale of this development on the elevated position would be in direct contravention to policy GB1 (section b)
- 12 This council also have concerns that the proposed development is too close to the neighbouring boundary and that, compounded with the elevated

position, makes for an overbearing structure that attributes to loss of light for the neighbouring property

13 Halstead Parish Council have spoken with a neighbour who have voiced their objections on similar grounds.

14 Other Consultees - None

Representations

15 One letter of objection has been received relating to the following issues:

- Encroachment and overdevelopment of the Green Belt.
- Excessive volume, scale and bulk.
- It would set a precedent for larger scale development in the Green Belt.
- The building would be less than 1m from the shared boundaries
- Impact to daylight and overshadowing of the garden due to the height of the building and fall in ground levels.

Chief Planning Officer's appraisal

16 The main planning consideration are:

- Impact to the Green Belt
- Design and impact to the character of the area
- Impact to neighbouring amenity

Impact to the Green Belt

17 Part of the rear garden of the application site is located within the Green Belt. The main dwelling is not located within it however, most of the proposed outbuilding would be. As such Policy GB3 (Residential Outbuildings in the Green Belt) of Sevenoaks Allocations and Development Management Plan will therefore apply.

18 Policy GB3 of the Sevenoaks Allocations and Development Management Plan states that outbuildings located more than 5m from the existing dwelling will be permitted where the building, including the cumulative impact of other outbuildings and extensions within the curtilage of the dwelling, would be ancillary to the 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.

19 The proposed outbuilding would replace an existing open framed pergola with a flat roofed, partly open-sided outbuilding. An LDC Proposed has already been granted, (reference 20/03738/LDCPR), which confirms that this outbuilding, 2.5m in height, would not require planning permission.

20 The reason this outbuilding requires planning permission is that the overall height would be 0.3m taller than what would normally be allowed under permitted development for an outbuilding in this location. An outbuilding of

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this size, if sited 2m from the property boundary line, would similarly not require planning permission. At its shortest distance, the outbuilding would be located 0.7m from the northern boundary, 0.4m from the eastern boundary and 22m from the southern boundary.

- 21 It is the statutory duty of the LPA to determine an application as it has been submitted and the existence of the LDC confirming that a near identical outbuilding does not require planning permission lends material weight to the consideration of this planning application.
- 22 Rosewood has not previously been extended and currently has no outbuildings other than the existing pergola. As it would be located within the existing area as the pergola and formal patio seating area, it would not materially alter the overall openness of the site. The outbuilding would be located close enough to the existing dwelling in order to centralise existing built form on the site mitigating the impact to openness. The outbuilding would similarly be located closer to the main house compared to other neighbouring outbuildings located within the Green Belt sections of the gardens.
- 23 The proposed outbuilding in this case would have a flat roof and therefore a low height which would be minimally higher than the existing trellis above the boundary fence, thereby limiting the bulk of the development which would not appear visually intrusive. It would also have a much lower height than other outbuildings that have been previously approved at other domestic properties within the green belt.
- 24 The outbuilding would measure approximately 44sqm in footprint which is only marginally over the recommended 40sqm set out in the Development in Green Belt SPD. However, the overall acceptability of the footprint depends ultimately on the overall context. For example in a recent appeal decision for a property, (application reference 20/00650/HOUSE), made in December 2020 the planning inspector did not agree that a detached garage of 57sqm constituted inappropriate development in the green belt as the scale was proportionate to the main dwelling and did not adversely impact the openness of the site in accordance with the broader terms of GB3.
- 25 Therefore an increase of 4sqm in this case would not be considered substantial enough to result in material harm to the green belt where 40sqm would normally be considered acceptable. The main dwelling is large and the outbuilding would be clearly subservient, as well as being proportionate to it in scale and form. The land levels of the site do rise however, the level of the proposed outbuilding would not have a substantial impact to the main dwelling or the site due to the low height of the building and its distance from the house. The development would therefore comply with GB3 and would constitute appropriate development in the green belt.

Design and impact to the character of the area

- 26 The development would not be visible within the street scene which limits the overall impact of the building to the character of the area. The area character comprises of residential properties and outbuildings within the rear gardens are common. Only the roof and parts of the upper walls of the outbuilding would be visible to neighbours over the existing fence towards the bottom of their gardens which is common situation for residential properties. The outbuilding would therefore preserve the character of the area.
- 27 As noted above the outbuilding would not be excessive in size and would be clearly proportionate to the existing house in scale. The building would cover an outdoor seating and barbeque area which would be clearly ancillary to the main dwelling in function. The proposed materials would be similar in appearance to the existing property and would blend in well with the site for this reason. The outbuilding would therefore be in full accordance with Policy EN1 and the Residential Extensions SPD.

Impact to neighbouring amenity

- 28 The outbuilding would be located a substantial distance away from the direct neighbours; approximately 27m away from Briar Bank and 24m from Uplands. The existing boundary treatments comprise of standard height fencing and tall trees and hedging that are taller than the proposed outbuilding.
- 29 Loss of Light and Overshadowing
- 30 Due to this substantial distance between the proposed outbuilding and the neighbouring properties the development would pass the sunlight and daylight tests to both neighbours. The light test is applicable to the windows serving habitable rooms and their private amenity space which is defined as the first 5m of garden from the property's rear elevation. Impact to non-habitable rooms and garden space generally is not protected by the planning system.
- 31 The proposed outbuilding would be set on the same level as Uplands to the south but due to the higher gradient in levels would be set above the level of Briar Bank and slightly above the property's garden directly adjacent where the levels similarly rise in the same direction.
- 32 Both boundary treatments comprise of trees which are taller than the proposed outbuilding. With regard to Briar Bank to the north, the trees lining this boundary run along and past Briar Bank and its private amenity space. As such there would not be increased overshadowing to the property or its private amenity space. The line of trees stop at the location of the proposed outbuilding which is directly adjacent to the middle of the garden where the neighbouring property has a vegetable garden. It is possible that there could be increased overshadowing in this location due to the orientation of the properties however, although regrettable, this part of the site would not be considered private amenity space that could be protected by the planning system.

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33 Privacy

The outbuilding would have no windows in the side elevation facing with Briar Bank. Due to the existing boundary treatments views from the proposed outbuilding into the neighbouring properties would not be possible.

34 Visual Intrusion

35 Due to the location of the proposed outbuilding and existing boundary treatments the development would not be visible from Uplands. The outbuilding would be mostly screened from view from Briar Bank however, a corner of it would be visible at a distance from the rear windows to the north of the property past the line of trees. As such, the development would not be prominently visible and would not materially alter the normal outlook of Briar Bank in accordance with policy EN2 of the ADMP.

36 The outbuilding would be located 0.6m from the northern boundary shared with Briar Bank however, there is no policy requirement that an outbuilding must be located a specified distance away. The acceptability of a distance from a boundary depends on the overall site context. Due to the substantial distance of the building from the house the impact of the development would be greatly mitigated and would not appear an overbearing structure due to this and its low height.

37 Views cannot be protected by the planning system and that the development can be seen would not result in material harm in principle to the normal outlook of a property. Whilst the roof and parts of the upper wall would be visible over the fence as viewed from the middle or top of the garden at Briar Bank this would not result in harm to the normal outlook which is concerned with the outlook from habitable windows and the 5m rear private amenity space. Therefore, the proposal will not result in any loss of residential amenity to the neighbouring properties.

Community Infrastructure Levy (CIL)

38 The development is less than 100m² and is therefore not liable for CIL.

Conclusion

39 The proposal complies with all relevant national and local planning policies.

Recommendation

40 It is therefore recommended that this application is APPROVED.

Background papers

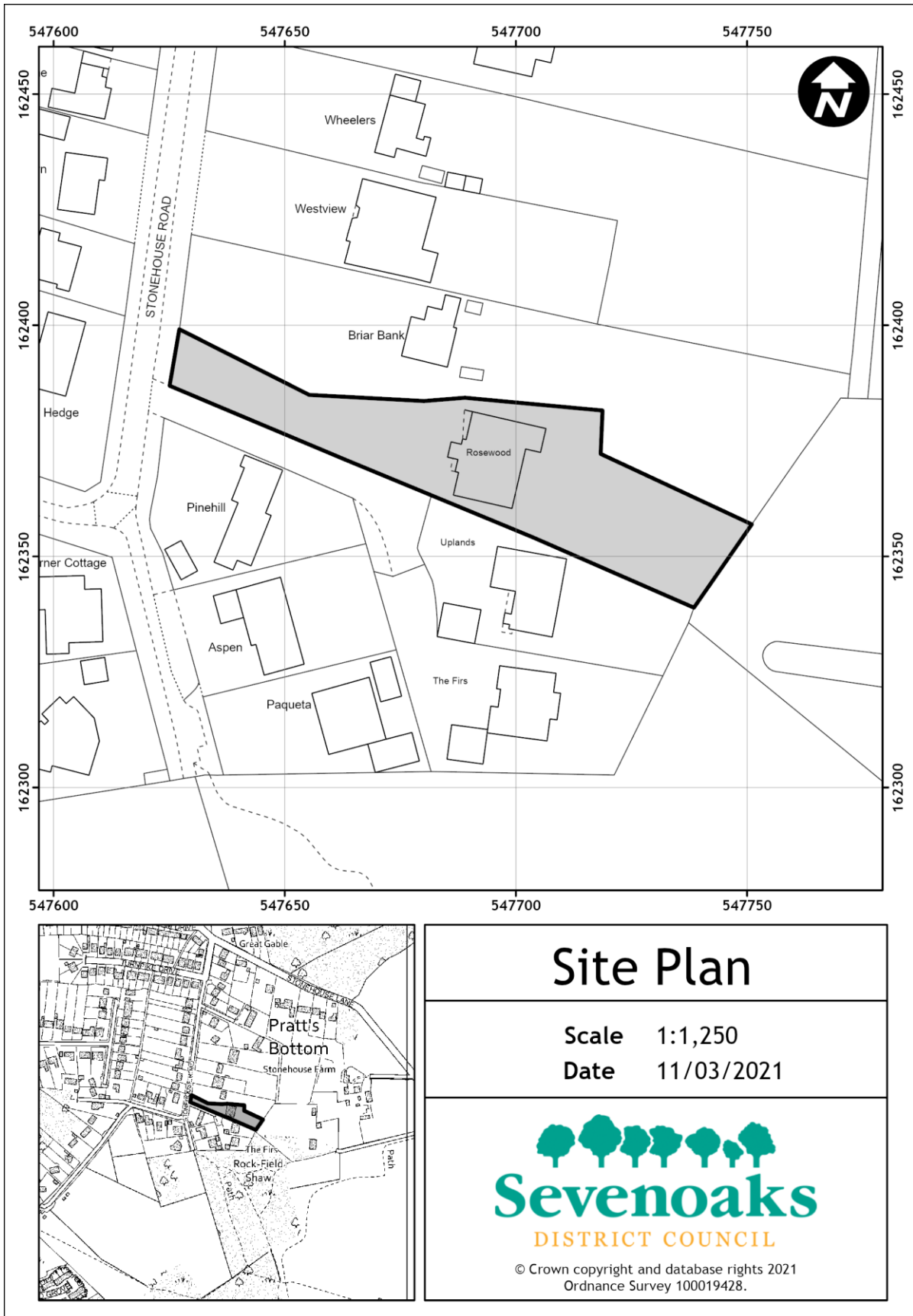
Site and block plan

Contact Officer(s): Hannah Donnellan 01732 227000

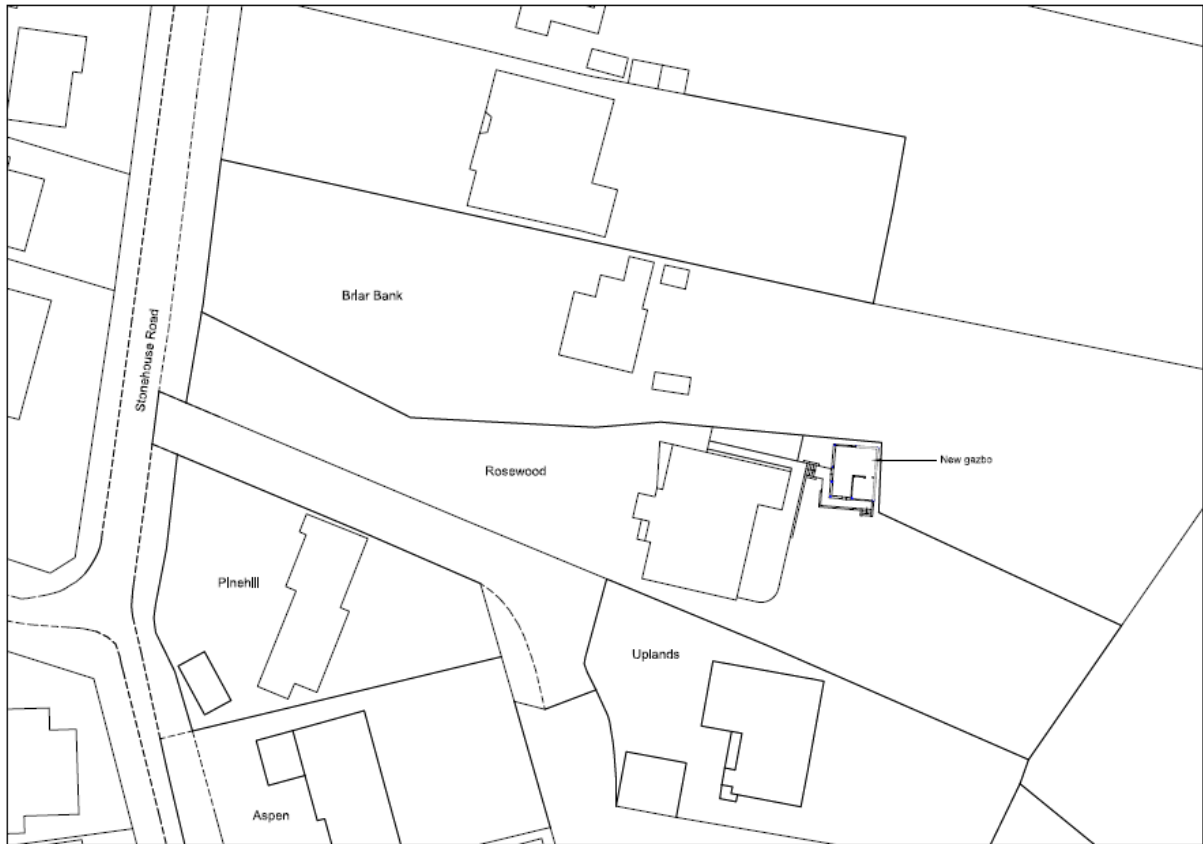
Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



BLOCK PLAN



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4.5 21/00089/MMA Revised expiry date 2 April 2021

Proposal: Minor material amendment to 20/02399/HOUSE.

Location: Somerset Lodge, 12 Westerham Road, Bessels Green
KENT TN13 2PU

Ward(s): Brasted, Chevening And Sundridge

Item for decision

The application has been referred to Development Control Committee as the applicant is an employee of Sevenoaks District Council.

RECOMMENDATION: 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/20/002399/HOUSE.

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

- 2) The materials to be used in the construction of the development shall match those stated on the application form submitted with application number 20/02399/HOUSE.

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

- 3) The development hereby permitted shall be carried out in accordance with the following approved plans and details: KBC/20/145/01, KBC/20/145/21

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

National Planning Policy Framework

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

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Description of Site

- 1 The application site currently comprises of a detached dwelling located within Westerham Road. Westerham Road is located within an urban location, with a variation of both detached and semi-detached dwellings, which differ in appearance and design.

Description of Proposal

- 2 Minor Material Amendment to 20/02399/HOUSE.
- 3 The amendments proposed include:
 - An extension to the approved front extension by an additional 0.62m
 - An extension to the approved flat roof by an additional 0.48m
 - Alterations to fenestration: changing the door on the front extension to a window, addition of a window in the garage, change the bi-fold door on the rear elevation to patio doors
 - Internal alterations

Relevant Planning History

- 4 20/2399/HOUSE - Single storey rear extension - GRANTED - 20/11/20

Policies

- 5 National Planning Policy Framework (NPPF)
- 6 Paragraph 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:
 - The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole.
 - Footnote 6 (see reference above) related to policies including SSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding
- 7 Core Strategy (CS)
 - SP1 Design of New Development and Conservation

8 Allocations and Development Management Plan

- SC1 Presumption in Favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection

9 Others

- Sevenoaks Residential Extensions Supplementary Planning Document (SPD)

Constraints

10 The following constraints apply:

- Area of Archaeological Potential (part of the site)

Consultations

11 Chevening Parish Council: Chevening Parish Council offers no objection to the above planning application.

Representations

12 No representations have been received.

Chief Planning Officer's Appraisal

13 The main planning considerations are:

- Principal issues;
- Impact on the character of the area;
- Impact on residential amenity

Principle Issues

14 There is no statutory of a 'minor material amendment' but is likely to include any amendment where its scale and or nature results in a development, which is not substantially different from the one, which has been approved. The following assessment therefore needs to consider where the proposed amendments are 'minor material' and if so, whether the amendments are acceptable and compliant with relevant planning policy and guidance.

15 For the above reasons, details such as the red line for the original application are not assessed until this application, as they are not material.

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- 16 This assessment should also consider whether any national or local policies or other material considerations have changed considerably since the original grant of planning permission.
- 17 There have not been any changes to the National Planning Policy Framework since this application was approved.

Impact on the character of the area

- 18 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.
- 19 Policy EN1 of the ADMP states that the development should respond to the scale, height, materials and site coverage of the area and should respect the character of the site and surrounding area.
- 20 The proposed amendments include an alteration to an existing door on the front elevation, the addition of a window to the garage and the alteration to the existing bi-fold doors. This however, would be an acceptable alteration to the property due to the varied character and design of the properties of the street scene and that the proposed windows and doors would still remain proportional to the dwelling. The patio door and window would be in the same position as the existing doors and the garage window would be a minor addition and would not be visible from the highway. The proposed materials would also match the existing and would respect the character of the property.
- 21 The proposal also includes an extension to the approved front extension and flat roof. This would be a moderate extension to the front elevation, which would not exceed further than the existing front elevation of the property. It would be a minor extension to the existing, which would not considerably alter the character and appearance of the approved front elevation.
- 22 In addition to the above, the internal alterations would be acceptable and would not affect the external appearance of the dwelling.
- 23 Overall, the proposal would be acceptable amendments to the scheme, which would respect the character and appearance of the street scene and would remain in keeping.
- 24 The proposal complies with Policy EN1 of the ADMP.

Impact on residential amenity

- 25 Policy EN2 of the ADMP requires proposals to safeguard the residential amenities of existing and future occupants of any properties which are situated in the vicinity.

- 26 The proposed extension to the approved front extension along with the internal alterations would not impact the neighbouring properties as the extension is positioned at a considerable distance from the neighbours located opposite the site. The internal alterations would not be externally visible.
- 27 The proposed amendments to the windows would also not impact the neighbouring properties. The proposed window to the front elevation would replace an existing door and the patio doors would replace the bi-fold doors and therefore would result in no additional impact than the current situation. The proposal does include the addition of the window in the garage, however this would alter not impact any neighbouring properties as the view from this window would face the existing property and would be shielded from the neighbours.
- 28 The proposal therefore complies with Policy EN2 of the ADMP.

Community Infrastructure Levy (CIL)

- 29 The proposal is not CIL liable.

Conclusion

- 30 The proposal complies with Policies EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

Recommendation

- 31 It is therefore recommended that this application is GRANTED.

Background Papers

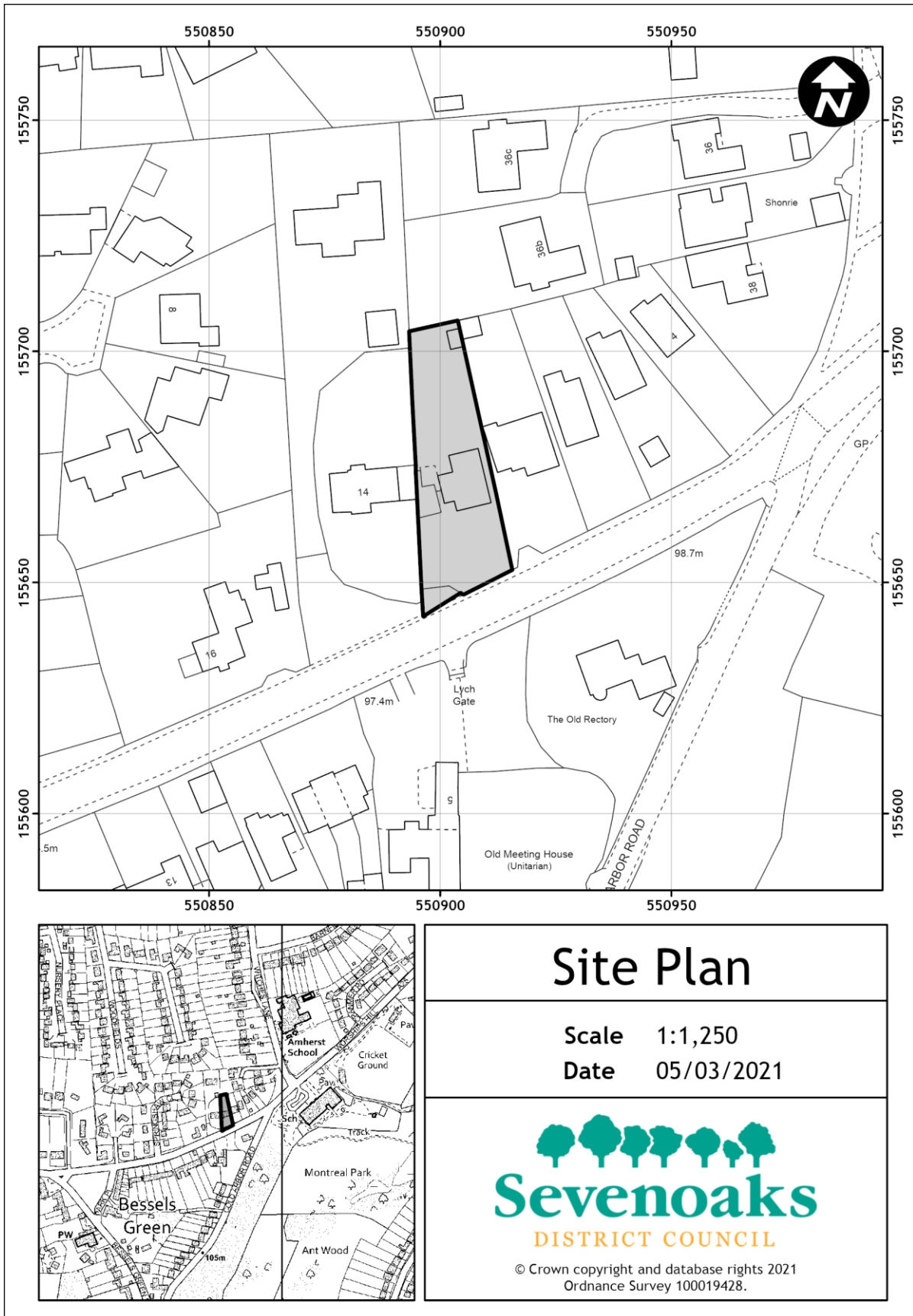
Site and Block Plan

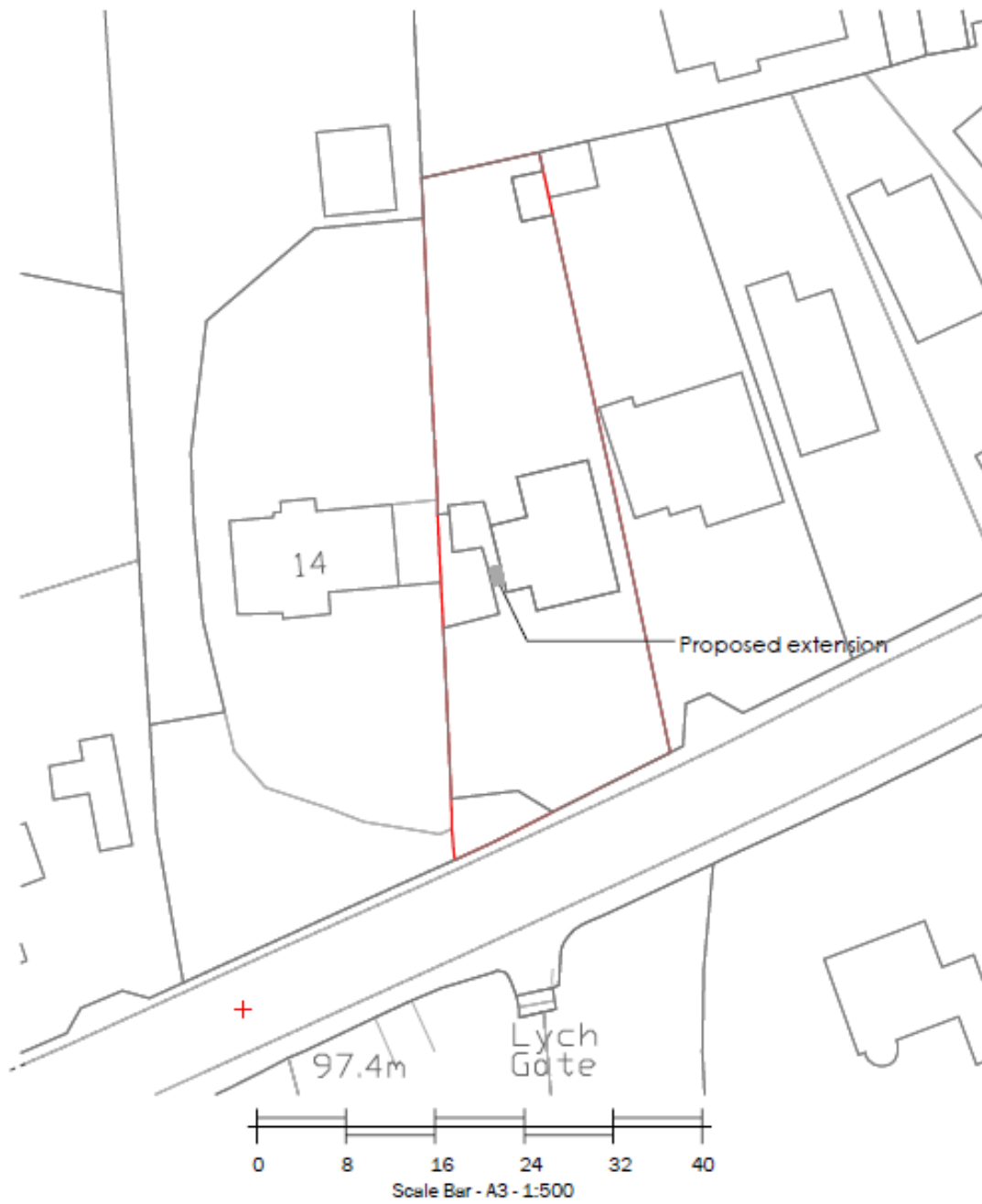
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[Link to application details](#)

[Link to associated documents](#)





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