

4.1 – SE/14/02075/FUL Date expired 7 October 2014

PROPOSAL: The demolition of the existing buildings and erection of a mixed use scheme which comprises a total of 60 residential units (C3) and an integral office element (B1)

LOCATION: 98 - 116 London Road, Sevenoaks TN13 1BB

WARD(S): Sevenoaks Town & St Johns

### **ITEM FOR DECISION**

Councillor Fleming has referred the application to Development Control Committee for reasons including impact on the Conservation Area, intensification of use of the site, design and appearance, appropriateness of the redevelopment, density of development, loss of an employment site, and lack of affordable housing provision

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

The proposal fails to make provision for 40% affordable housing and is therefore contrary to Policy SP3 of the Sevenoaks District Core Strategy and the Sevenoaks Affordable Housing Supplementary Planning Document. The Council does not accept the applicant's valuation which is based on an alternative land use value because there is no certainty that an alternative land use would be an acceptable reuse of the application site.

The proposal would result in over-development of the land because it would create a dominant and oppressive effect upon No.118 London Road due to loss of sunlight and daylight and overlooking. This conflicts with policy EN2 of the Sevenoaks Allocations and Development Management Plan.

### **Note to Applicant**

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

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

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- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) The applicant/agent was informed of the council's concerns and how they could be overcome but amendments were not received.

#### Description of Proposal

- 1 Permission is sought for *the demolition of the existing buildings and erection of a mixed use scheme which comprises a total of 60 residential units (C3) and an integral office element (B1).*
- 2 The residential element contains a mix of 1, 2 and 3 bed apartments with 61 residential parking spaces.
- 3 In addition to the residential units, the scheme provides 915sqm of office space set to the east of the building on the upper ground floor. This purpose built modern office space will provide space for approximately 81 full time jobs (fte) jobs and 36 parking spaces have been allocated for the office use.
- 4 The proposal creates a single vehicular access point from London Road, incorporating 97 car parking spaces in total on the lower ground floor level. The car parking spaces will be accessed via a shallow ramp. The scheme responds to the levels along London Road with pedestrian access points and front doors along this frontage.
- 5 The site utilises the topography of the land and the variation in levels to accommodate the undercroft parking element of the scheme. The majority of the proposed building sits above this basement level car park set into the site. The frontage along London Road is predominantly 4 storeys, including a set-back and mansard roof level, above the basement level car park. There is a small section which is only 4 storeys, without basement level, adjacent to No. 118 London Road. The proposed building also steps down to 4 storeys, without basement level, adjacent to No. 120 A London Road. The lowest floor is set into the site and effectively reads as 3 storeys when viewed from No. 120A.
- 6 The front elevation central portion of the building is set back from the site frontage, which, along with the materials proposed, is intended to, create the appearance of three physically separate building elements and break up the appearance of bulk within the streetscene.
- 7 The 'attic level' is set back and shown as a mansard roof. The building includes gable features which provide a hierarchy to the building, and also bay window and balcony detailing. The building is shown as constructed using brick, render and stone detailing. The use of materials are intended to accentuate the definition of separate elements, and the scheme draws on the form of mansion apartments. A communal courtyard garden is shown at the rear of building, giving occupants of the building access to outdoor space.
- 8 The trees to the rear of the site (within the gardens of the residential properties along The Drive) are protected through their location within The Vine Conservation

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Area, and the proposed building is set back from this boundary edge to allow sufficient space for the existing tree protection. An Arboricultural Survey has been submitted to demonstrate that the proposal will not impact upon the existing trees.

- 9 The site frontage is shown as treated with ornamental shrub planting and evergreen hedging. To the rear of the building is a communal garden, which partially consists of a deck over the basement. Changes in level, raised planters and a water feature facilitate and conceal venting to the underground car park and provide an avenue of small trees.
- 10 To the rear of the site are existing boundaries to adjacent rear gardens and existing tree planting associated with those gardens. To the north east and western boundaries, evergreen hedging provides soft screening treatment with ivy carpet planting to the embankments.
- 11 The proposal is set back from the existing boundary at varying distances as the proposed building line is pulled back, both for a 'central' courtyard area, and also at the northern end of the site.
- 12 The proposed development sits 1.8m to the side boundary with the plot on which there is an adjacent consented scheme – No.94-96, and 1.4m to the side boundary with No.118, maintaining a 4.4m gap with the building itself. To the rear of the site, the proposal sits at varying distances from the boundary ranging from 4.5m to 3.8m at the closest point.
- 13 The proposed development at its highest point – the central element - facing London Road sits at 15.8m, and owing the changing land levels and variations in the height of the building, reduces down to a minimum of 13m. At the rear of the development, the heights range from 8.9m – where it backs on to 43 The Drive – to 12.6m. It would sit 0.7m lower within the streetscene than the highest point of the scheme approved at appeal at the adjacent site – No.94-96. The proposal steps down in height from the central element to meet the 3 storey building on the other side of the site – No. 118. The highest point of the gable on the end element of the proposal would sit approx. 2.8m higher than the adjacent No118, and at an equal height from the eaves of the proposal to the overall ridge height of No.118.
- 14 To the rear of the site where the proposal would back on to the properties on the Drive, the proposal would sit at 3 storeys plus accommodation in the roof. At this elevation, the height of the development proposed would present as between 12.4m and 12.7m. The point where the development would sit closest to the rear of The Drive would be 2 storey (with accommodation in the roof), and 8.8m in height
- 15 All the closest first and second storey windows in the elevation facing towards the rear of the Drive are shown as obscurely glazed.

#### Description of Site

- 16 The site falls within the designated Sevenoaks Town Centre and London Road Business Area. It fronts onto London Road, approximately 50 metres north of the junction with Pembroke Road. The site is surrounded by a mix of commercial and residential buildings. To the south-east is the Bentley dealership. The adjacent

hardstanding area has planning permission for a four storey development comprising of 14 residential units with a maximum height of 14m. To the north east, the site abuts the rear gardens of residential properties in The Drive.

- 17 To the north-west of the site is No. 118 London Road which is a three storey property containing retail on the ground level with flats above. Beyond London Road, to the south-west, there are two and three storey buildings with a combination of retail and residential.
- 18 The character of this section of London Road is a mixture of styles and periods of varying heights. On the southern side of London Road, opposite the site is a Grade II Listed building (125 London Road) and within the vicinity of the site is the Sevenoaks Granville & Eardley Road Conservation Area to the south-west and The Vine Conservation Area, which abuts the northern boundary.
- 19 The site itself has a frontage of 65 metres and depth of 46 metres. It slopes steeply with a 3 metre rise from front to back and a 2.5 metre rise from north to south. The parcel of land is laid to hard surface with a significant proportion of the site containing large industrial/commercial buildings of between 2 and 4 storeys.
- 20 Most of the site is currently occupied by the printing company J. Salmon Ltd. There are currently two main red brick buildings on this section of the site. The building fronting London Road comprises an early 20th Century detached 3 storey property. There are single and two storey additions to the rear of the building. There is a larger building to the rear of the site which comprises a workshop and storage facilities.
- 21 The buildings house the print works, sales office, stock warehousing and despatch operations but the applicant claims that due to the disjointed multi-level layout of the existing buildings and the competitive nature of the publishing business, the current site within the town centre is no longer fit for purpose and that their relocation would ensure the future prosperity of the company as a more suitable site would better serve the ongoing business needs, in terms of both building configuration and vehicular servicing.
- 22 The second part of the site (no. 116) comprises two industrial buildings, which are two storey red brick and painted render, set back to the rear of the site. These buildings are used for office and warehousing. Fronting these buildings is a parcel of land laid to hard surface. This area is used for car parking and a hand car wash business. There are currently four vehicular access points to the site, an entrance and exit points to the Auto Sportiva site at no.116 and two entrances to the printing works at no.98.
- 23 The site is in a sustainable town centre location, with bus stops located immediately in front on London Road, and the railway station in close proximity.

#### Constraints

- 24 Allocated Employment Land

#### Policies

##### *Core Strategy*

- 25 Policies - L01, L02, L03, SP1, SP2, SP3, SP7.

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*ADMP*

26 Policies SC1, EN1, EN2, EN4, EMP1, TLC1, T1, T2.

*Other*

27 NPPF

28 Affordable Housing SPD

29 Sevenoaks Residential Character Area Appraisal

Relevant Planning History

30 None

Consultations

*Sevenoaks Town Council*

31 Sevenoaks Town Council recommended approval.

*SDC Recycling and Refuse Services*

32 SDC Recycling and Refuse Services have advised that following the submission of an amended refuse /recycling strategy and plans, which have now been accepted as amendments, they are supportive of the proposal. The plans would be conditioned as part of any approval.

*SDC Arboricultural Officer*

33 SDC Arboricultural Officer has advised that, following the submission of additional information, and visiting the site, it is clear that pruning of the trees towards the boundary line, and away from the proposed north eastern elevation of this proposal would be acceptable. There will remain a situation where tall trees are near to a residential development but there is a suitable pruning proposal that will allow a suitable distance between living space and trees.

34 There is a proposal to plant a line of semi mature Holly trees along the north eastern boundary within a raised 1 metre wide bed, which is proposed to be created as part of the development but the officer considers it a better option for the applicant to negotiate with the adjacent residents to carry out an agreed planting scheme within the rear gardens of The Drive, which should be near to the south western boundaries of those properties. There will be natural light blockage in differing degrees to differing parts of the proposal although a suitable pruning option is available to deal with this.

*SDC Planning Policy*

35 SDC Planning Policy have advised that the ADMP does not identify this site as a potential housing development. It is not the case that all sites within the towns and larger villages in Sevenoaks District should be seen as suitable for housing development. Other local and national policies, such as the protection of business land, need to be taken into account.

- 36 Overall it is considered that the potential of the new office floorspace to provide the same level of employment as that currently on site is a significant material consideration to consider alongside the floorspace loss and on balance no objection is raised to the loss of business floorspace provided the retention of the office floorspace and its associated car parking is maintained by condition
- 37 With regard to density, planning policy have advised that the supporting text to Policy SP7 makes it clear that the overriding consideration is the design of the development rather than the achievement of the density figure. Policy SP7 does not consider densities higher than 75 dwellings per hectare. However, the figures in the policy are usually read as minimum requirements in order to boost supply, in accordance with para 5.3.30 of the Core Strategy, which refers to how the efficient use of land in urban areas helps to protect the countryside, and the NPPF, which identifies the effective use of land as a key planning principle. Notwithstanding this, it is clear that the key requirement in the policy is how it performs against the criteria on design and character rather than how it performs against the density figure. The assessment of the appropriateness of the design of the development is a matter for the Development Control team.
- 38 The provision of 9 units of affordable housing is substantially less than the requirement for 40% in Core Strategy Policy SP3 and is contrary to the policy, unless it can be demonstrated through an independent viability assessment that this is the maximum provision that would be consistent with achieving a viable development. The potential purchase price suggested for the site is excessive compared with other comparable policy compliant developments.

#### *SDC Environmental Health*

- 39 SDC Environmental Health have advised that regarding air quality, the findings of the submission are acceptable. The mitigation measures proposed in section 6 of the Entran Limited Air Quality Assessment E1132 dated 30/05/14 should be required to be undertaken by way of condition.
- 40 In respect of the Geo-environmental assessment, the applicant should be required to submit details of any proposed mitigation measures and a validation report detailing remediation measures and importation of soils and will include details of waste soils and spoil removal and certification of imported soils. This could be dealt with by condition.
- 41 The acoustic assessment has indicated areas of concern regarding noise exposure for future residents of the proposed dwellings. The applicant should be required by condition to give specific details of proposed attenuation measures to ensure that amenity space is not subject to noise levels greater than 50 dB LAeq16Hr The protection measures for each habitable room, both glazing and acoustic ventilation should be detailed to comply with the good standard in BS 8233:2014.

#### *Kent Highway Services*

- 42 Kent Highway Services have advised that the number of office car-parking spaces compares favourably with the recommended maximum specified in the Kent Vehicle Parking Standards. The nearside of the road outside the development has double-yellow line waiting restrictions which will deter any potential overspill parking here. The estimates show a reduction of about 4 trips in the evening peak

period (17:00-18:00). The morning increase is not of sufficient magnitude to justify an objection on Highways grounds under the National Planning Policy Framework. Concern has been raised that the proposals show no pedestrian visibility splays at the access onto Tubs Hill and it is requested that the plans be amended to provide at least a 2 metre x 2 metre pedestrian visibility splay to the south-east of the access, measured relative to the back of the footway. This is to maintain pedestrian safety and could be required by condition.

43 If the application is granted planning permission, the following planning conditions are requested:

1) amendment of the access to provide the 2 metre x 2 metre pedestrian visibility splay

2) the submission and approval of a construction management plan to provide details of deliveries, lorry routes, parking and wheel washing during construction, and also stipulating that during demolition and construction of the development, lorries should not reverse into or out of the site except under supervision of a banksman;

3) The applicants must remove the redundant vehicle crossovers currently serving the site, and restore to full-height kerbs according to plans to be agreed with the Highway Authority as part of Section 278 Works.

#### *Natural England*

44 Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified.

45 The standing advice relating to protected species does not indicate that any are likely to be affected by the development.

46 This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. Measures should be secured to enhance the biodiversity of the site. This could be dealt with by condition.

#### *SDC Parking and Engineering*

47 SDC Parking and Engineering have advised that the residential properties would not be eligible to join the existing on-street permit parking scheme in London Road. This could be dealt with as an informative on any permission.

#### *Kent Fire and Rescue*

48 Kent Fire and Rescue have advised that the means of access is considered satisfactory.

#### *KCC Ecology*

49 KCC Ecology have advised that an *Ecological Appraisal* report has been submitted in support of the application and that they are satisfied that the ecological survey work has been undertaken to an appropriate standard and advise that, as

concluded within the report, no further ecological survey work is required to inform the determination.

### *Thames Water*

- 50 Thames Water have advised that it is the responsibility of the developer to make proper provision for drainage. Where it is proposed to connect to a public sewer, prior approval from Thames Water is required. This can be dealt with an informative.
- 51 Thames Water are unable to determine the waste water infrastructure of the proposal and as such, have recommended that a condition be imposed requiring drainage details to be submitted prior to the commencement of development.

### Representations

- 52 48 representations of objection have been received, including from the Sevenoaks Conservation Council and the Sevenoaks Society. A petition signed by 12 local residents has also been submitted. The following points have been raised:

- The bulk, density and height of the proposal will appear as excessive
- The rear wings are too high
- The height and bulk and siting will have a detrimental impact on neighbouring amenity resulting in a loss of privacy amenity and light.
- The use of the site will cause disturbance to residential amenity
- The proposal will provide an unacceptable level of amenity for future occupiers with no garden or amenity space or daylight to the rear of the building
- The height and bulk of the building will be harmful to the Vine conservation area
- The design and architectural treatment of the proposal is bland and mediocre
- The bulk will appear as overbearing in the streetscene
- The level of affordable housing offered is inadequate
- Apartments will have inadequate access to storage
- The level of housing provision will result in overburdening of London Road with traffic.
- The parking provision is inadequate.
- The scheme will cause parking problems in the locality
- The additional traffic will cause air pollution
- The water table may not be able to cope
- The scheme would endanger a number of protected trees that serve as a belt between the rear of the Drive and London Road.
- There is a lack of open space throughout the development



- Construction will result in a temporary loss of amenity though noise dust and disruption
- The construction will cause structural damage to neighbouring dwellings

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

53 The main issues for consideration of this planning application are:

- The principle of development
- Affordable housing provision
- Design and Appearance
- Heritage Asset
- Amenity impact
- Highway implications
- Other matters

#### Principle of Development

- 54 Policy LO1 of the Core Strategy states that development will be focused within the built confines of existing settlements. The Sevenoaks urban area (the site is located within the Sevenoaks Urban Confine as noted in Figure 3 of the Core Strategy) will be the principle focus for development in the district in accordance with Policies LO2 and LO3.
- 55 Policy LO2 of the Core Strategy details the Council's aspiration for development in Sevenoaks. It states that existing suitable employment sites will be retained with the opportunity for regeneration and redevelopment to better meet the needs of business.
- 56 Policy LO3 of the Core Strategy states that a mix of uses will be retained and enhanced within the town centre. The historic form and character of the town centre will be maintained. New development in the town centre should be of a scale consistent with the existing character of the centre and should contribute to improving the quality of the town centre environment.
- 57 Paragraph 14 of the NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.
- 58 Policy SC1 of ADMP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. The Council will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with policies in the LDF will be approved without delay unless material planning considerations indicate otherwise.

- 59 Paragraph 14 of the NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.
- 60 The application site is a sustainable location and therefore, subject to compliance with other local plan policies, it is considered that the site is an acceptable location in principle for a mixed use development scheme incorporating office and residential use.
- 61 Policy SP8 of the Core Strategy relates to Economic Development and Land for Business. It states that the sustainable development of the District's economy will be supported by the retention, intensification and regeneration of existing business area primarily at Sevenoaks, Swanley and Edenbridge and Major Developed Sites in rural areas.
- 62 Policy SP8 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 during the Core Strategy period. Redevelopment for mixed use of business sites may exceptionally be permitted where such development would facilitate the regeneration of the site to more effectively meet the needs of modern business, where the employment capacity of the site, represented by the commercial floorspace, is maintained and where a mixed use development would represent a sustainable approach consistent with the general distribution of development'*.
- 63 The Core Strategy states that the Council is preparing an Economic Development Action Plan and that one of its key themes is maintaining the supply of local employment land. The Core Strategy has a significant role to play in implementing the Action Plan in the provision it makes for development and states that there is a significant supply of employment land for business use and that the great majority is acceptably located (as identified in the Employment Land Review). The review identifies that there is a future additional land requirement which can be met through the intensification and use of vacant land. The emphasis of policy is therefore on retaining and making effective use of existing employment land.
- 64 Policy EP8 of the Local Plan identifies the main business areas and states that Class B uses will be permitted within these areas.
- 65 One of the three roles that the NPPF identifies that the planning system should play in contributing towards the achievement of sustainable development is described in the NPPF as:
- "an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation: and by identifying and coordinating development requirements, including the provision of infrastructure"*
- 66 Paragraphs 18 and 19 of the NPPF state
18. *The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.*

19. *The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.*”

67 Paragraph 22 of the NPPF states

*”Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”*

68 Policy EMP1 of the ADMP requires that the site continues to be allocated for business use. The site forms part of the employment land supply that the Employment Land Review (2007), and the updated Long Term Employment Space Projections (2011), recommend that the Council should retain to meet requirements of the local economy to 2026.

69 The proposed development site forms part of the London Road employment land allocation in Sevenoaks. It is subject to policy SP8 of the Sevenoaks District Core Strategy and EMP1 of the ADMP. The approach in these policies is consistent with para 22 of the NPPF.

70 The local policies seek to protect such sites unless it can be demonstrated that there is no reasonable prospect of their take up or continued use for business purposes during the Core Strategy period. If this cannot be demonstrated, they exceptionally allow for the redevelopment for mixed use where such development would facilitate the regeneration of the site to more effectively meet the needs of modern business, provided that the employment capacity of the site, is maintained and where a mixed use development would represent a sustainable approach consistent with the general distribution of development.

71 As noted in the planning policy comments the ADMP does not identify this site as a potential housing development. It is not the case that all sites within the towns and larger villages in Sevenoaks District should be considered as suitable for housing development. Other local and national policies, such as the protection of business land, need to be taken into account.

72 The proposal represents a significant reduction in commercial floorspace from 2,794 sqm to 915 sqm. This suggests that the employment capacity of the site represented by the commercial floorspace would not be maintained. This would result in one of the tests for considering mixed use development in the Core Strategy not being met.

73 The site is currently used for a combination of B1, B8 and sui generis uses. An analysis of the type of floorspace in current use shows that 2,394 sqm is in general industrial use (B2) and 400 sqm in office use. Because of the poor layout of both parts of the site – the B8 element, and the B1 element, it has been satisfactorily demonstrated that it would be difficult to justify a refurbishment of the existing buildings as they would not be able to accommodate an acceptable

employment capacity. In addition to this, planning permission would need to be obtained for the use of the sui generis car wash as parking to facilitate the offices.

- 74 The existing printers supports 37 full time jobs and it is estimated that it could accommodate a maximum of 40. The car wash currently accommodates 5 full time jobs, and is considered to be a realistic future employment capacity of the site as is. The office space which is not currently let but it is estimated that it could accommodate 28 full time jobs.
- 75 SDC Planning Policy has advised that general industrial floorspace has a lower employment density than offices. The applicants have shown that the existing industrial floorspace is not laid out in a way that meets modern needs, limiting its capacity to meet the theoretical employment density for general industrial floorspace. The applicants have suggested that the new development could support 81 office jobs (fte) compared with an equivalent of 73 from the existing floorspace. The inclusion of 36 car parking spaces which are not currently available on the existing site thereby hindering its attraction, should better enable the new office accommodation to be attractive to businesses and deliver the employment forecast.
- 76 Overall it is considered that the potential of the new office floorspace to provide the same level of employment as that currently on site is a significant material consideration to consider alongside the floorspace loss. Subject to compliance with other planning policy requirements, the loss of business floorspace could be supported through the provision of the office floorspace and its associated car parking could be maintained by condition.
- 77 Policy S7 of the Core Strategy states that all new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. Subject to this overriding consideration, within Sevenoaks and Swanley town centres, as defined under policies LO3 and LO5, new residential development will be expected to achieve a density of 75 dwellings per hectare.
- 78 Policy SP7 does not consider densities higher than 75 dwellings per hectare. However, as advised in the planning policy comments, the figures in the policy are usually read as minimum requirements in order to boost supply, in accordance with para 5.3.30 of the Core Strategy, which refers to how the efficient use of land in urban areas helps to protect the countryside, and the NPPF, which identifies the effective use of land as a key planning principle. Notwithstanding this, it is clear that the key requirement in the policy is how it performs against the criteria on design and character rather than how it performs against the density figure.
- 79 The density of the development is 182 dwellings per hectare. In comparison, development of a high density was found to be acceptable on the more constrained 66 London Road site (183 dwellings per hectare in the 12/01611/FUL application), and also on the Farmers site outside of the town centre, recently granted at appeal (166 dwellings per hectare), and on the adjacent site (at 149 dwellings per hectare).
- 80 In the case of the application site, because of the large expanse of frontage, the levels of the site, the encouragement of higher scale development in the character assessment, and the high density of development as approved in the vicinity, the density proposed is appropriate and considered to reflect the

character and density of development locally. The higher density proposed reflects the central location of the site within the built confines and within the town centre and the scale of the existing and surrounding buildings. It is appropriate in the context of this site and taking account of the character of the area and would represent an effective use of the site to meet the aspirations of local planning policy

#### Affordable Housing Provision

- 81 Core Strategy Policy SP3 identifies that in order to meet the needs of people who are not able to compete in the general housing market, the Council will expect the provision of affordable housing subject to scheme viability. In residential developments of 15 dwellings or more gross, 40% of the total number of units sought will be affordable.
- 82 The Affordable Housing SPD states that where a developer or landowner considers that there are significant constraints affecting a development that would be sufficient to jeopardise or prevent them from meeting the Councils affordable housing targets, this would need to be demonstrated to the Council. The Council will adopt an 'open book' approach to this assessment and the developer/landowner will be expected to provide all relevant financial and other information behind the appraisal to enable the Council and/or independent valuer on the Council's behalf to assess the nature, extent and impact of the constraints upon the viability of the scheme. If, following the appraisal process it is considered that genuine economic constraints have been demonstrated in providing the required level of affordable housing, or financial contribution, the Council will expect the developer to fully explore options available to either achieve economic viability or to make a reduced housing/financial contribution. If the Council concludes that the scheme is economically viable and if the affordable housing requirement is not met, this could lead to the application being refused.
- 83 The applicant has provided a financial viability assessment which demonstrates that the scheme cannot viably provide any affordable housing based on the price that they have proposed to pay for the land along with the other development costs of the site. However, they have offered, despite this, to make an offer of 9 one bed shared ownership affordable homes (15% of the 60 apartments).
- 84 The financial assessment submitted includes an alternative land use value for the site as part of a mechanism for valuing the site for the purposes of the financial appraisal. In response to this, and further information that the applicant has submitted, the Council have taken legal advice from Counsel and viability advice from its independent financial viability advisor.
- 85 The advice received from Counsel states that both the NPPG and the RICS guidance refer to the need for clarity before an alternative use value is adopted. In this instance, without taking a proposal for an alternative use through a planning application, it is unclear as to whether the alternative use is acceptable. Counsel advises that *'if the Council feels that the position is unclear in the absence of the submission of a planning application then it could form the view that it should not take the alternative use value as the value of the land.'*
- 86 RICS guidance states that site value should equate to the market value subject to the Assumption *'that the value has regard to development plan policies and all*

*other material planning considerations and disregards that which is contrary to the development plan'*

- 87 There is no certainty that an alternative land use would be an acceptable reuse of the application site without any application being made and as such, an alternative land value cannot be accepted.
- 88 The Council's independent viability advisor has stated that *'one method of assessing Site Value that is recognised by RICS GN is taking the Existing Use Value and adding a premium reflecting the margin that the land owner would require to persuade him to sell the property.'*
- 89 The Council's independent viability advisor has carried out an appraisal of the land on a policy compliant scheme with 40% housing in order to establish the residual land value with the policy compliant amount of affordable housing. The appraisal carried out shows a Residual Land Value which is below the Alternative Use Value that has been produced by Berkeley Homes *'but it is at a level that means that all of the policies of the Council can be fulfilled and, it is our opinion, that this is above the existing use value for the site and therefore would provide a sufficient incentive for the land owner to sell.'*
- 90 The independent viability assessment concludes that an appropriate value of the site is £1,873,517 which differs significantly from the value suggested by the applicant in their viability documents.
- 91 The independent viability assessment states that *'it should also be noted that Berkeley Homes haven't yet bought the site. It is considered that the landowner therefore needs to reduce the cost of the land bearing in mind that any developer has to make a full 40% provision. This has been a known fact for a significant amount of time, and all through the pre app process.'*
- 92 SDC Planning Policy have assessed comparable market values for policy compliant schemes in the District and have estimated that on this basis, on this, the appropriate value for the land is approx. £1.7m.
- 93 The independent viability assessment concludes *'It is our opinion that the scheme can provide the 40% affordable housing that the Council require. The final amount paid to the landowner needs to reflect this policy compliant position.'*
- 94 This does not represent a genuine economic constraint which would justify non provision of policy compliant affordable housing.
- 95 As the submitted figures currently stand, the proposal does not accord with SP3 of the Core Strategy as the applicant has failed to demonstrate genuine economic constraints which would prevent the affordable housing provision being made

#### Design and Appearance

- 96 Policy SP1 of Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. In areas where the local environment lacks positive features, new development should contribute to an improvement in the quality of the environment. The Districts heritage assets and their settings will be protected and enhanced.

- 97 Policy EN1 of ADMP states that proposals which would create high quality design will be permitted subject to a number of design criteria including that the form of the development should respond to the scale, height, materials and site coverage of the area; the layout of the proposal would respect the topography and character of the site; the proposal would not result in the loss of open spaces that would have an unacceptable impact on the character of the area; the design of new buildings should be permeable and provide connectivity with neighbouring areas; and would create a safe and secure environment.
- 98 Policy EN4 of the ADMP states that proposals which affect a heritage asset or its setting will be permitted where the development conserves or enhances the character, appearance and setting of the asset.
- 99 Paragraph 57 of the NPPF states that ‘it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes’
- 100 Paragraph 60 of the NPPF states that ‘planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.’
- 101 Paragraph 63 states that ‘in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.’
- 102 The site falls within designation 001 of the Sevenoaks Residential Character Area Assessment. The assessment considers that within the general area ‘houses, retail and offices mix to produce a distinct character area. The area is characterised by piecemeal development and redevelopment can result in an area that is very mixed in terms of the age, use, layout, design and materials of buildings’.
- 103 More specifically around the application site, it comments that ‘the commercial nature and scale of properties increases at the node of London Road, Pembroke Road and Eardley Road. The groups of buildings are generally around three stories in height with shops and business premises in the ground floor and residential units above. The Victorian properties are set to the back edge of pavement, giving a greater sense of enclosure. The gable fronted three storey properties on the north west side of the road (above left) emphasise this scale and enclosure. Red brick and white render predominate.’
- 104 The assessment considers that, with regard to the Bentley garage and the neighbouring forecourt, ‘the scale, design and materials of the single storey garage building and open forecourt are out of keeping with the greater scale at the node of London Road, Pembroke Road and Eardley Road.’
- 105 The assessment considers locally distinctive positive features to include the increased scale and enclosure of properties at the node of London Road, Pembroke Road and Eardley Road, the consistent use of red brick, tile hanging, half timbered/ white render and gable fronted designs, individual trees and

hedges which complement the properties and enhance street scene, and long views of the North Downs. Design guidance reflects this.

- 106 The existing buildings do not make a positive contribution to the locality and do nothing to preserve or enhance the character of the nearby conservation areas. Their removal would be beneficial to the locality. The introduction of a developed frontage would enhance the streetscene and provide a more cohesive frontage.
- 107 The front elevation of the building proposed, although of a significantly greater extent of built form than surrounding development, has been designed and detailed so that it does not appear overbearing or oppressive within the streetscene. The front elevation central portion of the building is set back from the site frontage, which, along with the materials proposed, successfully creates the appearance of three physically separate building elements and breaks up the appearance of bulk within the streetscene. The views along the site would, as a result, be of a less imposing series of developments of subtly varied design and heights which would harmonise through the use of materials which are sympathetic to the locality. The provision of balconies and bay windows along with stone insets, and gable features assist in the softening of the frontage and the creation of a hierarchy of development along the street frontage.
- 108 The development within the roof is set back and would appear as a mansard roof rather than an additional storey of accommodation. This assists with the integration of the development into the existing streetscene in terms of height. The building is shown as constructed using brick, render and stone detailing. The use of materials accentuate the definition of separate elements,
- 109 The trees to the rear of the site (within the gardens of the residential properties along The Drive) are protected through their location within The Vine Conservation Area, and the proposed building is set back from this boundary edge to allow sufficient space for the existing tree protection. An Arboricultural Survey has been submitted to demonstrate that the proposal will not impact upon the existing trees.
- 110 The site frontage is shown as treated with ornamental shrub planting and evergreen hedging which softens the frontage and would result in an improved streetscene in comparison to the existing hard frontage that currently presents.
- 111 The proposal accords with the guidance contained within the Sevenoaks Residential Character Area Assessment as it proposes an increased enclosure and scale at an appropriate location. The mansion block design would appear as a modern interpretation of the Edwardian buildings which can be seen within the immediate locality and includes red brick, white render and gable fronts to this affect.
- 112 The storey heights of properties along London Road vary considerably and are higher around the junction with Pembroke Road. London Road slopes up from North to South and properties therefore step up the hill with roofs being visible as you look downhill. The tallest blocks on London Road are a 6 and 10 storey apartment block located near the Railway Station although the Character Area Assessment considers these to be overly high for the area. Properties at the rear of the site along The Drive are predominantly 2.5 storeys with accommodation in the roof space. These properties are set at a higher level from the site with a large level drop and retaining wall between their back gardens and the site.



- 113 The stepped height of the proposal would accord with the change of heights of development along the streetscene. It would represent a greater bulk and mass than currently on site, but brought forward onto the site in an acceptable manner that would create a more consistent frontage and be of benefit to the streetscene. The built form would address the current erosion of the streetscene and instate a relationship between the site and the route through the town centre. The proposal would fit harmoniously and congruously into the existing street scene and would appear as a congruous form of development, tying the street frontage together and replacing an existing piecemeal site with a well designed and high quality development. The proposal would improve the quality of the local environment, and respond to the local character of the area in which it is situated. The increased height and bulk on the site would be consistent with the location and presence of the site in the town centre.
- 114 The provision of landscaping and open space within the scheme would be of benefit to the site and would soften its appearance within the streetscene compared with its current appearance. The styling and detailing of the building would be in harmony with its locality and shows materials and detailing a high quality that would respond to the character and distinctiveness of the area.
- 115 The appearance and design of the building would accord with Policy SP1 of Core Strategy, EN1 and EN4 of the ADMP, and the NPPF.

#### Heritage Assets

- 116 Special regard has been given to the preservation of the significance of the nearby listed buildings and the conservation areas, as required by Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is acknowledged that in this context 'preserving' means doing no harm and significant weight is attached to this. The starting point in assessing any proposal involving a listed building or conservation area is therefore that works and development which would cause harm should be refused
- 117 On the South side of the road sits a grade II listed house – 125 London Road. The front garden of the dwelling contains dense planting which shields the frontage from the main road. There is limited visibility between the application site and the listed building. The immediate surroundings of the site consist of residential dwellings which have a neutral impact on the heritage asset. It is considered that the proposal would cause no harm to it, owing to its existing surroundings, dense planting and the intervening road between.
- 118 Further to the west of the site and also on the opposite side is 141-151, a row of Grade II listed cottages. These are also set back from the road and sit on the other side of London Road. It is considered that like other development in its vicinity, the proposal would cause no harm to it, owing to the intervening main road, the distance from the asset and the sloping topography.
- 119 The northern boundary of the site adjoins the Vine Conservation Area although visibility from the site to the conservation area is obscured by a belt of trees. The Granville and Eardley Road Conservation Area sits further to the west although this is separated from the site by the London Road
- 120 The proposed scheme would have minimal impact upon the significance of The Vine Conservation Area. Because of the location of the development away from

the boundary along with the existing tree planting, the visibility between the two areas would be less than significant, and the proposal would not have an overly dominant impact on the conservation area. Although the development would be visible from within the conservation area, it is designed to a high quality using appropriate materials, and would therefore cause minimal harm to the heritage asset.

- 121 The distance between the Granville and Eardley Road Conservation Area and the application site, along with the intervening busy road, and the lack of visibility between the two areas means that the proposal would not cause harm to the conservation area and would not have a significant impact on the heritage asset in accordance with EN4 of the ADMP.
- 122 No harm would result from the development to the listed buildings, and less than substantial harm would result from the development to the conservation areas.
- 123 The harm to The Vine Conservation Area would result from the erection of a new building that would be visible from within the conservation area. Whilst attaching significant weight to preserving the significance of the heritage assets, it is considered that the proposal would preserve the significance of the conservation area by removing a number of buildings that currently detract from it, in turn supporting the long term conservation of the area and ensuring the retention of interest in the conservation area. It would also result in the public benefit of facilitating the regeneration of the application site to more effectively meet the needs of modern business, maximising the employment capacity of the site, and enabling the appropriate development of a sustainable site as supported by national and local policy.
- 124 In considering potential alternatives to the proposed development, none have been presented to the Council in the form of applications made and so it is not possible in this instance to consider alternatives.
- 125 In conclusion, the benefits of developing the site outweigh the presumption against the harm to the conservation area and so the development meets the tests of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Amenity impact

- 126 Policy EN2 of ADMP states that proposals will be permitted where they would provide adequate residential amenities for existing and future occupiers of the development and would safeguard the amenities of existing and future occupants of nearby properties by ensuring that the development does not result in excessive noise, vibration, odour, air pollution, activity or vehicle movements, overlooking or visual intrusion and where the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 127 The distance shown from the rear elevation of the proposal to the rear of the properties on the Drive varies from a minimum of approx. 27m between the rear of the two storey element to the rear of No.43, to a maximum of approx. 49m from the rear of the commercial element to the rear of No.26 The Drive.

- 128 A recent appeal (14/00967/FUL at 138-148 High Street) decision found that within the town centre setting, a distance of 19m between windows would not result in a detrimental amenity impact through overlooking. The application proposes distances between rear elevations in excess of 27m. Additionally, windows in the elements of the proposal that are closest to the rear of The Drive at first and second floor levels are all shown as obscurely glazed. There are no windows proposed in the closest rear elevations at top floor level. In light of these factors, it is considered that objection on grounds of overlooking of the properties at the rear of the application site cannot be sustained. As such, the proposal would not result in detrimental overlooking of the properties to the rear.
- 129 The site is screened to the east by a row of trees. The Arboricultural Officer is satisfied that these can be pruned back without damaging the health of the trees.
- 130 A proportion of the rear elevation is pulled away from the boundary with The Drive through the insertion of the courtyard garden area. This, along with the variation in the rear building line, and the existing screening, breaks up the extent of elevation and ensures that it would not appear as an overly dominant feature in relation to the occupiers of The Drive. Equally, the changes in height of the rear elevation would prevent the building from appearing as an oppressive feature.
- 131 Given the location of the site within the Town Centre, the reduction in height of the proposal as it gets closer to the rear elevations of properties in The Drive, along with the distances maintained between the proposal and those dwellings, the tree belt across the rear boundary, and the obscure glazing inserted into the rear elevation of the building, it is considered that while the impact on properties in The Drive would be greater than at present, it would not be detrimental to an extent that would justify refusal of the scheme and is therefore in accordance with EN2 of the ADMP.
- 132 A daylight sunlight assessment has been carried out which establishes that the proposal would pass either the plan or elevational 45% daylight/sunlight assessment on all adjacent properties with the exception of No.118 London Road.
- 133 No.118 is located to the northwest of the site and consists of a three storey property with retail accommodation at ground floor level and residential accommodation at first and second floor. The distance from the London Road facing elevation to the wing of the development which wraps around No.118, would be less than 10m, with the proposal at approx. 0.8m higher than No.118. The proposal, due to its height and proximity to this property would have an unacceptable impact on daylight and sunlight, would result in unacceptable overlooking, and would appear as an overbearing feature to the detriment of the amenity of occupants of the dwelling, contrary to Policy EN2 of the ADMP.
- 134 Concerns have been raised about the amenity of the future occupiers of the dwellings. The dwellings all benefit from sufficient natural light to habitable rooms. While those at the rear would face onto a belt of trees, it has been established that the trees can be satisfactorily pruned while maintaining the health of the trees, which could be controlled by condition. A rear communal garden area is provided of approx. 270sqm in size in addition to private amenity space. This is considered satisfactory given that the accommodation ranges from 1- 3 bed apartments in a town centre location.

- 135 Conditions have been suggested by SDC Environmental Health and would be imposed upon any permission to protect the future occupants from noise and air pollution.
- 136 It is considered that the proposal would provide acceptable amenities for future occupants of the scheme in compliance with EN2 of the ADMP.

#### Highway implications

- 137 Core Strategy Policy SP2 states that the council will ‘*Seek improved facilities for cyclists and pedestrians*’
- 138 Policy T1 of the ADMP states that:  
  
*“New developments will be required to mitigate any adverse travel impacts, including their impact on congestion and safety, environmental impact, such as noise and tranquillity, pollution and impact on amenity and health.”*
- 139 Policy T2 of the ADMP requires that vehicle parking will be made in accordance with KCC parking standards although this can be departed from to allow for local circumstances.
- 140 The proposal provides for 97 car parking spaces within the basement level of the development
- 141 The number of parking spaces proposed complies with the recommended maximum specified in the Kent Vehicle Parking Standards. Kent Highway Services have advised that they have no objection to the scheme on this basis and because the nearside of the road outside the development has double-yellow line waiting restrictions which will deter any potential overspill parking.
- 142 The assessment submitted with the application shows an estimated reduction of approx. 4 trips in the evening peak period (17:00-18:00) and KHS have advised that the morning increase is not of sufficient magnitude to justify an objection on Highways grounds under the National Planning Policy Framework.
- 143 Conditions have been suggested relating to visibility splays, a construction management plan, and making good redundant kerbs. These could be imposed on any condition.
- 144 SDC Highways have advised that no residents parking permits would be issued for occupiers of the development owing to existing pressure on local resident parking schemes. This could be placed on any permission as an informative.

#### Other Matters

##### *Community Infrastructure Levy*

- 145 The Council adopted the Community Infrastructure Levy on 18 February 2014 and began charging on applications approved from the 4th August.
- 146 The proposal is CIL liable and no exemption has been sought.

## *Sustainability*

- 147 The application states that the development will deliver the following sustainability measures:

Code for Sustainable Homes Level 4

BREEAM 'Excellent'

Providing a CH P Engine system

PV Panels

Proposed 100% energy-efficient lighting.

Design measures to ensure water usage will be on average <90 Litres per person per day

- 148 These measures are shown on the approved plans and as such would have to be implemented as part of any approval. Although there is now no requirement to build to the Code for Sustainable Homes, compliance with BREEAM minimum level 'very good' could be required by condition in accordance with policy SP2 of the Core Strategy.

## *Refuse*

- 149 Refuse and recycling facilities are shown in the lower ground floor of the development. A refuse and recycling strategy has been submitted which has been assessed by SDC and found to be acceptable.

## *Ecology*

- 150 Sufficient ecological information has been submitted which demonstrates that survey work to a standard acceptable to Kent Ecology has been undertaken. Natural England have recommended that ecological enhancements could be added to the proposal. A scheme showing this could be required by condition.

## *Waste*

- 151 Thames Water have advised that they are unable to determine the waste water infrastructure of the proposal and as such, have recommended that a condition be imposed requiring drainage details to be submitted prior to the commencement of development.

## *Pollution*

- 152 Details of air quality, contamination and noise impact have been submitted with the application. SDC Environmental health have assessed these documents and found the submissions to be acceptable.
- 153 The application includes sufficient mitigation measures regarding air quality, the implementation of which could be required by condition
- 154 With regard to contamination of the site, SDC Environmental health have requested that any permission be conditioned to require the submission of details

of proposed mitigation measures and a validation report detailing remediation measures and importation of soils including details of waste soils and spoil removal and certification of imported soils.

- 155 SDC Environmental health has also requested a condition requiring specific details of proposed attenuation measures to ensure that amenity space is not subject to unacceptable noise levels.

#### Trees

- 156 An arboriculture report has been submitted with the application which demonstrates that no trees would be removed to facilitate the development, and that the works could be carried out without endangering the trees.
- 157 SDC Arboricultural Officer has assessed the report and is satisfied that although the trees at the rear of the site could block natural light to the rear of the proposal, it is clear that there is a suitable pruning proposal that will allow a suitable distance between living space and trees to be created without danger to the trees.
- 158 It is considered that the landscaping scheme at the rear of the site could be improved upon and as such, it would be appropriate to require an amended landscaping scheme to be submitted.

#### Conclusion

- 159 The application site is a sustainable location and therefore, subject to compliance with other local plan policies, it is considered an acceptable location in principle for a mixed use development scheme incorporating office and residential use in accordance with policies LO1, LO2, LO3 of the Core Strategy, SC1 of the ADMP, and the NPPF.
- 160 The density of development is considered acceptable and in accordance with SP7 of the Core Strategy.
- 161 Although the proposal represents a significant reduction in commercial floorspace, the potential of the new office floorspace to provide the same level of employment as that currently on site is a significant material consideration to consider alongside the floorspace loss. Therefore although the proposal is contrary to the detail of policies SP8 of the Core Strategy and EMP1 of the ADMP, it is considered on balance to be acceptable and in the spirit of the purpose of the policy.
- 162 The proposal does not accord with SP3 of the Core Strategy as the applicant has failed to demonstrate genuine economic constraints which would prevent a policy compliant level of affordable housing provision being made.
- 163 The proposal would preserve the character and appearance of the nearby conservation areas in accordance with SP1 of the Core Strategy, EBN4 of the ADMP and the NPPF.
- 164 The appearance and design of the building would accord with Policy SP1 of Core Strategy, EN1 of the ADMP, and the NPPF.

- 165 The proposal would have an unacceptable impact on the amenity of No.118 London Road contrary to policy EN2 of the ADMP.
- 166 The highway impact of the scheme and the parking provision for the new development accords with Policies T1 and T2 of the ADMP
- 167 On the basis of non compliance with policy SP3 of the core Strategy, it is recommended that planning permission is refused.

### **Background Papers**

Site and Block plans

Contact Officer(s): Joanna Russell Extension: 7367

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

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N7YZKQBKGBX00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N7YZKQBKGBX00>





# Block Plan

