

SE/12/01611/FUL

Date expired 24 September 2012

PROPOSAL: Demolition of existing commercial building and the construction of a new two storey retail unit with undercroft parking and the construction of a separate four storey apartment block consisting of 22 one and two bedroom apartments, together with associated car parking, bin stores and cycle areas.

LOCATION: 66 London Road, Sevenoaks, KENT TN13 1AT

WARD(S): Sevenoaks Town & St Johns

Introduction

- 1 Members will be aware from the main committee report that there were certain aspects of the scheme that had not been fully resolved at the time of writing the report. These primarily relate to the scale of the proposed retail store in relation to surrounding residential properties, and the impact of the proposed delivery yard on the same properties.
- 2 This addendum follows the recent receipt of amended plans (on 23/11/12) and further information relating to these outstanding matters, and has been supplied in advance of committee to give suitable time for Members to properly digest its content.
- 3 This addendum also provides further responses to the previous amendments made to the scheme and referred to in the main report – namely replacement of a dummy pitched roof to the rear of the proposed store with a parapet, the use of ragstone on the delivery yard wall, and changes to the external materials for the store building. These responses are listed below. For clarity, Members should note that these responses relate to the amendments received last month, and not the latest set of amendments received.

Further Consultations Received

Environmental Health Officer

- 4 With reference to the additional report undertaken by Alan Saunder's Associates I can confirm that I am now reasonably satisfied that (subject to conditions) the proposed development can be undertaken without causing excessive disturbance to neighbouring residential property.
- 5 You will note from the correspondence in folder marked AS6801 Blighs Meadow (attached) that there is a discrepancy between the plant proposed by the applicant and recommended by the acoustic consultant. This ought to be capable of being satisfactorily conditioned. I expect you have a standard condition that is suitable but if not I'll try to assist. I also recommend that you require full details of the delivery door (including acoustic insulation value and noise level in operation) together with acoustic details of the docking bays.

- 6 Currently I'm awaiting a call from the consultant to advise on the modelling approach having regard to the fact that the delivery door has not been selected to my knowledge. I understand that a quieter broad-band reversing alarm is not feasible for this site (applicant unable to require all their suppliers to fit such alarms). Some noise from deliveries is likely to be audible beyond the site boundary. This is likely to be for relatively short periods in my opinion. I understand that deliveries will not be permitted prior to 07.00 hours. This team recommends that deliveries are not permitted to occur after 21.00 hours (particularly since it appears that reversing beepers are proposed).
- 7 Other issues of an environmental health nature have previously been highlighted by colleagues, for example, ventilation of underground car park and filtration of cooking odours. These issues also require consideration but to date I have received no details. These are issues that are normally suitable to be conditioned, though I would note that in the case of cooking odours high level discharge is preferred.
- 8 The additional report submitted for the PPG 24 Assessment (AS6802.111221.NIA) finds that the proposed residential accommodation falls within Noise Exposure Category C. This guidance has now been revoked and therefore, subject to a scheme requiring details of glazing and mechanical ventilation, this team has no objections.
- 9 Further comments - I understand the CADNA software is unable to model the difference in sound insulation afforded by the door (i.e the model assumes a solid wall). Whilst there therefore appears some added uncertainty concerning the modelling undertaken, I am reassured by the consultant's recent submission in which he advised that the roller door to the delivery yard would be substituted for a sliding door system (potential to have greater mass and better seals).
- 10 My only reservation in this matter is the availability of a suitable sliding door – if there is sufficient time you may wish to enquire of the agent whether he has any proposals? We would likely be looking for a very heavy door (perhaps the consultant could advise on the performance required, including the required mass?). To be clear, the applicant does not need to select a door at this stage but we should be confident they are commercially available.

(Officer note: upon further enquiries, the applicant has advised that sliding doors are available with sound reduction properties of 40dB- and such a reduction is acceptable to the EHO)

English Heritage

- 11 Do not wish to offer any comments on this occasion.

Further Representations Received

- 12 4 further letters received from local residents, raising the following matters –
 - Loss of privacy and light to neighbouring dwellings from proposed flats
 - Additional noise and pollution arising during and post construction of the development

- The height of the flats should be reduced
- Trees in neighbouring gardens should be protected
- The design of the flats is not in keeping with its surroundings, and should be a traditional design
- Overdevelopment of site
- Inadequate parking
- The size and design of the M&S store is out of keeping with everything else in Sevenoaks
- The scheme does not improve the appearance of the site

13 In addition, further letters have been received from the Sevenoaks Society and the Sevenoaks Conservation Council, raising the following matters –

- Our main concern remains the relationship of the store to London Road and Blighs Meadow
- The omission of the fake roof to the northern section of the store is welcome
- More information is necessary to support the inclusion of the living wall, including maintenance and renewal.
- The revisions to the materials on London Road seem random, although the incorporation of more ragstone is welcome. More ragstone could be used on the building if the proposed walls were replaced with railings.
- The entrance facing Blighs Meadow is bland and lacks visual focus
- The surface car park is isolated from the pedestrian network in the town centre. It could be redesigned to improve pedestrian access by closing the London Road entrance and a small reduction in the number of parking spaces. This would also allow for a landscaped area to be created.

Summary of amendments / further information (received on 23/11/12)

Reduction in scale and height of building

- 14 The applicant has submitted revised plans for the retail store which lower the roof and eaves profile of sections of the store in response to concerns raised by officers over the impact on neighbouring residential units. Members should note that these revised plans are currently subject to re-consultation. However given that they reduce the height and scale of the building, it is unlikely that any new issues would arise through the consultation process that have not already been raised or considered in the main report or this addendum.
- 15 On the London Road frontage, a 16 metre section of the building opposite 73-77 London Road has been lowered in height by 1.4 metres and the eaves height of the building has also been lowered by 2 metres, with a shallower roof pitch utilised.
- 16 As a result of these changes, the section drawings indicate that a 25° light angle would be maintained to the first floor windows and upper floors of 73-75 London Road. This would accord with the Building Research Establishment guidelines on daylight provision. On this basis, I am content that the development, as revised, would not cause an unacceptable impact on light provision to these units. This addresses the concerns raised in Paragraph 218 of the main report.

- 17 The lower eaves and ridge height of this section would also benefit the wider street scene, in reducing the scale of the building and improving the visual relationship with existing buildings on the opposite side of London Road. Whilst I did not consider the impact of the original design on the outlook of units 73-77 to necessarily be unacceptable (see para. 220 of the main report), the revisions made would improve the outlook from these units.
- 18 These amendments would reduce the difference in the scale and height of this section of the proposed building in comparison to the existing buildings on the opposite side of London Road – and improves this relationship. However the likely harm I have identified that would arise from the scale of the store as a whole would still be as set out in paragraphs 181- 84 of the main report, although Members will note that I do not consider this to be significant.
- 19 The revised plans also seek to improve the relationship between the proposed store building and the flats at No. 19 Pembroke Road. This has been achieved by reconfiguring the first floor accommodation at the rear of the store building, which in turn has allowed for the first floor to be pulled back away from the boundary with No. 19 Pembroke Road by around 3.5 metres. As a result, this part of the building has been lowered by 6 metres on this part of the boundary, to the same level as the flat roofed warehouse section of the building at the rear of the store.
- 20 This amendment is considered to be important, as the development would have some impact on daylight reaching the ground floor flat to No.19, as specified in the main report – albeit that this impact is considered to be slight. The proposal would also be likely to result in some overshadowing of the ground floor property at certain times of the day during winter months, as demonstrated in the shadow study submitted by the applicant – although this would not occur during summer months. The revisions to remove the first floor of the building from the boundary with No. 19 and the subsequent reduction in height would improve the outlook and passage of sunlight to No. 19. Taking the above factors into account, I consider that any adverse impacts on light provision to this property would be limited.
- 21 As a point of clarity, I would also point out to Members that windows in the rear elevation of the store building are proposed largely for aesthetic purposes, and the majority of the se will be obscure glazed, including all those in proximity to 19 Pembroke Road.

Noise Impacts on surrounding properties

- 22 The Council's Environmental Health Officer (EHO) has provided further comments following the submission of additional information by the applicant. The EHO comments are listed in full above. The main issue identified by the EHO arising from the development is noise outbreak from operations associated with the retail unit. The possibility of noise outbreak is considered to be most likely through two sources – the use of the delivery yard, and the operation of fixed plant and equipment.
- 23 The delivery yard would be sited to the rear of the proposed store and next to the proposed flats. The door to the yard would be sited opposite the properties at 83-95 London Road, which are in residential use. The application includes modelling

on likely noise outbreak from use of the delivery yard. This would be mitigated through the construction of acoustic barriers within the yard, and the use of an acoustic service door. Members should note that access by HGV's into the yard would be made in forward gear, with the ability for such vehicles to turn within the yard, with the door closed. This removes the need for vehicles to reverse into the yard which normally generates further noise due to vehicle manoeuvres and noise from reversing alarms. Although some noise from deliveries is likely to be audible from beyond the site boundary, the Environmental Health Officer is satisfied such outbreak would not have an unacceptable impact on surrounding properties, subject to control.

- 24 Such operations would take place after 7am, and a restriction on deliveries prior to this time is proposed as a condition of any permission. Whilst some noise would occur from goods vehicles arriving and departing from the delivery yard, it is estimated that this would be restricted to 5 vehicles per day. I consider such movements in a town centre location after 7am would be unlikely to cause significant noise issues to residential properties.
- 25 Members will note that the EHO recommends that deliveries should not take place after 21:00, whilst my recommended condition 21 in the main report sets a limit of 19:00 (other than Sundays). Given that this condition is proposed to protect neighbouring properties from noise, and the EHO considers that use of the yard up to 21:00 hours is acceptable on noise grounds, I would recommend that this condition is amended to reflect this.
- 26 The EHO is satisfied that plant and equipment, which is shown to be sited on the roof of the store, can be accommodated without necessarily causing any undue impacts on neighbouring properties. The specification and acoustic performance of such equipment can be controlled via planning conditions.
- 27 The EHO has also advised that the flats would be subject to some road noise. Whilst this would not be to the extent that it would create unacceptable living conditions for future occupants, the EHO has advised that details of glazing should be provided to provide some mitigation to the flats against road noise.
- 28 Overall and subject to the use of conditions, I do not consider that the development would give rise to unacceptable noise impacts. In this respect the scheme would accord with Policy EN1(3) of the local plan which seeks to protect neighbouring amenities, including noise levels.

The S106 Agreement

- 29 The following main terms for the S106 agreement have now been agreed with the applicant -

Affordable Housing

- 30 9 units to be provided as affordable housing, 6 to be affordable rented and 3 intermediate units (2 x 2 bed units and 1 x 1 bed unit to be intermediate units, the remainder affordable rented)

Financial contributions

- 31 To Kent County Council
- Secondary school contribution of £589 per flat (over 56sqm) – this equates to £11,209.05
 - Library contribution of £4,245.96 total
 - Community learning contribution of £698.18 in total
 - Adult social services contribution of £6,552.98
- 32 To the West Kent Primary Care Trust
- A contribution towards the improvement / provision of NHS services of £13,608
- 33 To Sevenoaks District Council
- Air Quality improvements contribution – £5,000
 - Funding for a public art facility within the development - £20,000
- 34 The applicant also proposes to fund the installation and management of the VMS facility. At the time of writing this report the detailed cost of proving this facility is still under consideration by Kent Highways. An update will be given to Members in the late observations.

Other Matters

- 35 Members will note the additional comments made by local residents as listed above. The concerns raised have been considered in my assessment contained within the main report.
- 36 The applicant has submitted a revised ownership declaration with the application, to include notification to another party that holds a long term lease over part of the land in question. This is a procedural matter that has no material bearing on the planning merits of the application.
- 37 The Sevenoaks Society (endorsed by Sevenoaks Conservation Council) has put forward suggestions for a revised surface level car park, to improve pedestrian access to the store. It is noted that the current scheme does not provide a direct link across the Blighs car park to the store. The scheme put forward by the Sevenoaks Society would provide a better pedestrian link, but involves stopping up the access to the car park from London Road, and the loss of 2 parking spaces compared to the existing layout.
- 38 It is acknowledged that pedestrian access across the site is not included as part of the current scheme. This is partly because pedestrian access routes do not exist across the larger Blighs car park to link into. The route suggested by the Sevenoaks Society would in itself be of benefit but would further reduce car parking levels on site – and involves blocking up the car park entrance onto London Road. Whilst some shoppers will choose the most direct route to access the store – and walk across the car park – those who wish not to do this can walk along the existing pedestrian route within Blighs and onto London Road adjacent

to No.s 50-52, and then access the store from London Road. However this would not benefit persons in wheelchairs or with pushchairs, as there would be steps from London Road to the store.

- 39 There is space available to provide a disabled facility along the front of the site adjacent to London Road, although this would result in the loss of existing trees on this part of the site. However the long term retention of these trees is limited by their position next to a retaining wall, and replacement planting within the car park can be secured. Further investigations can also be undertaken to establish whether other routes for such access exist elsewhere within the site. The provision of this facility can be secured via a planning condition.

Conclusion

- 40 I would refer Members to the balancing and conclusion section in the main report contained within Paragraphs 253-258. Members will note my comments in paragraph 258 of the main report. The amended plans referred to in that paragraph have been submitted and assessed in this addendum. I consider that these amendments address the impact of the development in terms of light provision on No.s 73-77 London Road, and would not cause harm to the living conditions of these properties.
- 41 In the case of the ground floor flat at No. 19 Pembroke Road, the development would be likely to reduce daylight levels to this property, although the information submitted indicates that this would be marginally below recommended levels. There would also be some loss of sunlight to this property in winter months. The amendments submitted would improve this relationship. Overall, I consider that the development would have some slight detrimental impact on light provision to this property, but not to the extent that it would create unacceptable living conditions. Members should consider this in the context of paragraph 255 of the main report.
- 42 The noise impacts have been considered by the Environmental Health Officer and found to be within acceptable levels, subject to conditions.
- 43 Overall, I am satisfied that the amended details address paragraphs 257 and 258 of the main report.

Revised Recommendation

- 44 On the basis of the main report and this addendum, I would recommend that the Community and Planning Services Director be given delegated powers to grant planning permission subject to:
- The receipt of no new planning issues being raised as a result of the consultation process for the revised plans that have not been covered in the main report, the addendum or the late observations report.
 - The completion of a S106 agreement within 3 months from the date of this meeting. The Obligation shall secure the use of 9 No. units as affordable housing units and financial contributions towards air quality improvements, secondary school provision, libraries, adult social services, NHS services,

the installation of Public Art, and the installation of Variable Message Signs.

- And subject to the conditions listed in the main report and the following amended and additional conditions set out below:

45 Conditions amended from main report

20) Before development commences, full details of the design, material specification, acoustic performance, and the opening and closing mechanism of the delivery yard door servicing the retail unit shall be submitted to and approved in writing by the Local Planning Authority. The details shall include evidence to demonstrate how the door has been designed to contain noise within the yard and to minimise noise outbreak during operation of the door. The development shall be undertaken in accordance with the approved details and the door shall be maintained in good working condition thereafter.

Reason: To ensure a satisfactory appearance to the development and to protect the amenities of surrounding properties, in accordance with Policy EN1 of the Sevenoaks District Local Plan and SP1 of the Sevenoaks Core Strategy.

21) No deliveries shall be taken, nor shall any activities take place within the delivery yard outside the hours of 07:00-21:00 Mondays - Saturdays, or 09:00-17:00 on Sundays and Bank Holidays.

Reason: To protect neighbouring residential properties (including the occupants of the proposed flats) from noise generated through use of the delivery and service yard, in accordance with Policy EN1 of the Sevenoaks District Local Plan.

23) The development hereby permitted shall be carried out in accordance with the following approved plans: 3706-PD-32 Rev A, 41 Rev D, 42 rev C, 43 Rev B, 44 Rev B, 45 Rev D, 46 Rev D, 47 Rev c, 48 Rev C, 80 Rev S, 81 Rev Q, 82 Rev L, 83 Rev R, 84 Rev N, 85 Rev M, 86 Rev M, and 87 Rev D

46 Further conditions to be added to those in the main report.

24) Prior to first use of the retail store by the public, the first floor windows in the north east facing elevation marked with an "O" shall be fitted with obscure glazing and shall be fixed shut. The windows shall be maintained as such thereafter.

Reason: To protect neighbouring properties from overlooking, in accordance with Policy EN1 of the Sevenoaks District Local Plan.

25) No development shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To control light pollution and impacts upon wildlife, in accordance with Policy EN1 of the Sevenoaks District Local Plan and SP11 of the Sevenoaks Core Strategy.

26) Before development commences on construction of the residential units hereby permitted, a scheme of glazing and ventilation to protect these units against noise shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before first occupation of the units and maintained as such thereafter.

Reason: To ensure a suitable living environment for occupants of the flats, in accordance with Policy EN1 of the Sevenoaks District Local Plan

27) The delivery yard shall not be used until acoustic details for the docking bays have been submitted to and approved in writing by the Local Planning Authority. The docking bays shall be installed and operated in accordance with the approved details and maintained as such thereafter.

Reason: To protect the amenities of surrounding properties, in accordance with Policy EN1 of the Sevenoaks District Local Plan.

28) The delivery yard shall not be used until a cantilevered roof has been installed to the yard, in accordance with the details contained in the Noise Impact Assessment Report by Alan Saunders Associates and as shown on the approved drawings. The roof shall be maintained as such thereafter.

Reason: To protect the amenities of surrounding properties, in accordance with Policy EN1 of the Sevenoaks District Local Plan.

29) No activity shall take place within the delivery yard, other than the entry and exit of vehicles, unless the delivery yard door is closed. The turning area for vehicles within the delivery yard, as shown in Appendix 11 of the Transport assessment by MLM Consulting Engineers Ltd, shall be kept free from obstruction at all times

Reason: To protect the amenities of surrounding properties, in accordance with Policy EN1 of the Sevenoaks District Local Plan.

30) Before development commences, full details of the method of ventilation to the basement car park shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained as such thereafter.

Reason: To ensure suitable ventilation measures are provided to control pollution, in accordance with Policy EN1 of the Sevenoaks District Local Plan.

31) Before development commences, full details of the design and technical specification of all external plant required on or within the grounds of the building, together with any measures necessary to control noise from such plant, shall be submitted to the local planning authority for approval. The external plant shall be installed in accordance with the approved details.

Reason: To protect the amenities of surrounding properties, in accordance with Policy EN1 of the Sevenoaks District Local Plan.

32) Before development commences, a scheme for the control of cooking odours shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to first use of the retail store and maintained as such thereafter.

Reason: To protect the amenities of surrounding properties, in accordance with Policy EN1 of the Sevenoaks District Local Plan.

33) Before development commences, a scheme for the provision of a defined DDA compliant pedestrian route within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to link to existing defined pedestrian routes within Blighs Meadow or on London Road to provide ease of access for pedestrians and wheelchair users to the retail store. The route shall be completed in accordance with the approved details prior to first opening of the retail store to the public.

Reason: To provide suitable and safe access to the store, in accordance with Policy EN1 of the Sevenoaks District Local Plan.