



**Late Observations Sheet
DEVELOPMENT CONTROL COMMITTEE
29 September 2022 at 7.00 pm**

Late Observations

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DEVELOPMENT CONTROL COMMITTEE - 7pm START

Thursday 29 September 2022

LATE OBSERVATION SHEET

4.1 22/00683/FUL - Berkeley House, 7 Oakhill Road, Sevenoaks Kent TN13 1NQ

One letter of representation received by Laura Trott MP -

Wanting to share the concerns raised by Oakhill Road Residents Association on the following grounds -

- Introduction of a development that is excessive, in scale, footprint, mass, depth and density. The introduction of a 4-6 storey building is wholly alien to the character of the locality;
- The report places reliance on the fallback position relating to permitted development. No extant approvals in place;
- The resident's association professional tree consultants have identified that at least 88 trees will require felling not 49. Four category A trees including a Wellingtonia and sixteen Category B trees;
- The scheme is landscape led, how this can be so, when many of the trees are being removed and the SDC Tree Officer objects.
- The SDC Urban Design Officer objects, the development has not been shown to be sympathetic to the built environment and overall setting. As such paragraph 134 of the NPF states that development should be refused;
- The proposed density of the site is 128.26 dwellings per hectare which is over the policy density of 40 dwelling per hectare under Policy SP7. Officer density calculation is misleading. The number of households in the road will increase by 50%.
- Efficient use of land should not incorporate unacceptable encroachment into the designated Open Space. Development needs to be scaled down. Biodiversity enhancement measures can still be secured by CIL contributions;
- The development would have a detrimental impact upon Kippington and Oakhill Road Conservation Area and its setting;
- Due to bulk, mass, extensive depth and height, there is significant harm to the residential amenities of nos. 5, 9 and 34 Oakhill Road;
- Scheme fails to provide affordable housing contribution;
- Lacks off-street parking provision for 69 units and 1 service bay is not enough, reliance of use of public car parks is unrealistic.

One third party representation relating to trees and TPO Requests

Officer comments

The issues relating to the impact of the development upon the character and appearance of the development of the wider area has already been expressed in the main report and late observations. Similarly, this also applies to the off-street parking provision offered and the highway impacts of the development.

In relation to the issue with trees and the discrepancy in the numbers, the applicant's tree consultant when presented their assessment grouped together certain trees, in order to cross reference between the Tree Protection Plan and the Schedule of Trees in the Arboricultural Impact Assessment compiled from the survey. The groups of trees are generally of low quality (i.e. not distinctive enough to merit individual assessment). The majority of the grouped trees are Category C. The submitted Arboricultural Impact Assessment, Schedule of trees as groups have been assessed where it has been determined appropriate by the surveyor. The term group has been applied where trees form cohesive arboricultural features either aerodynamically, visually or culturally. This is an accepted methodology under BS 5837:2012 for assessing trees. For instance, tree trunks in very close proximity to one another with the same characteristics would form a group.

An assessment of individual trees within the groups has been made where there has been a clear need to differentiate between them for example, in order to highlight significant variation between attributes including physiological or structural condition or where a potential conflict may arise and that explains the discrepancy between figures. That said it is noted that the Oakhill Residents Association tree consultant has stated that the vast majority of trees to be lost are Categories C or U trees and moreover, their tree consultant has stated that they did not visit the site and relied on photographs to conduct their analysis.

For clarification there are two TPO's on site. The proposal would result in the removal of six out of ten trees currently subject to TPOs. The TPO trees to be removed are:

T8 - Goat Willow - Been heavily pruned in the past - Category C tree

T34 - Monkey Puzzle - Ivy covered stem - Category B tree

T39 - Western Red Cedar - Good condition - Category B tree

T41 - Copper Beech - Good condition - Category B tree

T44 - Copper Beech - Good condition - Category A tree

T48 - Group of Himalayan Birch - noted most stems are dead - Category U tree.

The two Wellingtonia trees within the site are not protected.

It is understood that there are two outstanding TPO requests, however these requests have not been progressed as the existing TPO's or prospective TPO's would be overridden if this planning application were granted.

As cited by the NPPG, the number of dwellings per hectare (Dph) is used in isolation, can encourage particular building forms over others, in ways that may not fully address the range of local housing needs. This is used to measure the number of homes within a given area. Paragraph 125 of the NPPF indicates where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.

The Dph figure as cited by the Oakhill Residents Association only has used the office building as opposed to the whole of the application site. There are times when wider communal open spaces are excluded from the Dph figure. On this site, the open space is integral to the scheme, which is why the density level of 54 Dph has been stated in the officer's report, rather than the 128.26 Dph being referred to by the Oakhill Road Residents Association. It should also be noted Policy SP7 of the Core Strategy is not consistent with the NPPF, which seeks to make the most efficient use of land and deliver more housing. The NPPF does not set dph levels. The test here is whether the bulk, scale and massing of the development is acceptable, which paragraph 171 concludes is acceptable.

It is noted that the development does not provide any affordable housing provision, however it has been proven, by an independent Viability Assessor, that the development would be unviable.

Recommendation Remains Unchanged

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