



Late Observations Sheet  
**DEVELOPMENT CONTROL COMMITTEE**  
**16 February 2012 at 7.00 pm**

**Late Observations (following publication of the agenda)**

This page is intentionally left blank

DEVELOPMENT CONTROL COMMITTEE

16 FEBRUARY 2012

LATE OBSERVATION SHEET

Item 5.01 SE/11/03008/OUT 48 The Moor Road, Sevenoaks TN14 5ED

Amendment – Conditions

Since completing the main report and recommendation, a request has come from the Legal Team to amend the wording of two of the conditions listed that refer to the 'District Planning Authority'. It is suggested that these conditions should read 'Local Planning Authority'.

An amendment to condition 4 is also suggested so that the condition only makes reference to the hard surfacing of the proposed parking spaces since details of layout and access have already been provided. In addition, an amendment to condition 9 has been suggested to refer back to condition 1 of the approved consent.

Finally, at this time the legal agreement outlining a financial contribution towards an off-site affordable housing provision has not been completed. The recommendation should therefore be amended to include an option in the event this document is not completed in the four weeks following the Committee's decision that the application be refused. This would prevent the matter being dragged out unnecessarily and provide the applicant with a clear deadline.

Officer's response

Amend the recommendation, altering conditions 1, 2, 4 & 9 and adding in the option to refuse the application if the legal agreement is not completed, as follows –

**RECOMMENDATION:** A) That planning permission be GRANTED subject to the following conditions and the completion of a legal agreement outlining financial contributions towards off site affordable housing provision within four weeks of the decision of the Development Control Committee:-

1) Details relating to the landscaping of the site (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced.

No such details have been submitted.

2) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

In Pursuance of Section 92(2) of the Town and Country Planning Act 1990.

3) The development to which this permission relates must be begun before:  
- The expiration of three years from the date of this permission; or  
- The expiration of two years from the final approval of the reserved matters whichever is the later.

## Supplementary Information

In Pursuance of Section 92 (2) of the Town and Country Planning Act 1990.

4) The details submitted pursuant to condition 1 shall include details of the hard surfacing of the approved parking spaces. The approved scheme shall be provided before the first use or occupation of the approved dwelling and be kept available for vehicle parking for the sole use of the existing and approved dwellings, at all times.

To ensure a permanent retention of vehicle parking for the property as supported by policy EN1 of the Sevenoaks District Local Plan.

5) No development shall be carried out on the land until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To ensure that the appearance of the development enhances the character and appearance of the existing terrace of properties as supported by Policy EN1 of the Sevenoaks District Local Plan.

6) No development shall be carried out on the land until a plan indicating the positions, design and materials of all means of enclosure to be retained and erected has been submitted to and approved in writing by the Council.

To enhance the visual appearance of the area and safeguard neighbouring amenity as supported by EN1 of the Sevenoaks District Local Plan.

7) The first floor window in the east rear elevation of the dwelling proposed to serve a bathroom shall be obscure glazed and non openable, apart from any top hung lights, at all times.

To safeguard the privacy of residents as supported by Policy EN1 of the Sevenoaks District Local Plan.

8) The development shall achieve a Code for Sustainable homes minimum rating of level 3. Evidence shall be provided to the Local Authority –

i) Prior to the commencement of development, of how it is intended the development will achieve a Code for Sustainable Homes Design Certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority; and

ii) Prior to the occupation of the development, that the development has achieved a Code for Sustainable Homes post construction certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority.

In the interests of environmental sustainability and reducing the risk of climate change as supported in Planning Policy Statement 1, policies CC2 & CC4 of the South East Regional Plan & Policy SP2 of the Sevenoaks District Core Strategy.

9) Soft landscape works shall be carried out before first occupation of the approved dwelling. The landscape works shall be carried out in accordance with the approved details, pursuant to condition 1.

To preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

10) If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

11) The development hereby permitted shall be carried out in accordance with the following approved plans: 48TMR-PL01.

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

In determining this application, the Local Planning Authority has had regard to the following Development Plan Policies:

The South East Plan 2009 - Policies CC1, CC2, CC4, CC6, H4, H5, T4 and LF1  
Sevenoaks District Local Plan - Policies EN1 and VP1  
Sevenoaks District Core Strategy 2011 - Policies LO2, SP1, SP2, SP3, SP5 and SP7

The following is a summary of the main reasons for the decision:

The scale, location and design of the development would respect the context of the site and preserve the visual amenities of the locality.

Any potentially significant impacts on the amenities of nearby dwellings can be satisfactorily mitigated by way of the conditions imposed.

Informatives

1) The applicant should be aware that if a ramp up to the main access of the house is required by Building Regulations Consent a separate planning application may be necessary to gain approval for the ramp.

**RECOMMENDATION:** B) In the event that the legal agreement is not completed within four weeks of the decision of the Development Control Committee, the application be **REFUSED** for the following reason:

1) The proposal would lead to a requirement to contribute towards affordable housing provision. In the absence of a completed Section 106 obligation to secure an appropriate level of affordable housing provision, the development would be contrary to policy SP3 of the Sevenoaks District Core Strategy.

**Item 5.02 SE/11/02684/FUL Denada, Solefields Road, Sevenoaks TN13 1PJ**

The applicant has submitted some late information including plans of the approved detached double garage, with studio above, under planning application number SE/08/01083/FUL.

## Supplementary Information

The detached outbuilding was approved to be sited in a similar location to that of the proposed extension, that is to the southern end of the dwelling, adjacent to the southern boundary of the plot, and set slightly to the front of the property.

The outbuilding had dimensions of 9.2m in length, by 6.3m wide and 4.8m in height to the pitch of the roof. The outbuilding was orientated in a north-south direction, with the side elevation of the building facing the road.

Permission for the garage building expired on 22<sup>nd</sup> June 2011.

### Officer's response

It is acknowledged that the approved garage was approved to be sited in a similar location as the proposed extension. However, I would give limited weight to this for the reason that the building was detached from the main house, was much smaller in size and scale compared with the proposed extension (the proposed extension has dimensions of about 10m by 9m, with a maximum height of about 7m), was orientated very differently to the proposed extension and finally consent for the detached outbuilding has now expired.

The officer's recommendation therefore remains unchanged.

### Item 5.03 SE/11/02774/FUL 46 South Park, Sevenoaks TN13 1EJ

#### Correction

The last Paragraph 51 (page 12) of the Officer's Report is amended to read:

'It is not considered essential to require the operation of a cycle purchase scheme as suggested' [by the Highways Officer]

#### Clarification

To further clarify paragraph 47 – 50, it has been confirmed by the applicant that the existing parking on the site is used by only one of the existing flats at the moment. The applicant's agent states (in an e-mail received 9<sup>th</sup> Jan 2012) that:

*"We would also like to clarify the parking arrangement further. All of the existing parking area is currently legally owned by the largest flat within 46 South Park ( Flat 3 on the "existing Plans" submitted with the planning application). Mr Daniel Thompson purchased Flat 3 and all the parking area for 46 South Park in 2009. The other 3 existing flats within 46 South Park do not have any parking spaces. Our proposal is to keep one space for the existing flat 3 and create three new spaces for each of the three new apartments, inline with current planning policy."*

The Highways Authority's Interim Parking Guidance recommends a maximum of one space per flat in this 'edge of centre' location. The proposal would effectively result therefore in the following resultant parking arrangement (flats numbered as shown on the drawings submitted):

Flat No.	Existing Parking	Resultant Parking	Meets maximum standard?
----------	------------------	-------------------	-------------------------

1	nil	nil	No change
2	nil	nil	No change
3	2 / 3 spaces not marked out (currently exceeds standard)	One space – marked out	Yes
4	nil	nil	No change
5	-	One space – marked out	Yes
6	-	One space – marked out	Yes
7	-	One space – marked out	Yes

Recommended condition 5 required the allocation and marking out of parking spaces. It would be expected that the provision above is followed.

S.106 for Affordable Housing

Some progress has been made on the provision of a unilateral undertaking for an off-site affordable housing contribution, however an acceptable fully signed undertaking has not yet been provided (a lender’s signature is required). The ‘split’ recommendation remains appropriate therefore to allow completion of this undertaking.

Officer’s Recommendation

The Officer’s Recommendation remains unchanged.

Item 5.04 SE/11/02698/FUL High Will Hays, Main Road, Knockholt TN14 7JH

Paragraph 56 – Committee report

Omission of Appendix 1 - Appeal Decision for application SE/10/01817/FUL. (Attached).

The applicant has not been able to secure the signing of the S106 Agreement, prior to DC Committee, as anticipated. Accordingly, the recommendation has been amended as set out below. Two new conditions have been added (9 & 10) relating to the parking provision.

**RECOMMENDATION A:** That subject to the receipt of a signed and valid S106 Obligation relating to secure the off-site affordable housing contribution, that authority be delegated to the Community and Planning Services Director to issue the decision notice and any required amendments to the conditions:

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

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

- 2) The development shall achieve a Code for Sustainable homes minimum rating of level 3. Evidence shall be provided to the Local Authority –

## Supplementary Information

i) Prior to the commencement of development, of how it is intended the development will achieve a Code for Sustainable Homes Design Certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority; and

ii) Prior to the occupation of the development, that the development has achieved a Code for Sustainable Homes post construction certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority.

In the interests of environmental sustainability and reducing the risk of climate change as supported in Planning Policy Statement 1, polices CC2 and CC4 of the South East Regional Plan and Policy SP2 of Sevenoaks District Council's Core Strategy.

3) No development shall be carried out on the land until full details of both hard and soft landscape works have been submitted to and approved in writing by the Council. Those details shall include:-planting plans (identifying existing planting, plants to be retained and new planting),-written specifications (including cultivation and other operations associated with plant and grass establishment),-schedules of new plants (noting species, size of stock at time of planting and proposed number/densities where appropriate), and-a programme of implementation.

To safeguard the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

4) All hard and soft landscaping works shall be carried out before the building is occupied. The landscape works shall be carried out in accordance with the approved details.

To safeguard the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

5) No extension or external alterations shall be carried out to High Will Hays or the dwelling hereby granted permission despite the provisions of any Development Order.

To safeguard the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

6) Before any equipment, machinery or materials are brought on to the land for the purposes of the development, the means of protection of the hedge on the western boundary are to be submitted and approved in writing by the Council. The means of protection shall be maintained until all equipment, machinery and surplus materials have been removed from the land.

To prevent damage to the hedge during the construction period as supported by Policy EN1 of the Sevenoaks District Local Plan.

7) No development shall be carried out on the land until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks District Local Plan.



8) No building or enclosure other than those shown on the approved plans, shall be erected within the curtilage of the dwelling hereby approved, despite the provisions of any Development Order.

To safeguard the visual appearance and residential amenities of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

9) No development shall commence until the details of the allocation of spaces within the proposed garage have been submitted for approval in writing. These shall show provision for one car space for the approved new dwelling and two spaces for the existing dwelling.

In the interests of road safety as supported by Policy EN1 of the Sevenoaks District Local Plan.

10) No development shall commence on the new dwelling until the garage hereby approved has been erected and made available and allocated in accordance with the approved plans and details and the information provided for condition 9 above.

In the interests of road safety as supported by Policy EN1 of the Sevenoaks District Local Plan.

**In determining this application, the Local Planning Authority has had regard to the following Development Plan Policies:**

The South East Plan 2009 - Policies CC1, CC3, CC4, CC6, H4, H5, M1, T4

Sevenoaks District Local Plan - Policies EN1, H10A

Sevenoaks District Core Strategy 2011 - Policies SP1, SP2, SP3, SP5, SP7, L07

**The following is a summary of the main reasons for the decision**

The development would not have an unacceptable impact on the residential amenities of nearby dwellings.

The development would respect the context of the site and would not have an unacceptable impact on the street scene.

**RECOMMENDATION B:**

If by 16<sup>th</sup> March 2012 a completed and satisfactory S106 Obligation has not been signed and agreed by the Council, that planning permission be REFUSED for the reasons set out below:

- 1) Lack of affordable housing provision

**Item 5.05 SE/11/02650/VAR106 Graceful Gardens Ltd, Hever Lane, Hever TN8 7ET**

Amendment

Planning History – Paragraph 6 and 7

## Supplementary Information

Print formatting error - these two paragraphs should read:

- 6 93/00845/HIST - Building for storage, workshop, mess-room, toilet, office and residential accommodation. Granted on 15/11/1993
- 7 06/00634/LDCEX - Lawful Development Certificate Existing Use to establish unrestricted occupation of residential accommodation Granted on 30/5/2006

### Item 5.06 SE/11/03229/FUL Sevenoaks District Council Offices, Argyle Road, Sevenoaks TN13 1HG

Representations: One letter received objecting to the existing overcrowding in the car park; environmental health may still use the car park; and conflict between users if a the police need to leave in a hurry.

Officer: The proposed police office will be used by uniform and plain clothes mainly for report writing and administrative duties presence on the site. It is not intended to be used as a rapid response site, except in very exceptional circumstances. Therefore the proposal will not result in conflict in users within the car park.

In terms of parking provision and parking standards, I have provided a table to clearly set out the provision. These parking standards are based on maximum requirements set out in Annex D PPG13 and policy T4 of the South East Plan which would require 1 parking space per 30 square metres for office use.

	Floorspace	Maximum parking requirement	Actual parking provision
Existing building	4665 sqm	156 spaces	182 spaces
Proposed extended building	4762 sqm	159 spaces	172 spaces

It is clearly apparent that even with the lost of ten parking spaces as part of the proposed works, the remaining parking provision exceeds the maximum provision required under Annex D PPG13 and policy T4 of the South East Plan. Therefore the existing provision is a parking management issue not a highway safety issue. This would also extend to the possibility of whether or not any of the relocated environmental health officers would need visit these offices.

**Recommendation Remains Unchanged**



---

## Appeal Decision

Site visit made on 18 November 2010

**by Elizabeth Lawrence BTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2 December 2010

---

**Appeal Ref: APP/G2245/A/10/2135908**

**High Willhays, Main Road, Knockhalt, Sevenoaks, Kent, TN14 7JH.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs J C Latham against the decision of Sevenoaks District Council.
  - The application Ref SE/10/01817/FUL, dated 11 June 2010, was refused by notice dated 9 August 2010.
  - The development proposed is described as proposed development of 1No. two bedroom detached bungalow with garage.
- 

### Decision

1. I dismiss the appeal.

### Main issues

2. The first main issue is the effect of the scheme on the character and appearance of the area. The second main issue is the effect of the scheme on the living conditions of the occupiers of Warblers Wood, with particular regard to visual impact.

### Reasons

#### *Character and appearance*

3. Residential garden land is no longer regarded as previously developed land following the changed definition in the re-issued Planning Policy Statement 3 (PPS3) - *Housing* of June 2010. In my view this change does not in itself weigh materially against the appeal proposal. The site, which includes an existing dwelling, detached garage and gardens, has two road frontages and is located in an accessible village location. As such it is in a sustainable location for additional housing and accords with the advice given in PPS1 - *Delivering sustainable development* and PPS3 - *Housing*, which encourage the efficient use of land.
  4. However, at the same time proposals should have regard to the existing visual character, spaciousness and rural setting of the area, as well as being compatible with other buildings in the locality and designed to be in harmony with adjoining buildings. This is to accord with policies EN1 and H10A of the Sevenoaks Local Plan.
-

5. The site occupies a prominent and elevated position adjacent to the junctions of Old London Road, Main Road and Waylands Close. The proposed bungalow would be sited uncharacteristically close to the highway in Waylands Close and as a consequence would have an enclosing impact on the entrance to the development within the close. At the same time the proposed dwelling would be sited immediately alongside the existing dwelling on the Appeal site and would have similar front and rear building lines. It would therefore fail to respect the spacious and informal character of the development in Waylands Close and the development immediately to the south in Old London Road.
6. The proposed main entrance door would be in close proximity to the entrance to the existing dwelling and the outlook from the proposed lounge would be dominated by the boundary hedge to the north. Finally the plot due to its restricted size and irregular shape would appear uncharacteristically small when compared to the adjacent dwellings in Waylands Close and along the east side of Old London Road.
7. As a result of the above factors the proposed development would appear cramped on the site and totally out of keeping with the street scene and the surrounding area.
8. Although there are smaller plots and more intensive forms of development in the vicinity of the Appeal site, they relate to older, predominantly linear, terraced and semi-detached developments. Conversely the Appeal site relates visually to the spacious developments to the east and south and contributes to the open character and appearance of the area between the two road junctions. The diverse character of different groups of buildings within the village contribute to its' informal character and appearance.
9. I conclude on this issue that the proposal would seriously detract from the character and appearance of the area and would therefore conflict with policy EN1 of the Local Plan.

### *Living conditions*

10. The proposed garage would be insensitively sited opposite a large window serving a sun room at Warblers Wood and would have a dominant and urbanising impact on the outlook from that window. Although there is a large west facing window which serves this room, the window on the north elevation occupies a central position in the room and is opposite the internal door to that room. As a result the proposed garage would be unduly dominant and would have an adverse impact on the living conditions of the occupants of Warblers Wood, contrary to criterion 3) of Local Plan policy EN1.
11. Whilst it might be possible to relocate the proposed garage within the site this Appeal decision is based upon the submitted scheme only. This is because no alternative drawings have been submitted and considered by the Council or third parties.
12. I conclude on this issue that the proposal would have an adverse impact on the living conditions of the occupants of Warblers Wood due to its visual impact. Accordingly the scheme would conflict with policy EN1 of the Local Plan.

Appeal Decision APP/G2245/A/10/2135908

---

**Other matters**

13. Having regard to the visibility achieved, the vehicular access would be satisfactory to serve the traffic likely to be generated by two dwellings, without having a materially adverse impact on highway safety. Similarly the amount of on-site parking space shown on the submitted drawing should meet the usual day to day needs of the occupants of the two dwellings.

**Conclusion**

14. My conclusions on both main issues represent compelling reasons for dismissing this appeal, which the imposition of conditions would not satisfactorily address.

*Elizabeth Lawrence*

INSPECTOR

This page is intentionally left blank