



Late Observations Sheet

DEVELOPMENT CONTROL COMMITTEE
21 March 2013 at 7.00 pm

Late Observations

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LATE OBSERVATION SHEET

Item 4.1 SE/12/00881/FUL – Mill House, Mill Lane, Sevenoaks TN14 5BX

Further comments received

Sevenoaks Town Council – the town council has re-iterated its objections previously made as set out in the main report, and added that it is a poor design on a prominent site.

Density

A query has been raised over the density of development in relation to surrounding developments.

The density proposed on the site would be in the region of 72 dwellings per hectare.

Silk Mill Close, to the rear of the site, has been development at a density in the region of 45 dwellings per hectare.

The flats at Saxon House, on the corner of Mill Lane and Seal Road, were built at a density of 110 dwellings per hectare

S106 Agreement

Members will note that my recommendation to grant planning permission is subject to the completion of a S106 agreement within two months from the date of this committee.

Having discussed this timescale further with the Legal Services Manager, it is recommended that this timescale is increased to three months.

The terms of the contribution required for the West Kent NHS Trust have been queried, in respect of the surgeries specified that may benefit from the contribution. To ensure that any money is spent on local surgeries I would suggest that the S106 is worded to require the contribution to be spent on surgeries within 5km of the site.

Conditions

Two further conditions are required to satisfy the Environment Agency. One relates to the submission of a verification report to demonstrate that any remediation works in respect of land contamination have been completed, and this condition goes “in hand” with condition 16 in the main report.

The other condition requires a restriction on piling works or other similar methods, to protect groundwaters.

These conditions are set out below.

Supplementary Information

Recommendation

My recommendation remains as set out in the main report, although I have changed the timescale for completion of the S106 Agreement from two months to three months. I would also recommend that the following conditions are added to those in the main report –

23) The development hereby permitted shall not be occupied until a verification report demonstrating completion of works set out in the approved remediation strategy under condition 16, and the effectiveness of the remediation has been submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan.

The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure development is carried out in line with sustainable development principles of the National Planning Policy Framework, to address any contamination risks to public health and groundwaters.

24) No piling works or other penetrative methods shall be permitted *other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.*

Reason: To prevent unacceptable risks to groundwaters, in accordance with the National Planning Policy Framework.

Item 4.2 SE/12/03255/FUL - Holyoake Room, Holyoake Terrace, Sevenoaks TN13 1PA

Further representations received (following amendments to the parking layout)

Sevenoaks Town Council – Recommend approval

Neighbour responses – 1 further letter in support and two letters in objection to the development have been received

In Support

- The developers have a verbal agreement that they would develop the site in keeping with the existing terrace. If they are denied permission and sell the land, subsequent developers may not adhere to this.
- The plans are in keeping with the terrace and the landscaping would be beneficial.

In objection

- Where would occupants of the development park if they had a second car?
- Where would visitors to the development park?
- The position of the parking spaces would destroy trees and shrubs
- Further housing in the area is not necessary
- Where would lorries / skips be parked during construction?

Oakhill Road Sevenoaks Ltd (ORSL) – the committee report (para 22) reads that the ORSL supports the application. This is not the case, and I would be grateful if this could be brought to the attention of the committee.

Further letter from Applicant's agent - .we are able to confirm that the applicant has full access rights along Oakhill Road. These rights were granted by Oakhill Rd Ltd to Sevenoaks Tenants Ltd in 1934. These in turn have been transferred to the current owners of the site. They have been assessed by solicitors and deemed to be binding. The claims of Oakhill Rd Ltd in respect of access rights are therefore incorrect.

Officer comment

With regard to the letter in support of the application, clearly any development would need to be subject to planning permission and should respect local character, irrespective of the ownership of the site.

With regard to the objections raised, the application proposes three car parking spaces, at 1 space per unit. It is the same ratio as considered under the previous application which, although refused, was not on the basis of highways or parking grounds. As such I do not consider that this parking ratio could be deemed unacceptable.

The issue over access centres on private rights which essentially are not a matter for planning control. Clearly if no access is available to the development for construction purposes then it cannot be built.

Tree Officer Comments

My main concerns still centre on the original parking arrangement next to the existing garages. However, as this scheme has previously been approved, we cannot refuse it. With regards to the additional car parking arrangements, the extension to the turning circle and the additional parking spaces, this would impact on three young trees which are of low amenity value. These could be replaced as part of an approved landscaping scheme. The new parking spaces would impact on a twin-stemmed Sweet Chestnut (T6), although this would be a minor incursion which the tree should tolerate as it is situated on a raised bank. Therefore, this is acceptable.

Officer comment – in line with paragraph 43 of the main report, it is noted that the tree does not object to the proposed works to facilitate the parking spaces.

S106 agreement

Members should note that a S106 agreement to secure a contribution towards affordable housing in accordance with policy SP3 of the Core Strategy has now been completed. This addresses refusal reason 2.

The impact of development upon the Listed gas lamp

I have been asked to expand further upon the policy position with regard to listed buildings, as set out in paragraph 53 of the main report.

Members should note that the Planning (Listed Buildings and Conservation Areas) Act 1990 sets a statutory duty on a Local Planning Authority to have special regard to the desirability of preserving listed buildings and their setting.
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of preserving a building (in this case the gas lamp) or its setting or any features of special architectural or historic interest which it possesses.

The National Planning Policy Framework states that in determining planning applications, local planning authorities should consider the desirability of sustaining and enhancing the significance of heritage assets, and the positive contribution that heritage assets can make to communities. When considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. Any harm or loss should require clear and convincing justification.

As set out in paragraph 53, I am satisfied that the setting of the lamp would be protected, due to its distance from the proposed dwellings, its setting adjacent to an open part of the site, and the curvature of Oakhill Road which helps to isolate the appearance of the lamp from the proposed development.

Recommendation

As the timescale for the consultation on amended plans has now passed, there is no need to seek delegated powers from Members. I would therefore recommend refusal of the application as per reason 1 set out in the main report.

Reason 2 has been addressed through the submission of a completed S106 agreement.