



**Late Observations Sheet
Development Control Committee
07 February 2019 at 7.00 pm**

Late Observations

This page is intentionally left blank

DEVELOPMENT CONTROL COMMITTEE

Thursday 7 February 2019

LATE OBSERVATION SHEET

4.1 18/03097/FUL Land Rear of 31 Serpentine Road, Sevenoaks TN13 3XR

- 1.1 **Procedural point:** Members attention is drawn to paragraph 54 of the Officers Report. A number of neighbouring dwellings were selected for notification of this proposal. Unfortunately, while the letters were printed they were not dispatched. New letters were printed and sent out with a revised consultation deadline date for neighbouring properties.
- 1.2 **Residential amenity:** 67 Kennedy Gardens is a neighbouring dwelling to the site. However, due to the distance and orientation to the proposed dwelling, it would not result in a significant loss of sunlight, background daylight or outlook to 67 Kennedy Gardens. No windows would directly overlook 67 Kennedy Gardens, the windows to the rear at first floor are proposed to be conditioned as obscure glazed and fixed shut up to 1.7m from finished floor level, to prevent such a loss of privacy.
- 1.3 **Background:** In 2009 planning permission was granted for the erection of a chalet style dwelling, under application reference 09/01132/FUL. This application was partially implemented and can be construed as confirmed under application 12/02378/LDCEX. This is an extant planning permission that can still be built out and is a material consideration.
- 1.4 An **application** was received in 2010 under application reference 10/02793/FUL. The application was called to Development Control Committee and granted. However this decision was challenged by a Judicial Review due to the inaccurate assessment of the previously developed land, the decision of the Judicial Review quashed the planning permission. The application was then returned and reassessed and taken to Development Control Committee and refused. The application was appealed and the inspector dismissed the appeal. The proposed dwelling under the refused application 10/02793/FUL has a different orientation, design and form than that currently under assessment. Details of the 2010 application are included as part of the officer's presentation.
- 1.4 In 2017 an application for a new dwelling was approved under delegated powers under application reference 17/02785/FUL. This is an extant planning permission that can still be built out and is a material consideration. Details of the 2017 application are also included as part of the officer's presentation.

Late Observations

Amended Recommendation

Add the following conditions:

- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement, improvement or other alteration permitted by Class A, B, C, D or E of Part 1 of Schedule 2 of the 2015 Order (as amended), shall be carried out or made to the dwelling without the grant of a further planning permission by the local planning authority.

In the interests of the amenity of neighbouring dwellings in accordance with policy EN2 of the Sevenoaks District Council Allocation and Development Management Plan.

- 11) The proposed internal garage and games room hereby permitted, shall be used solely as accommodation ancillary to the proposed main residential building as identified on dwg no. COB/17/861/01A located to the west of 31 Serpentine Road and shall be retained as such at all times.

Any other use of the annexe could be harmful to the character of the area and neighbouring amenity and would require a planning application to fully assess the impacts. In accordance with policy EN1 and EN2 of the Sevenoaks District Council Allocation and Development Management Plan.

Add Informative:

- 1) The proposed landscaping should include trees and hedging of a substantive nature. Specific note is drawn to the northern boundary to the rear of no.5 Serpentine Court where landscaping should be focused.

4.2 18/03462/FUL Land Rear of 2 Uplands Close, Riverhead TN13 3BP

Highways:

- 1.1 A letter has been received from a local resident with regard to the conditions attached to the visibility splays. Concern was raised with regard to the implementation of the splays prior to occupation, as this would not account for the construction process. In addition, attention was drawn to the visibility splay approved under application 17/04052/FUL which indicated the visibility splay states 'measured to 0.5 metres in to the carriageway'.

Late Observations

1.2 Kent County Council has provided further comments with regard to the wording of the conditions as follows:

1.3 'For clarification, the condition regarding visibility splays should be as follows:

- Provision and maintenance of 2.4 metres x 44.8 metres x 44.6 metres visibility splays (to a point 0.5 metres out from the kerb to the west and to the southern edge of the central hatching to the east) at the access with no obstructions over 1.05 metres above carriageway level within the splays, prior to use of the site commencing including construction.
- Provision and maintenance of 2.0 metres x 2.0 metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.

With regarding to Manual for Streets, the document states that the visibility splays are suitable for roads with less than 10,000 vehicles per day. However, there is little evidence that would suggest that there are any more crashes on heavily traffic roads. In terms of percentage of HGVs / buses, it is clearly stated in Manual for Streets 2 that this is a guide.

Residential amenity

1.4 Comments have also been received regarding the wording of condition 5 requesting the wording is secured to ensure the amenity neighbouring properties is secured.

Amended Recommendation:

Amendment to condition 7 as follows:

7) No development shall commence until the provision and maintenance of 2.4 metres x 44.8 metres x 44.6 metres visibility splays (to a point 0.5 metres out from the kerb to the west and to the southern edge of the central hatching to the east) at the access with no obstructions over 1.05 metres above carriageway level within the splays have been provided. The visibility splays shall be maintained as such thereafter.

In the interests of highway safety.

Amendment to condition 8 as follows:

8) No development shall commence until the provision and maintenance of 2.0 metres x 2.0 metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level have been provided. The visibility splays shall be maintained as such thereafter.

Late Observations

In the interests of highway safety.

Amendment to condition 5 as follows:

- 5) The proposed windows on the rear elevation at second floor on the north-east and northwest corner of the two storey bay (currently labelled the ensuite) shall be obscure glazed and fixed shut at all times unless the opening parts of the window are above 1.7m from finished floor level.

In the interest of preserving neighbouring amenity in accordance with policy EN2 of the Sevenoaks District Council Allocation and Development Management Plan.