



Despatched: 07.03.12

DEVELOPMENT CONTROL COMMITTEE

15 March 2012 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

AGENDA

Membership:

Chairman: Cllr. Mrs. Dawson

Vice-Chairman Cllr. Williamson

Cllrs. Mrs. Ayres, Brookbank, Brown, Clark, Cooke, Davison, Dickins, Gaywood, Ms. Lowe, McGarvey, Mrs. Parkin, Piper, Scholey, Miss. Thornton, Underwood and Walshe

Apologies for absence

1. **Minutes of previous meeting** (Pages 1 - 12)
Minutes of the meeting of the Committee held on 16 February 2012.
2. To receive any declarations of interest or predetermination in respect of items of business included on the agenda for this meeting.
3. To receive any declarations of lobbying in respect of items of business included on the agenda for this meeting.
4. Ruling by the Chairman regarding Urgent Matters
5. Planning Applications – Head of Development Services’ Report
 - 5.1. SE/12/00024/FUL Amity, Clenches Farm Lane, Sevenoaks TN13 2LX
Demolition of existing dwelling, and erection of replacement dwelling, with detached double garage, with room above. (Pages 13 - 22)
 - 5.2. SE/11/03260/FUL Bridges Charity Café, Bridges, High Street, Edenbridge TN8 5AJ
Enlargement of existing window to front of building. (Pages 23 - 30)
 - 5.3. SE/11/03261/LBCALT Bridges Charity Café, Bridges, High Street, Edenbridge

Enlargement of existing window to front of building. (Pages 31 - 36)

5.4. SE/11/01735/FUL Kentish Yeoman, The Kentish Yeoman, 10-12 High Street, Seal TN15 OAJ

Conversion of existing public house into one 4 bedroom and one 3 bedroom dwelling. (Pages 37 - 56)

5.5. SE/11/03105/LBCALT Kentish Yeoman, The Kentish Yeoman, 10-12 High Street, Seal TN15 OAJ

Conversion of existing public house into one 4 bedroom and one 3 bedroom dwelling. (Pages 57 - 64)

EXEMPT ITEMS

(At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.)

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate Director or Contact Officer named on a report prior to the day of the meeting.

Should you require a copy of this agenda or any of the reports listed on it in another format please do not hesitate to contact the Democratic Services Team as set out below.

If you wish to speak in support or against a planning application on this agenda, please call the Council's Contact Centre on 01732 227000

For any other queries concerning this agenda or the meeting please contact:
The Democratic Services Team (01732 227241)

Any Member who wishes to request the Chairman to agree a pre-meeting site inspection is asked to email democratic.services@sevenoaks.gov.uk or speak to a member of the Democratic Services Team on 01732 227350 by 5pm on Monday, 12 March 2012.

The Council's Constitution provides that a site inspection may be determined to be necessary if:

- i. Particular site factors are significant in terms of weight attached to them relative to other factors and it would be difficult to assess those factors without a Site Inspection.
- ii. The characteristics of the site need to be viewed on the ground in order to assess the broader impact of the proposal.
- iii. Objectors to and/or supporters of a proposal raise matters in respect of site characteristics, the importance of which can only reasonably be established by means of a Site Inspection.
- iv. The scale of the proposal is such that a Site Inspection is essential to enable Members to be fully familiar with all site-related matters of fact.
- v. There are very significant policy or precedent issues and where site-specific factors need to be carefully assessed.

When requesting a site inspection, the person making such a request must state under which of the above five criteria the inspection is requested and must also provide supporting justification.

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DEVELOPMENT CONTROL COMMITTEE

**Minutes of the meeting of the Development Control Committee
held on 16 February 2012 commencing at 7.00pm**

Present: Cllr. Williamson (Vice-Chairman in the Chair)

Cllrs. Mrs. Ayres, Brookbank, Brown, Clark, Cooke, Davison, Dickins, Gaywood, Ms. Lowe, McGarvey, Mrs. Parkin, Piper, Scholey and Miss. Thornton.

Apologies for absence were received from Cllrs. Mrs. Dawson, Underwood and Walshe.

Cllrs. Ayres, Mrs. Davison, Eyre and Grint were also present.

62. **MINUTES**

Resolved: That the minutes of the meeting of the Development Control Committee held on 19 January 2012 be approved and signed by the Chairman as a correct record.

63. **DECLARATIONS OF INTEREST OR PREDETERMINATION**

Cllr. Dickins declared that he intended to speak as the local Member on item 5.01 - SE/11/03008/OUT: 48 The Moor Road, Sevenoaks. He did not take part in the debate or votes on the item.

Cllr. Piper declared personal interests in items 5.01 - SE/11/03008/OUT: 48 The Moor Road, Sevenoaks, 5.02 - SE/11/02864/FUL: Denada, Solefields Road, Sevenoaks, 5.03 - SE/11/02774/FUL: 46 South Park, Sevenoaks and 5.06 - SE/11/03229/FUL: Sevenoaks District Council, Council Offices, Argyle Road as a dual hatted member of both the District Council and Sevenoaks Town Council, which had already expressed views on the matters.

Cllr. Davison declared a personal interest in 5.05 - SE/11/02650/VAR106: Graceful Gardens Ltd, Hever Lane, Hever.as the local Member.

Cllr. Scholey declared a personal interest in item 5.05 - SE/11/02650/VAR106: Graceful Gardens Ltd, Hever Lane, Hever.as a dual hatted member of both the District Council and Edenbridge Town Council, which had already expressed views on the matters.

All Members declared a personal interest in item 5.06 - SE/11/03229/FUL: Sevenoaks District Council, Council Offices, Argyle Road as Members of the Council.

64. **DECLARATIONS OF LOBBYING**

Cllr. Dickins declared that he had been lobbied in respect of item 5.01 - SE/11/03008/OUT: 48 The Moor Road, Sevenoaks.

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All Members of the Committee except Cllrs. Gaywood, Brookbank and Cooke declared that they had been lobbied in respect of item 5.02 - SE/11/02864/FUL: Denada, Solefields Road, Sevenoaks.

The Chairman declared that he had been lobbied in respect of item 5.04 - SE/11/02698/FUL: High Will Hays, Main Road, Knockholt.

65. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

The Chairman ruled that additional information received since the despatch of the agenda be considered at the meeting as a matter of urgency by reason of the special circumstances that decisions were required to be made without undue delay and on the basis of the most up-to-date information available.

66. UNRESERVED PLANNING APPLICATIONS

There were no public speakers against the following item and no Member reserved the item for debate. Therefore, in accordance with Part 7 3.5(e) of the constitution, the following matter was considered without debate:

5.06 - SE/11/03229/FUL: Sevenoaks District Council, Council Offices, Argyle Road

Members' attention was brought to the tabled Late Observations sheet.

It was MOVED and was duly seconded that the recommendation in the report be adopted.

Resolved: That planning permission be GRANTED subject to the following 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.

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

3) The development hereby permitted shall be carried out in accordance with the following approved plans: 1001/037/01, 02, 03, 04, 05, 06, 07, 08, 09, 10.

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

67. RESERVED PLANNING APPLICATIONS

The Committee considered the following planning applications:

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

The proposal sought outline approval for the erection of an end of terrace property. Details included in the application were access, appearance, layout and scale. Landscaping was the only reserved matter.

Officers considered that the principle of development was acceptable. The proposed house would also preserve the character and appearance of the street scene, as it was similar in design, height, depth and width to the existing terrace. It preserved neighbouring amenity and highways safety. It provided sufficient off-street parking and a suitable financial contribution towards affordable housing. Even though it would be carried out on a greenfield site there was a significant amount of weight in favour of the development and therefore was acceptable.

Members' attention was drawn to the tabled Late Observations sheet.

It was noted that a Members' Site Inspection had been held for this application.

The Committee was addressed by the following speakers:

| | |
|--------------------------|---------------|
| Against the Application: | Ian Hart |
| For the Application: | - |
| Parish Representative: | Cllr. Baker |
| Local Member: | Cllr. Dickins |

Officers believed that the application would result in a gain of 2 off-road parking spaces, disregarding the existing garage, and the loss of 2 informal on-road spaces due to the need for access to the off road spaces. Current parking on the street was uncontrolled and informal. The applicants had no obligation to other residents on the street.

Members considered that Kent Highways may not be aware of how problematic the parking could become and they commented that the situation would be exacerbated if there were more residents in the street. There were already difficulties for emergency and refuse vehicles in turning at the end. Officers reminded Members that the proposal provided off street parking for both the existing and proposed dwelling in a road where most properties had no off-street parking..

Members considered that the current occupant of no.48 could suffer an unacceptable loss of amenity. The proposed, retained garden was unacceptably small and smaller than others in the area, including other dwellings in the same terrace further north. There would also be a reduction in sunlight to that amenity area. Together these had a cumulatively unacceptable impact on amenity.

Members also expressed concern at the impact of the dwelling on the street scene. They considered that adding an additional dwelling to the end of the terrace would extend and unbalance the terrace to the detriment of the street scene which was characterised in this area by a series of terraces each of six units.

It was noted the s.106 agreement for affordable housing had not yet been completed and that without the agreement being signed there was no mechanism in place to secure the contribution required under Core Strategy Policy SP3.

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It was MOVED and duly seconded that the recommendation in the report, as amended by the Late Observations Sheet, be adopted. The motion was put to the vote and there voted –

6 votes in favour of the motion

6 votes against the motion

In accordance with paragraph 24.2 of Part 2 in the Council's Constitution, the Chairman used his casting vote against the motion. The Chairman declared the motion to be LOST.

It was then MOVED by the Chairman and duly seconded:

“That planning permission be REFUSED for the following reasons:

- 1) The proposal would harm the character and appearance of the street scene because the bulk, scale and form of the terrace that would result from the construction of an additional dwelling on the end of the terrace would not be in keeping with the adjoining terraces of properties. This conflicts with policy EN1 of the Sevenoaks District Local Plan.
- 2) The proposal would result in unacceptable harm to the residential amenities enjoyed by the occupants of 48 The Moor Road because of the small size of the plot that would result, particularly the small rear amenity area, and the loss of light and sunlight to the property. This conflicts with policies EN1 and H6B of the Sevenoaks District Local Plan.
- 3) 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.”

The motion was put to the vote and there voted –

8 votes in favour of the motion

5 vote against the motion

Resolved: That planning permission be REFUSED for the following reasons:

- 1) The proposal would harm the character and appearance of the street scene because the bulk, scale and form of the terrace that would result from the construction of an additional dwelling on the end of the terrace would not be in keeping with the adjoining terraces of properties. This conflicts with policy EN1 of the Sevenoaks District Local Plan.
- 2) The proposal would result in unacceptable harm to the residential amenities enjoyed by the occupants of 48 The Moor Road because of the small size of the plot that would result, particularly the small rear amenity area, and the loss of light and sunlight to the property. This conflicts with policies EN1 and H6B of the Sevenoaks District Local Plan.

3) 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.

5.02 - SE/11/02864/FUL: Denada, Solefields Road, Sevenoaks TN13 1PJ

The proposal was for approval of the erection of a two storey extension that would project to the front of the main house and to the southern flank of the property. A subterranean basement was also proposed under the planned extension. The addition would result in alterations to the existing property including a first floor extension to the southern end of the property, over an existing single storey side projection. The design was Mediterranean.

Officers considered that the proposed extension and alterations would preserve neighbouring amenity. However, due to the size and scale of the proposed extension and the prominent position of the property in the plot it was considered that the proposal would have a detrimental impact upon the character and appearance of the street scene.

Members' attention was drawn to the tabled Late Observations sheet.

The Committee was addressed by the following speakers:

| | |
|--------------------------|-----------------|
| Against the Application: | - |
| For the Application: | Nicholas Skelly |
| Parish Representative: | Cllr. Eyre |
| Local Member: | - |

Members enquired what the significant differences were between the application and the permission which was granted in 2008. The Officers felt that, under the previous permission, the garage was not as high as the extension proposed. The garage would also have been detached. That permission had now lapsed, though.

Some Members agreed with the parish representative that there was a variety of architectural styles on the road and the proposed development would not be out of keeping. The bulk of the property would not be dissimilar to the proposal granted permission in 2008.

Members felt the distance of 30m to the adjoining dwelling meant that neighbours' concerns of overlooking and loss of privacy were unpersuasive. There were already windows on that side of the site.

Members felt that, if permission were granted, it was important that conditions be included for the protection of trees on the site. They noted the Tree Officer felt the proposals on the margins of acceptability for 2 trees.

It was MOVED and was duly seconded that the recommendation in the report be adopted. The motion was put to the vote and there voted –

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4 votes in favour of the motion

9 votes against the motion

The Chairman declared the motion to be LOST.

It was then MOVED and duly seconded:

“That planning permission be GRANTED on the grounds that the impact of the proposal on the character and appearance of the street scene was acceptable SUBJECT TO the delegation to the Head of Development Services to impose appropriate conditions such conditions to be agreed in association with the local members.”

The motion was put to the vote and there voted –

11 votes in favour of the motion

0 vote against the motion

Resolved: That planning permission be GRANTED on the grounds that the impact of the proposal on the character and appearance of the street scene was acceptable SUBJECT TO the delegation to the Head of Development Services to impose appropriate conditions such conditions to be agreed in association with the local members.

5.03 - SE/11/02774/FUL: 46 South Park, Sevenoaks, Kent TN13 1EJ

The proposal sought the extension of no.46 South Park to its side and rear to infill the gap between nos. 46 and 44. No.46 was currently in occupation as four self-contained flats and the extension would result in three additional self-contained flats.

Officers considered that any potentially significant impact on the amenities of nearby dwellings could be satisfactorily mitigated by way of the conditions imposed and the development would preserve the special character and appearance of the Conservation Area.

An affordable housing contribution as required by Policy SP3 of the Sevenoaks Core Strategy 2011 had been informally agreed but the necessary S106 Agreement had yet to be signed. It was recommended that a period of four weeks from the date of the committee be given to allow for the receipt of an acceptable s.106 undertaking, otherwise the application be refused.

Members' attention was drawn to the tabled Late Observations sheet.

The Committee was addressed by the following speakers:

Against the Application: Adam Saunders

For the Application: -

Parish Representative: Cllr. Short

Local Member: -

A Member was concerned that the affordable housing contribution was only 18% of what was usually expected from a development with its valuation. Officers explained that it was because a higher contribution would make the proposal unviable. The Council had sought a viability report from the applicants and it was independently verified. Policy SP3 and the affordable housing SPD stated that there can be reductions in affordable housing provision where the development would otherwise not be viable. Members agreed this was a matter which may need to be considered elsewhere.

In response to a question, an Officer confirmed that the density of the proposal was 70 dwellings per hectare. Though there was an aim of 40 per hectare this was subject to SP7 and questions of good design and how the density compared to the surrounding area and character. It was not a rigid figure and could rise above it.

Members felt that in the circumstances of this case 70 dwellings per hectare was an overdevelopment. Several Members were concerned by the design of the proposal, both in its scale and appearance, and agreed with the speakers that it would not fit well with the neighbouring properties and would be detrimental to the character and appearance of the Conservation Area. Members also highlighted the limited car parking provision currently on-site and concern was expressed that this was inadequate. Whilst noting that the development proposed one space per unit for the new flats, Members commented that the extent of building proposed restricted the scope to add to existing provision to serve the expanded development..

Members also expressed concern at the impact on the adjoining dwelling No 44 South Park and thought that the impact on amenity to this property was significant and a result of the overdevelopment of the application site.

It was MOVED and was duly seconded that the recommendation in the report be adopted. The motion was put to the vote and there voted –

2 votes in favour of the motion

11 votes against the motion

The Chairman declared the motion to be LOST.

It was then MOVED and duly seconded:

“That planning permission be REFUSED on the following grounds:

1) The extension, by virtue of its scale and appearance and the number of additional units proposed, would constitute overdevelopment of the site at a density that is not consistent with achieving good design. As a result, the development would not be in keeping with the character and appearance of the current building, would not preserve or enhance the character and appearance of the conservation area, would restrict the scope for additional parking to be provided and would result in an overbearing impact upon the neighbouring property no.44. To permit the development would therefore be contrary to Policies SP1 and SP7 of the Sevenoaks Core Strategy, Policies

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EN1 and EN23 of the Sevenoaks Local Plan and guidance contained within Planning Policy Statement 5: Planning and the Historic Environment.

2) The application fails to make an appropriate provision for affordable housing contrary to the requirement of Policy SP3 of the Sevenoaks Core Strategy.”

The motion was put to the vote and there voted –

12 votes in favour of the motion

1 vote against the motion

Resolved: That planning permission be REFUSED on the following grounds:

1) The extension, by virtue of its scale and appearance and the number of additional units proposed, would constitute overdevelopment of the site at a density that is not consistent with achieving good design. As a result, the development would not be in keeping with the character and appearance of the current building, would not preserve or enhance the character and appearance of the conservation area, would restrict the scope for additional parking to be provided and would result in an overbearing impact upon the neighbouring property no.44. To permit the development would therefore be contrary to Policies SP1 and SP7 of the Sevenoaks Core Strategy, Policies EN1 and EN23 of the Sevenoaks Local Plan and guidance contained within Planning Policy Statement 5: Planning and the Historic Environment.

2) The application fails to make an appropriate provision for affordable housing contrary to the requirement of Policy SP3 of the Sevenoaks Core Strategy.

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

The proposal was for the erection of a two-bedroom bungalow on land adjacent to High Will Hays and the erection of a triple garage to serve both the existing and proposed properties.

Officers considered that the proposed development would protect the character and appearance of the street scene, neighbouring amenities and highways safety and provided both sufficient off-street parking and a suitable financial contribution towards affordable housing. Even though it would be carried out on a greenfield site there was a significant amount of weight in favour of the development and therefore was acceptable. The site was within the settlement confines of Knockholt.

Members' attention was drawn to the tabled Late Observations sheet.

The Committee was addressed by the following speakers:

Against the Application: -

For the Application: -

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Parish Representative: -

Local Member: Cllr. Grint

Officers confirmed that the previous application for the site in 2011 was only refused for the lack of affordable housing contribution. The present proposal was in essentially the same position as that the one in 2011. Officers stated that the appeal dismissed in 2010 had related development on a different part of the High Will Hays plot and that this proposal did not have the same impacts.

A Member asked about the density of the development proposed and it was stated that the density was 16.6 dwellings per hectare.

It was MOVED and was duly seconded that the recommendation in the report, as amended by the Late Observations Sheet, be adopted. The motion was put to the vote and there voted –

10 votes in favour of the motion

4 votes against the motion

Resolved:

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 –

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 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

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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.

RECOMMENDATION B:

If by 16th 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

At 9.25 p.m. the Chairman adjourned the Committee for the convenience of Members and Officers. The meeting resumed at 9.30 p.m.

5.05 - SE/11/02650/VAR106: Graceful Gardens Ltd, Hever Lane, Hever TN8 7ET

The proposal was for the revocation of a section 106 agreement dated 11 November 1993 in relation to planning application ref SE/93/0845.

Officers considered that the principal issue in consideration of the request was whether the agreement had any useful purpose given changes in the planning status of the property since the agreement was signed. The reason for the revocation of the section 106 agreement was not related to planning policy and was not based on consideration of the planning merits of the land or use. It was purely based on the fact that following the Certificate of Lawful Development issued in 2006 the unit was no longer tied to agricultural occupancy and therefore a section 106 agreement based on its agricultural occupancy was no longer relevant.

Members' attention was drawn to the tabled Late Observations sheet.

The Committee was addressed by the following speakers:

- Against the Application: -
- For the Application: -
- Parish Representative: Cllr. Pearman
- Local Member: -

Members accepted that the condition in the planning permission which restricted occupation of the dwelling to a person solely or mainly occupied in the locality in

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agriculture was now redundant following the issuing of the Certificate of Lawfulness which confirmed the lawfulness of the occupation of the property in non compliance with condition 5 of SE/93/0845.

However, the purpose of Green Belt Policy was to preserve openness and stop fragmentation. Therefore Members considered there was still a purpose to the section 106 agreement preventing the residence being sold separately to the land around it.

It was MOVED and was duly seconded that the recommendation in the report be adopted. The motion was put to the vote and it there voted –

0 votes in favour of the motion

12 votes against the motion

The Chairman declared the motion to be LOST.

It was then MOVED and duly seconded:

“That the section 106 agreement should not be revoked as it continued to serve a useful purpose being to protect the openness of the Green Belt and prevent fragmentation and that delegated authority be given to Head of Development Services to agree the reason for the refusal to revoke the section 106 Agreement together with the local Members.”

The motion was put to the vote and it was unanimously

Resolved: That the section 106 agreement should not be revoked as it continued to serve a useful purpose being to protect the openness of the Green Belt and prevent fragmentation and that delegated authority be given to Head of Development Services to agree the reason for the refusal to revoke the section 106 Agreement together with the local Members.

Members suggested to Officers that they should monitor other developments with agricultural residential conditions and section 106 agreements which were similar to the one considered and review such conditions and agreements regularly to ensure lawful use was being carried out on each. Those which were approaching 10 years since completion should be made a priority for prompt investigation.

THE MEETING WAS CONCLUDED AT 10.18 P.M.

CHAIRMAN

5.01 – SE/12/00024/FUL Date expired 8 March 2012

PROPOSAL: Demolition of existing dwelling, and erection of replacement dwelling, with detached double garage, with room above.

LOCATION: Amity, Clenches Farm Lane, Sevenoaks TN13 2LX

WARD(S): Sevenoaks Kippington

ITEM FOR DECISION

The application has been referred to Development Control Committee by Councillor Avril Hunter, who has concerns regarding the application, particularly the size of the replacement dwelling and it's proximity to the boundary with Martletts.

RECOMMENDATION: That planning permission be GRANTED subject to the following 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) 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.

3) The first floor window(s) in the side elevations of the replacement dwelling shall be obscure glazed at all times, and shall not be openable below 1.7m, above the internal floor level.

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

5) No window(s) or other opening(s) shall be inserted at any time in the first floor side elevation(s) of the dwelling hereby approved, despite the provisions of any Development Order.

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

6) 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

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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 and Policy SP2 of the Core Strategy

7) The development hereby permitted shall be carried out in accordance with the following approved plans: 110701/01 A, 110701/02 B, 110701/03 A, 110701/04 A, 110701/05 A, 110701/06 A, 110701/07 A, 110701/08 B, 110701/09, 110701/10

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 CC6

Sevenoaks District Local Plan - Policies EN1, VP1

Sevenoaks District Core Strategy 2011 - Policies SP1, SP2

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

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

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

Description of Proposal

- 1 It is proposed to demolish the existing property and detached garage and replace it with a two storey (with further accommodation in the roof space) seven bedroom property.
- 2 A detached garage is also proposed to replace the existing detached garage sited in the south eastern corner of the plot.

Description of Site

- 3 The application site lies within Sevenoaks, just outside the Kippington Road Conservation Area.
- 4 The site relates to an existing detached property (and detached garage) in a back land plot of approx 0.15ha sited behind Clenches Farm Lane with its own lengthy access drive.
- 5 The existing property is mostly single storey with a two storey addition on its eastern side.
- 6 The site slopes down from front to rear and is well screened from every neighbour by conifer hedging and/or boundary fencing.

Constraints:

7 None.

Policies

Sevenoaks District Local Plan

8 Policies - EN1 and VP1

Sevenoaks Core Strategy

9 Policies - SP1 and SP2

Planning History

10 97/01726/HIST Demolition of existing conservatory and erection of replacement kitchen and utility room. Granted.

11 93/00764/HIST Extension to existing bungalow. Granted.

12 83/00207/HIST Erection of one detached bungalow and garage. Granted

Consultations

Parish Council

13 Sevenoaks Town Council recommended approval subject to the garage being enured to the main dwelling.

Representations

14 Neighbours - 5 letters of objection have been received, which are summarised as follows:

- The two front dormers will overlook our rear garden and into our ground floor windows. The first floor windows will also partially overlook the rear garden and the same rooms.
- Survival of the hedge may be threatened by the proposed development and consideration should be given to the loss of privacy in the absence of this hedge.
- The proposed property will dominate the relatively small plot and look out of character with its immediate surroundings.
- There are material inaccuracies with the submitted statement – regarding the separation distance to Martlets, the omission of Martlets from section 6.3 of the Planning Statement which deals with compatibility with adjacent properties, the height of the replacement garage and the dimensions of certain trees shown on the drawings.
- The restricted access of the site will lead to serious disruption should building works such as this be approved. I request that conditions are put upon vehicle access.

Agenda Item 5.1

- The replacement dwelling will greatly overshadow the garden of my property.
- The replacement dwelling will cause an immediate loss of privacy in all rooms of my bungalow.
- We feel that the size of the replacement dwelling is slightly excessive with potential loss of light to our garden. We would also like the windows on the first floor overlooking our property to be obscure glazed.
- It is also important that the slab level of the proposed property is no higher than the existing.
- It would appear that the situation is a repeat of the original applications for Beechdene in 2002/3, that of overlooking and loss of privacy to neighbouring properties as well as the layout and mass of the building.
- I was not notified of this proposal, and I suggest that all properties along Clenches Farm Lane are notified and the consultation period extended accordingly.

Head of Development Services Appraisal

15 The main considerations of this application are:

- Impact upon character and appearance of the area and adjacent Conservation Area
- Impact on the amenities of adjacent properties

Impact upon the character and appearance of the area and adjacent Conservation Area

- 16 Policy EN1 (from SDLP) and CC6 from (SEP) state that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. This policy also states that the design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard and that the proposed development should not have an adverse impact on the privacy and amenities of a locality.
- 17 Also relevant is policy SP1 from the Sevenoaks Core Strategy which states 'All new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated'.
- 18 PPS1 also emphasises the need to achieve good design standards for new development and a high quality of urban design in the wider context. This document recognises that design issues are matters of proper public interest and the relationships between buildings in their wider setting is often as important or more important than individual designs.
- 19 PPS3 states that good design is fundamental to the development of high quality new housing, which contributes to the creation of sustainable, mixed communities. In addition to this it also states that good design should contribute positively to making places better for people. Design which is inappropriate in its

Agenda Item 5.1

context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

- 20 The existing property is of little architectural merit, and given its back land siting it is not visible from any public vantage point. The property does not therefore contribute particularly to the character or appearance of the area.
- 21 Clenches Farm Lane is mostly characterised by large detached properties of varying appearance and design. A nearby neighbour, 'Little Martlets' is a bungalow, as was Beechdene immediately to the west of the access to the application site, before its redevelopment as a large 2/3 storey property following permission in 2003 (03/02451/FUL).
- 22 The replacement dwelling is traditionally designed with a large pitched tiled roof, three front and rear projecting gables, two front dormers and a detached double garage (with accommodation on the first floor).
- 23 In terms of scale and appearance the proposed property is in keeping with the other two storey dwellings along Clenches Farm Lane than the existing mostly single storey dwelling.
- 24 Again, given its back land siting, the property would not be visible from the adjacent Kippington Conservation Area. It is therefore considered that the proposed replacement dwelling would not harm the setting of the nearby Conservation Area.

Impact upon residential amenity

- 25 Policy EN1 from the Sevenoaks District Local Plan states that the proposed development should not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements.
- 26 The replacement dwelling is clearly much larger in footprint and in height than the existing property.
- 27 The existing property has a ridge height of approx 4.9m, rising to 6m for the two storey addition on the western side.
- 28 The replacement dwelling, sited in a similar location with the same slab level, rises to a ridge height of 9.35m.
- 29 The site has neighbouring properties on all four boundaries. Due to the orientation of the dwelling, which is essentially the same as the existing, the front and rear elevations face the north and south boundaries.
- 30 The front elevation of the property is, at its nearest point, approx 10.8m from the front boundary. At its nearest points, the proposed dwelling is 11m from the rear boundary, 3m from the western boundary and 5m (at two storey level) from the eastern side.
- 31 There is significant screening offered by the existing conifer hedging on the south, east and western boundaries, and there are numerous trees and a close boarded boundary fence along the northern boundary. In conjunction with this, it is considered that these separation distances are sufficient to prevent the proposed

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dwelling from having an unacceptable increased overbearing or overshadowing impact upon any of the adjoining neighbours . The proposal will not result in the loss of sunlight or background daylight to the neighbouring properties habitable accommodation due to separation distances.

- 32 The proposed detached garage is sited in the south west corner, and is no nearer to the southern or western boundary than the existing detached garage. Again, whilst the proposed garage (5.3m above the southern side ground level compared to 4.3m for the existing detached garage) is taller than the existing, given the existing conifer hedging, which will obscure all but the ridge of the building from view, it is considered that any increased overbearing or overshadowing impact is limited and not sufficient to warrant a recommendation of refusal in this instance.
- 33 Turning to overlooking, as stated above, the front elevation of the dwelling faces the southern boundary with Martlets. Whilst a projecting gable on the south western corner of the property extends to 10.8m from this boundary, this gable only has one small first floor window which will be obscured from view (when viewed from the boundary) by the detached garage.
- 34 The rest of the first floor front elevation fenestration is sited a minimum of approx 15m from the boundary (and the only other front elevation first floor window serving a habitable room is sited 15m on an angle from the boundary), and 35m approx from the rear elevation of Martlets.
- 35 The nearest of the two front dormers are sited 17m from the boundary and 37m approx from the rear elevation of Martlets
- 36 A site visit has confirmed that, whilst the land drops away from south to north, the top of the first floor windows and certainly the dormer windows will be visible above the boundary conifer hedging when viewed from the garden and rear facing windows (particularly the first floor rear facing bedroom windows) of Martlets.
- 37 However, given the separation distances states above, it is considered that this overlooking is not sufficient to warrant a recommendation of refusal in this instance.
- 38 The rear elevation of the property faces the northern boundary with No 3 Yeoman's Meadows. The nearest first floor windows area sited approx 11m from the rear boundary, and approx 40m from the rear elevation of this neighbour.
- 39 Again, whilst there will be undoubtedly an increased overlooking impact over that of the existing property, it is not considered that this impact, given the separation distances, are sufficient to warrant or justify a recommendation of refusal in this instance.
- 40 The proposed property would be sited 3m from the eastern boundary (at its closest point) and will have two first floor windows facing this boundary. These serve an en-suite and a landing and therefore it is considered that they should be conditioned as obscure glazed to prevent unacceptable overlooking.
- 41 Similarly, the eastern side of the proposed property has two small windows serving the master bedroom, sited 5m from the boundary. As this room is also served by front and rear windows it is also considered that the side elevation windows should be conditioned as obscure glazed.

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- 42 A further en-suite bathroom window sited in the eastern side of a rear projection also faces this boundary, however as this is located 10.8m approx from the boundary it is not considered that it is necessary to condition it as obscure glazed. This is also the case with the side facing window to bedroom 3, which whilst facing the boundary is sited approx 23m from the boundary, and the first floor window in the detached garage, which is sited 21m from the boundary.
- 43 It is considered therefore that the proposed replacement dwelling would comply with policy EN1 of the Local Plan in this regard.

Access

- 44 The proposal would utilise the existing access from the Clenches Farm Lane and there remains significant off street parking and turning area to the front of the dwelling.

Other matters

- 45 The Parish Council have no objection to the proposal, subject to the garage building being enured to the main property. Given that further permission would be required to convert the garage into a separate residential unit it is not considered that any conditions in this respect are necessary.
- 46 Notwithstanding the above, 5 letters of objection have been received, and the material planning considerations have been addressed above. With regards to the material inaccuracies reported in the submitted statements, the measurements and heights are scaled off the submitted drawings and the heights of the boundary hedges and the relationship with neighbouring properties, and especially Martlets was observed on site. It is not therefore considered that these small inaccuracies prevent full assessment and determination of the proposal based on the drawings.
- 47 With regards to the restricted access and potential for disruption during any construction, this is not a material planning consideration as such matters are covered by separate legislation.
- 48 Finally, in accordance with the regulations, all adjoining land owners were notified of the application and a site notice was put up. Therefore the statutory duty of the Council was carried out in this respect.

Conclusion

- 49 In summary, it is considered that, on balance, the proposed replacement dwelling will not detract from the character and appearance of the street scene, or have a detrimental impact upon the amenities of the neighbouring properties. The proposal therefore complies with PPS 1, PPS3, Policy EN1 of the Local Plan and SP1 of the Core Strategy. It is therefore the Officer's recommendation to approve.
- 50 The Officer's recommendation, therefore, is to approve planning permission.

Background Papers

Site and Block Plans

Agenda Item 5.1

Contact Officer(s): Ben Phillips Extension: 7387

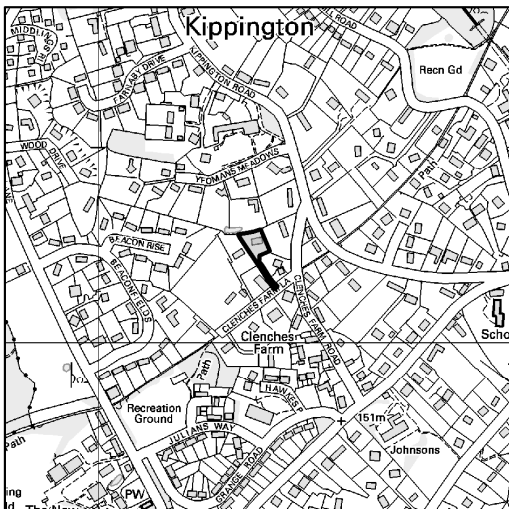
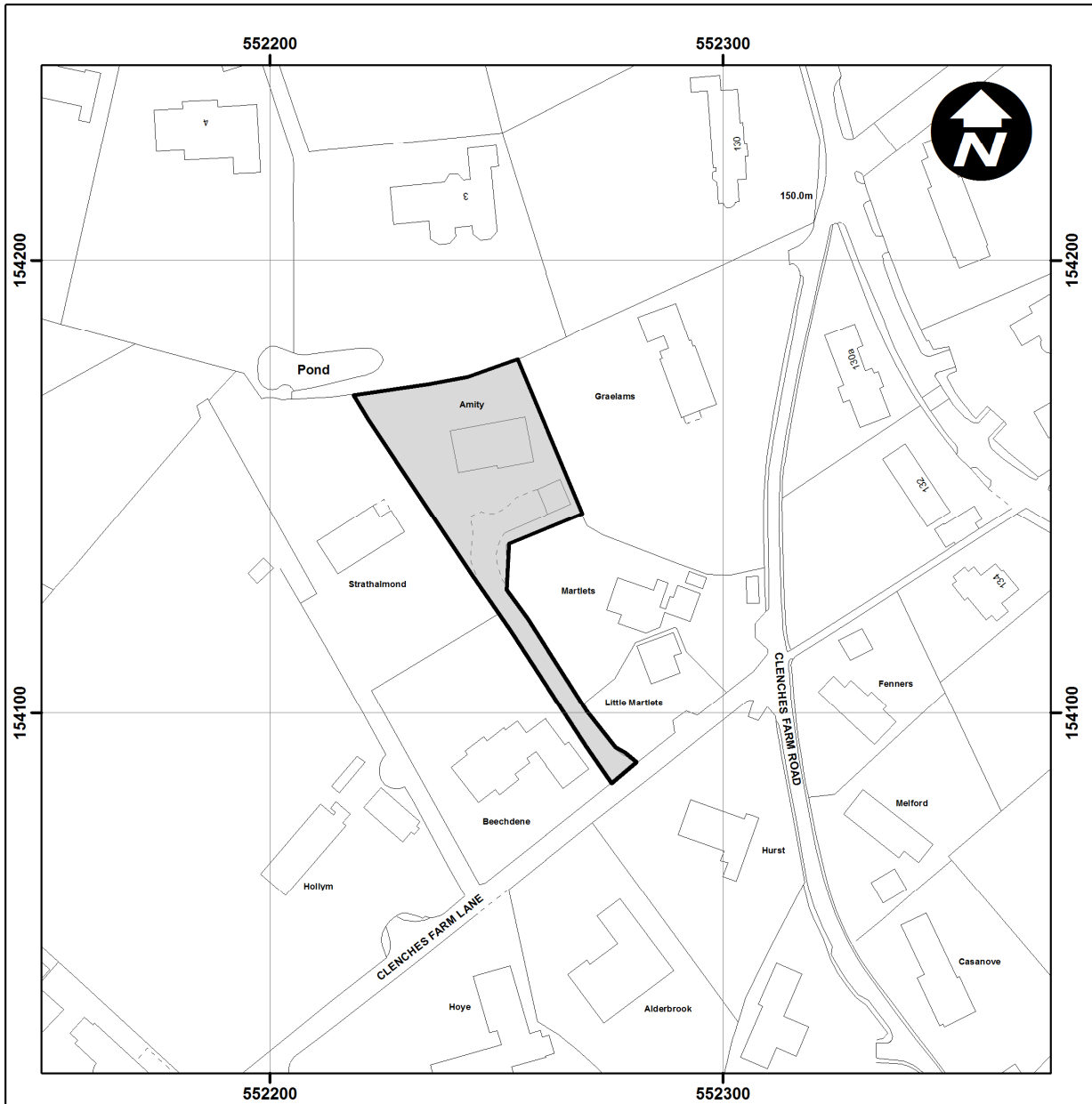
Kristen Paterson
Community and Planning Services Director

Link to application details:

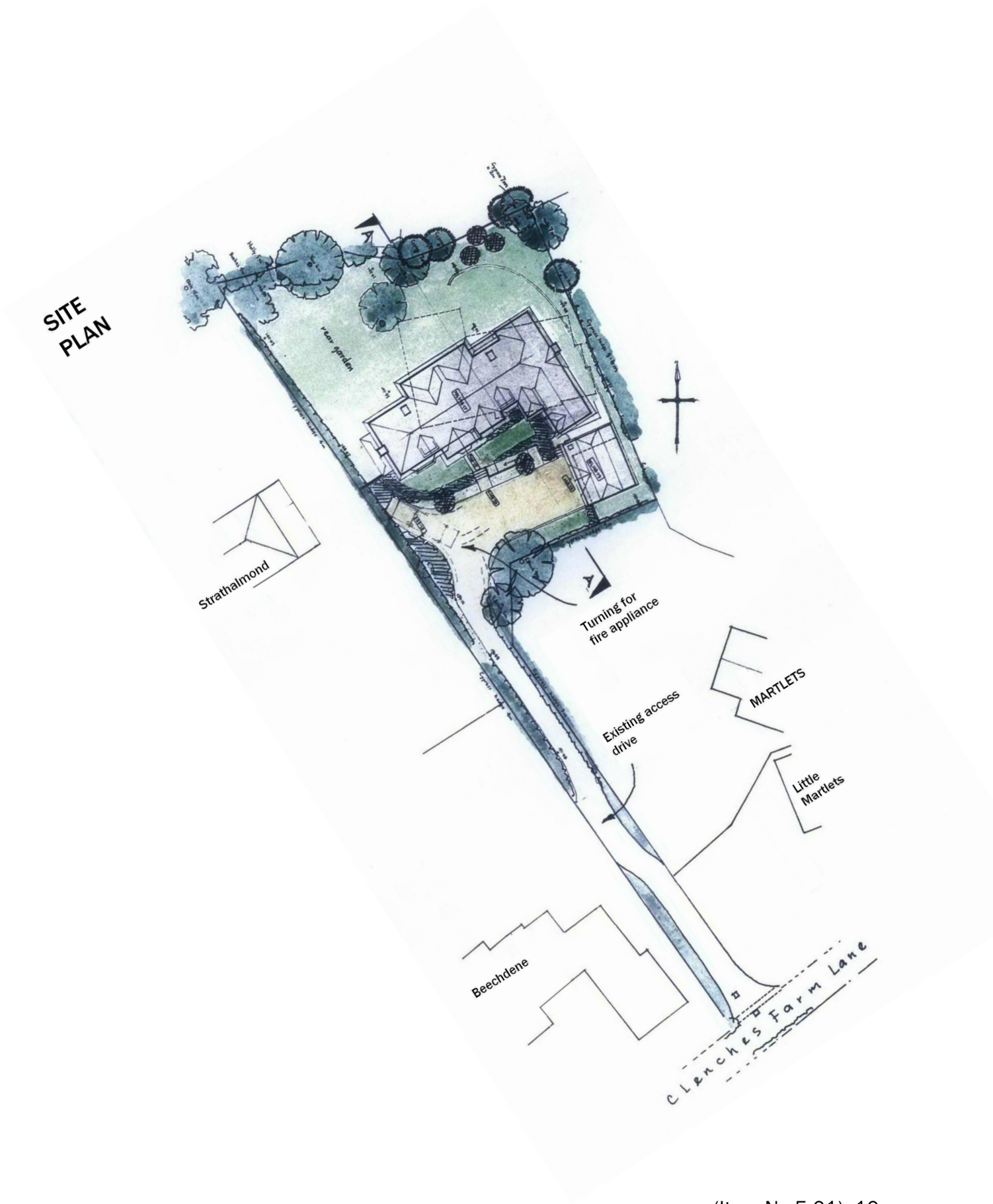
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Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LXC3DKBKOCRO0>



| | |
|--|------------|
| <h1 style="margin: 0;">Site Plan</h1> | |
| Scale | 1:1,250 |
| Date | 29.02.2012 |
|  Sevenoaks DISTRICT COUNCIL | |
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5.02 - SE/11/03260/FUL Date expired 8 March 2012

PROPOSAL: Enlargement of existing window to front of building

LOCATION: Bridges Charity Cafe, Bridges, High Street Edenbridge TN8 5AJ

WARD(S): Edenbridge South & West

ITEM FOR DECISION

This application has been referred to the Development Control Committee since the Officer's recommendation is at variance to the view of the Town Council and at the request of Councillors Davison and Orridge who wish to challenge the Conservation Officer's response and to highlight that the minor enlargement of the window is essential in increasing footfall to the building.

RECOMMENDATION: That planning permission be REFUSED for the following reasons:

The proposal is not in accordance with Policy SP1 of the Sevenoaks District Core Strategy as lowering the window would have a detrimental impact on the character of the Listed Building

In the absence of a clear and convincing justification to alter the Listed Building, the proposal does not meet the requirements of Policies HE9.1, HE9.2, HE9.4 and HE6.1 of Planning Policy Statement 5.

The proposal is not compliant with Policy EN23 of the Sevenoaks District Local Plan as in order to assess the development proposal fully, sufficient information needs to be submitted to enable the impact of the proposal to be judged to establish that harm will not arise.

Description of Proposal

- 1 The application proposes to lower the window cill of the existing front window of Bridges Charity Café (now referred to as Bridges) which faces onto Edenbridge High Street. The window will be enlarged by 0.84 metres.

Description of Site

- 2 Bridges is situated in the Town Centre of Edenbridge and is positioned at the northern end of the High Street within the Edenbridge Conservation Area.
- 3 In this area of the High Street there are a number of commercial businesses in the immediate vicinity as well as some residential properties to the rear of the site (Cranbrook Mews). Grade II Listed Bridges is a former non-conformist Ebenezer chapel built in 1808.

Agenda Item 5.2

Constraints

- 4 Conservation Area: Edenbridge;
- 5 Grade II Listed Building;
- 6 Area of Archaeological Potential;

Policies

Sevenoaks District Local Plan (SDLP)

- 7 Policies - EN1 and EN23

Sevenoaks District Council Core Strategy

- 8 Policy - SP1

Other

- 9 Planning Policy Statement 5 (PPS5): Planning for the Historic Environment

Planning History

- 10 SE/10/03101/ADV – Double sided hanging sign (granted 7 January 2011).
- 11 SE/10/03102/LBCALT – Double sided projecting sign (granted 10 January 2011).
- 12 SE/07/00068/ADV – Poster Cabinet to advertise community drop in centre.
- 13 SE/07/00425/LBCALT – Display of poster cabinet on front elevation of premises (granted 23 March 2007).
- 14 SE/01/01608/LBCALT – Demolition of existing single storey side/rear extensions to Bridges and demolition of rear outbuildings, and erection of new rear addition as amended by revised plans received with letter dated 15 November 2001 (granted 14 February 2002).
- 15 SE/02652/HIST – Details of door joinery pursuant to condition 2 of listed building consent SE/98/01964 (15 January 1999).
- 16 SE/01964/HIST – Re-hang existing double doors to open outwards and provide new pair of double glazed timber doors (granted 19 November 1998).
- 17 SE/9501972/HIST – Display of non illuminated flat sign, small flat sign and one cabinet for three posters (granted 5 December 1995).
- 18 SE/95/01124/HIST – Display of three non-illuminated advertisement sign (LBC). As per amended plans received with letter dated 3 September 1995 (granted on 31 October 1995).

Consultations

Edenbridge Town Council

19 Members supported the application.

Sevenoaks District Council (SDC) Conservation Officer

20 Made for Listed Building Application SE/11/03261/LBCALT

- 'Bridges' is a former non-conformist Ebenezer chapel built in 1808. No reasoning has been put forward in terms of the Listing or Conservation Area setting as to why this prominent and important feature of the front elevation should be altered. There just seems to be a desire not to be seen as old. PPS 5 contains a presumption against change for its own sake. HE 9.2 states 'loss affecting any designated heritage asset should require clear and convincing justification' and this is reinforced in Paragraphs 178-180. of the Practice Guide. The building has been in use as a cafe for some years, so there can be no argument that the alteration is needed to facilitate the use. Recommend refusal.
- *The SDC Conservation Officer has also stated verbally that even if further information was submitted, she could not support the alteration of the front window, as this is an original feature to the chapel and important to the character of the Listed Building.*

Georgian Group

21 Made for Listed Building Application SE/11/03261/LBCALT

- As The Group has not been provided with any details regarding the significance and history of the fabric it is proposed to alter The Group must object to the scheme. PPS 5 states that:
- 'An applicant will need to undertake an assessment of significance to an extent necessary to understand the potential impact (positive or negative)' (Para. 58). The applicant has provided no such assessment of the significance of the building or window it is proposed to alter. We would expect to receive at least the listing description.
- We recommend that application SE/11/03261/LBCALT be refused. Should further information regarding the significance of the building be provided will may be able to reassess this position.
- *In response to this the Planning Agent made the following comments on 19 January 2012:*
- Further research has been undertaken on the Chapel and although the original structure was constructed in 1808 (Georgian) the gable end to the High Street was not completed until late Victorian times.

Victorian Society

22 Made for Listed Building Application SE/11/03261/LBCALT

Agenda Item 5.2

- We object to the application in its present form given the surprising lack of information provided. From the documents supplied I can neither judge the significance of the building in question, nor the impact of the submitted proposals. There is no listing description, or even any mention of the date of the building. Given the applicant's almost total lack of assessment of the significance of the building, I urge the council to refuse consent.

Representations

23 Two letters of representation have been received.

- 'We wanted to express that we have no objections to the proposed work and can see that the changes planned are to be sympathetically added to the building. We are sure that the extension of this window will help add to the success of the café allowing more 'passers-by' to see within the building and then doubt they will be attracted to use the services provided to the local community.'
- 'As the neighbouring business the proposed larger window gets our full support. It will show passers by what a great facility Bridges is and keep business flowing in this part of the High Street.'

Head of Development Services Appraisal

Principal Issues

24 The main issues in this case are whether the proposal will have a detrimental impact on the important and original features of the Listed Building and whether sufficient information has been supplied with the application in order to assess the potential impact of the proposal. Another issue is the potential impact the proposal will have on the setting of the Edenbridge Conservation Area.

Listed Building and Conservation Area

25 Bridges is a Grade II Listed Building situated within Edenbridge Conservation Area and as such the presiding material planning consideration with this application regards the impact that the development would have upon the character of the Listed Building and the impact upon the setting of the Conservation Area. It is considered that the front elevation of Bridges is an important and prominent feature on Edenbridge High Street.

26 PPS5 defines Listed Buildings and Conservation Areas as designated heritage assets.

27 Policy HE9.1 of PPS5 states that there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be. This policy goes on to state that any loss affecting a designated heritage asset should require clear and convincing justification. Therefore, as outlined in the PPS5 Planning for the Historic Environment: Historic Environment Planning Practice Guide paragraph 85, any harmful impact on the significance of a designated asset needs to be justified on the grounds set out in Policy HE9.2 (substantial harm or total loss) or Policy HE9.4 (less than substantial harm).

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- 28 In addition, Policy HE6.1 of PPS5 states that as a minimum, the relevant historic environment record should be consulted and the heritage assets themselves should have been assessed using appropriate expertise where necessary given the application's impact.
- 29 In relation to local policy and Conservation Areas, the SDLP states that in assessing development proposals, the Local Planning Authority will require sufficient information to enable the impact to be judged to establish that harm will not arise and the submission of a detailed planning application will normally be required.
- 30 In terms of this application, the SDC Conservation Officer has been consulted on the accompanying Listed Building application and has recommended refusal, on the grounds that no reasoning has been put forward in terms of the Listed Building or Conservation Area setting as to why this prominent and important feature of the front elevation should be altered. The SDC Conservation Officer has also stated that the front window is an original feature to the chapel and important to the character of the Listed Building and altering it would not be supported. It is therefore considered that the proposal is not in accordance with Policy SP1 of the Sevenoaks District Core Strategy as lowering the window would have a detrimental impact on the Listed Building
- 31 In addition it is considered that the proposal is not compliant with Policy EN23 of the SDLP as in order to assess the development proposal fully, the Local Planning Authority requires sufficient information to be submitted to enable the impact of the proposal to be judged to establish that harm will not arise. Nevertheless as it is considered that lowering the window would have a detrimental impact on the character of the Listed Building, it is also considered that the alteration would have a harmful impact on the setting of the Conservation Area.
- 32 It is considered that the proposal will not have a detrimental impact on residential amenity and is therefore in accordance with Policy EN1 of the SDLP.

Conclusion

- 33 The SDC Conservation Officer has stated that the front window is an original feature to the chapel and important to the character of the Listed Building. It is considered therefore that altering it would have a detrimental impact on the character of the Listed Building.
- 34 In addition, in the absence of a clear and convincing justification to alter the Listed Building, the proposal does not meet the requirements of Policies HE9.1, HE9.2, HE9.4 and HE6.1 of PPS5. In addition it is considered that the proposal will affect the setting of the Edenbridge Conservation Area and is therefore not compliant with Policy EN23 of the SDLP.
- 35 As the accompanying application for Listed Building Consent received two recommendations for refusal from statutory organisations (Georgian Society and Victorian Society) if Members are minded to grant consent, then the listed building application would need to be referred to the Secretary of State.
- 36 With regards to the above reasons, the recommendation is to refuse planning consent.

Agenda Item 5.2

Background Papers

Site Plan

Contact Officer(s): Neal Thompson Extension: 7463

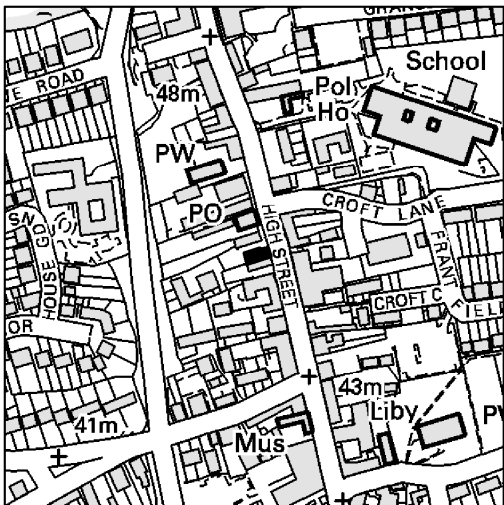
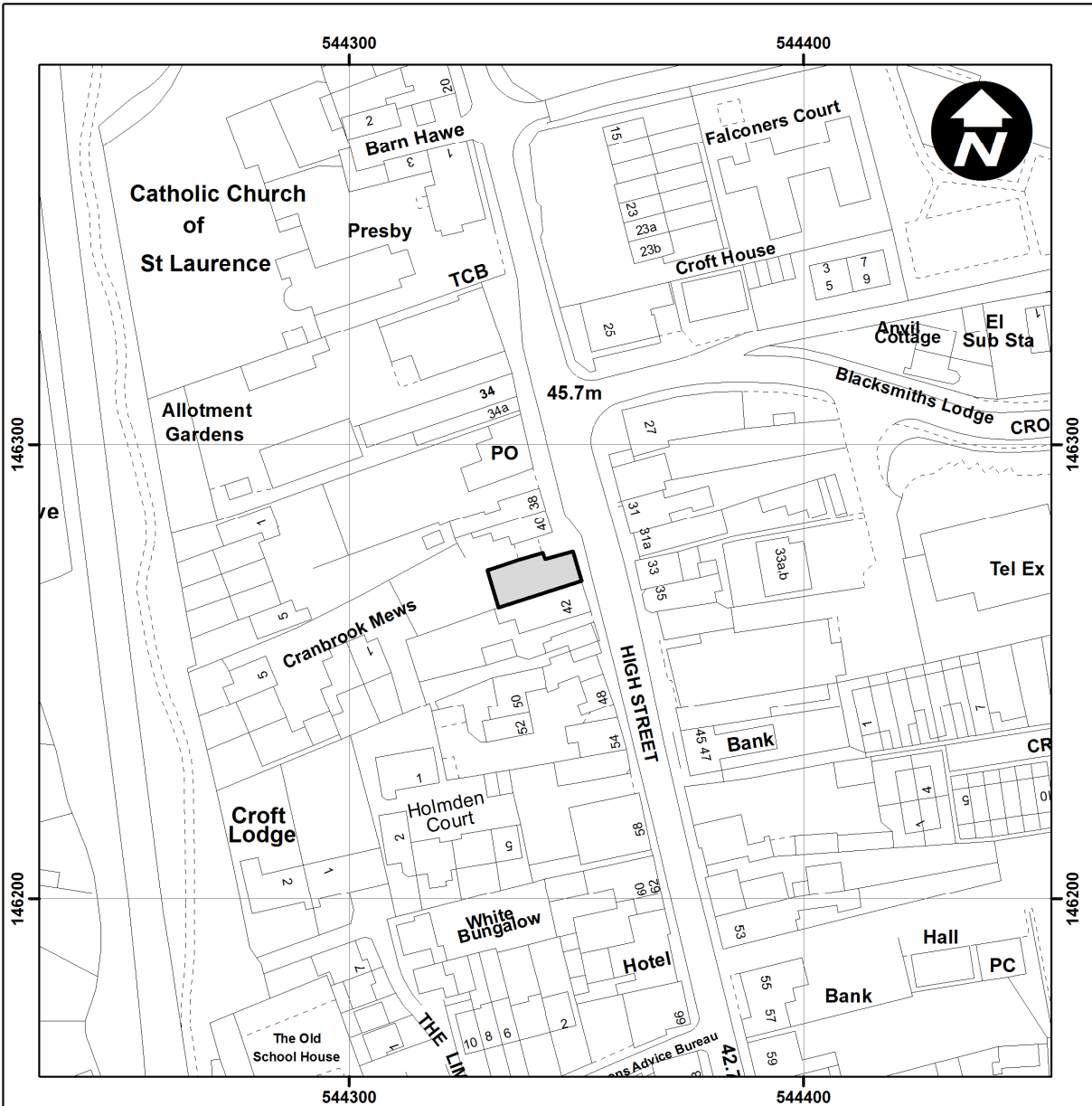
Kristen Paterson
Community and Planning Services Director


Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LW75NGBKOCR00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LW75NGBKOCR00>



| | |
|--|------------|
| <h1>Site Plan</h1> | |
| Scale | 1:1,250 |
| Date | 29.02.2012 |
|  Sevenoaks DISTRICT COUNCIL | |
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5.03 – SE/11/03261/LBCALT Date expired 2 March 2012

PROPOSAL: Enlargement of existing window to front of building.

LOCATION: Bridges Charity Cafe, Bridges, High Street Edenbridge
TN8 5AJ

WARD(S): Edenbridge South & West

ITEM FOR DECISION

This application has been referred to the Development Control Committee as the Officer's recommendation is at variance to the view of the Town Council and at the request of Councillors Davison and Orridge who wish to challenge the Conservation Officer's response and to highlight that the minor enlargement of the window is essential in increasing footfall to the building.

RECOMMENDATION: That planning permission be REFUSED for the following reasons:-

The proposal is not in accordance with Policy SP1 of the Sevenoaks District Core Strategy as lowering the window would have a detrimental impact on the character of the Listed Building.

In the absence of a clear and convincing justification to alter the Listed Building, the proposal does not meet the requirements of Policies HE9.1, HE9.2, HE9.4 and HE6.1 of Planning Policy Statement 5.

Description of Proposal

- 1 The application proposes to lower the window cill of the existing front window of Bridges Charity Café (now referred to as Bridges) which faces onto Edenbridge High Street. The window will be enlarged by 0.84 metres.

Description of Site

- 2 Bridges is situated in the Town Centre of Edenbridge and is positioned at the northern end of the High Street within the Edenbridge Conservation Area.
- 3 In this area of the High Street there are a number of commercial businesses in the immediate vicinity as well as some residential properties to the rear of the site (Cranbrook Mews). Grade II listed Bridges is a former non-conformist Ebenezer chapel built in 1808.

Constraints

- 4 Conservation Area: Edenbridge;
- 5 Grade II Listed Building;
- 6 Area of Archaeological Potential;

Agenda Item 5.3

Policies

Sevenoaks District Core Strategy

7 Policy – SP1

Other

8 Planning Policy Statement 5 (PPS5): Planning for the Historic Environment

Planning History

- 9 SE/10/03101/ADV – Double sided hanging sign (granted 7 January 2011).
- 10 SE/10/03102/LBCALT – Double sided projecting sign (granted 10 January 2011).
- 11 SE/07/00068/ADV – Poster Cabinet to advertise community drop in centre.
- 12 SE/07/00425/LBCALT – Display of poster cabinet on front elevation of premises (granted 23 March 2007).
- 13 SE/01/01608/LBCALT – Demolition of existing single storey side/rear extensions to Bridges and demolition of rear outbuildings, and erection of new rear addition as amended by revised plans received with letter dated 15 November 2001 (granted 14 February 2002).
- 14 SE/02652/HIST – Details of door joinery pursuant to condition 2 of listed building consent SE/98/01964 (15 January 1999).
- 15 SE/01964/HIST – Re-hang existing double doors to open outwards and provide new pair of double glazed timber doors (granted 19 November 1998).
- 16 SE/95/01972/HIST – Display of non illuminated flat sign, small flat sign and one cabinet for three posters (granted 5 December 1995).
- 17 SE/95/01124/HIST – Display of three non-illuminated advertisement sign (LBC). As per amended plans received with letter dated 3 September 1995 (granted on 31 October 1995).

Consultations

Edenbridge Town Council

18 Members supported this application which will enhance the look of the building.

Sevenoaks District Council (SDC) Conservation Officer

19 'Bridges' is a former non-conformist Ebenezer chapel built in 1808. No reasoning has been put forward in terms of the Listing or Conservation Area setting as to why this prominent and important feature of the front elevation should be altered. There just seems to be a desire not to be seen as old. PPS 5 contains a presumption against change for its own sake. HE 9.2 states 'loss affecting any designated heritage asset should require clear and convincing justification' and this is reinforced in Paragraphs 178-180. of the Practice Guide. The building has

been in use as a cafe for some years, so there can be no argument that the alteration is needed to facilitate the use. Recommend refusal.

- 20 *The SDC Conservation Officer has also stated verbally that even if further information was submitted, she could not support the alteration of the front window, as this is an original feature to the chapel and important to the character of the Listed Building.*

Ancient Monument Society

- 21 No response received.

The Council For British Archaeology

- 22 No response received.

Georgian Group

- 23 'As The Group has not been provided with any details regarding the significance and history of the fabric it is proposed to alter The Group must object to the scheme. PPS 5 states that:
- 24 'An applicant will need to undertake an assessment of significance to an extent necessary to understand the potential impact (positive or negative)' (Para. 58). The applicant has provided no such assessment of the significance of the building or window it is proposed to alter. We would expect to receive at least the listing description.
- 25 We recommend that application SE/11/03261/LBCALT be refused. Should further information regarding the significance of the building be provided will may be able to reassess this position.'
- 26 *In response to this the Planning Agent made the following comments on 19 January 2012:*
- 27 Further research has been undertaken on the Chapel and although the original structure was constructed in 1808 (Georgian) the gable end to the High Street was not completed until late Victorian times.

Society For Preservation Of Ancient Buildings

- 28 No response received.

Twentieth Century Society

- 29 No response received.

Victorian Society

- 30 'We object to the application in its present form given the surprising lack of information provided. From the documents supplied I can neither judge the significance of the building in question, nor the impact of the submitted proposals. There is no listing description, or even any mention of the date of the building. Given the applicant's almost total lack of assessment of the significance of the building, I urge the council to refuse consent.'

Agenda Item 5.3

Representations

- 31 No representations have been received for the Listed Building consent. Two letters of support have been received under the accompanying planning application (reference SE/11/03260/FUL).

Head of Development Services Appraisal

Principal Issues

- 32 The main issues in this case are whether the proposal will have a detrimental impact on the important and original features of the Listed Building and whether sufficient information has been supplied with the application in order to assess the potential impact of the proposal.

Listed Building

- 33 Bridges is a Grade II Listed Building and as such the presiding material planning consideration with this application regards the impact that the development would have upon the character of the Listed Building. It is considered the front elevation is a prominent and important feature on Edenbridge High Street.
- 34 Policy HE9.1 of PPS5 states that there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be. This policy goes on to state that any loss affecting a designated heritage asset should require clear and convincing justification. Therefore, as outlined in the PPS5 Planning for the Historic Environment: Historic Environment Planning Practice Guide paragraph 85, any harmful impact on the significance of a designated asset needs to be justified on the grounds set out in Policy HE9.2 (substantial harm or total loss) or Policy HE9.4 (less than substantial harm).
- 35 In addition, Policy HE6.1 of PPS5 states that as a minimum, the relevant historic environment record should be consulted and the heritage assets themselves should have been assessed using appropriate expertise where necessary given the application's impact.
- 36 In terms of this application, the SDC Conservation Officer has assessed the proposals and has recommended refusal, on the grounds that no reasoning has been put forward in terms of the Listed Building or Conservation Area setting as to why this prominent and important feature of the front elevation should be altered. Therefore in the absence of a clear and convincing justification the proposal does not meet the requirements of Policies HE9.1, HE9.2, HE9.4 and HE6.1 of PPS5.
- 37 In addition, the SDC Conservation Officer has also stated that the front window is an original feature to the chapel and important to the character of the Listed Building and any alteration to it would not be supported. It is therefore considered that the proposal is not in accordance with Policy SP1 of the Sevenoaks District Core Strategy as lowering the window would have a detrimental impact on the Listed Building.
- 38 Paragraphs 22-26 and paragraph 29 highlight that two statutory organisations (Georgian Society and Victorian Society) have recommended refusal on the grounds that limited information has been submitted with the application and

therefore they can neither judge the significance of the building in question or the impact of the alteration to the front elevation window. Therefore if Members are minded to grant consent, then the application would need to be referred to the Secretary of State.

Conclusion

- 39 The SDC Conservation Officer has stated that the front window is an original feature to the chapel and important to the character of the Listed Building. It is considered therefore that altering it would have a detrimental impact on the character of the Listed Building and the proposal is not in accordance with Policy SP1 of the Sevenoaks District Core Strategy.
- 40 In addition, as the applicant has failed to provide a clear and convincing justification to substantiate the loss affecting the important and prominent feature of the designated heritage asset, the proposal is not in accordance with PPS5 and therefore the Officer's recommendation is to refuse Listed Building Consent.

Background Papers

Site Plan

Contact Officer(s): Neal Thompson Extension: 7463

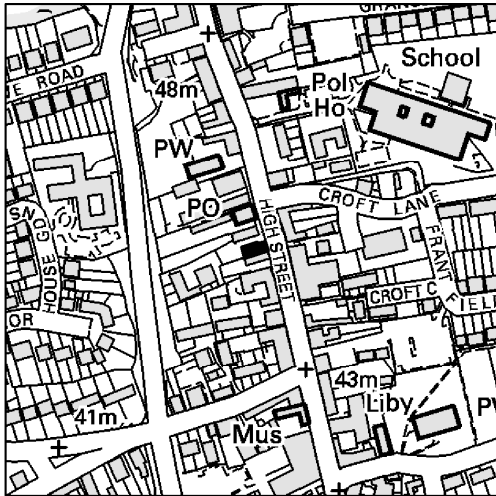
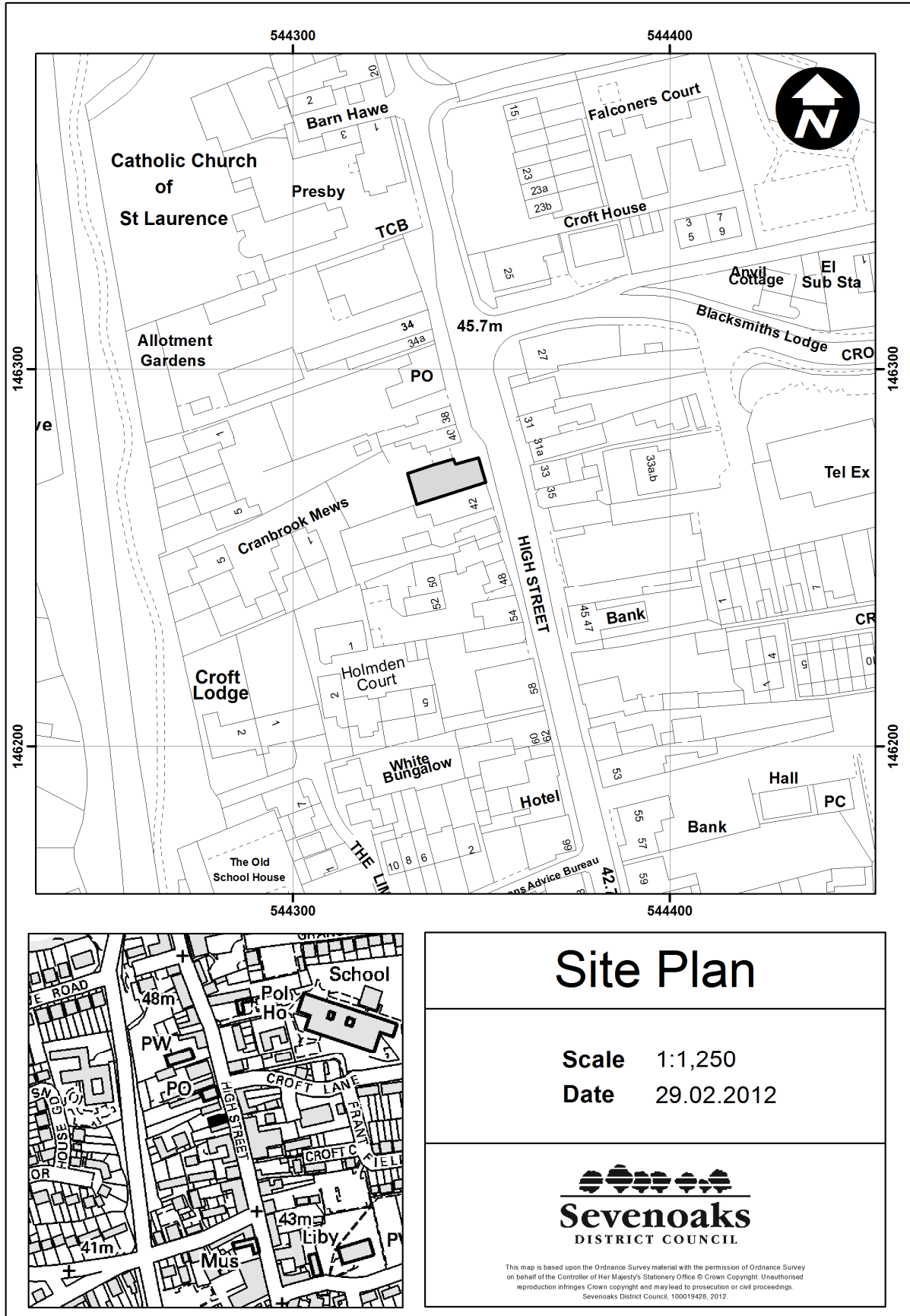
Kristen Paterson
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LW76NWBKOCR00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LW76NWBKOCR00>



Site Plan

Scale 1:1,250
Date 29.02.2012



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5.04 – SE/11/01735/FUL Date expired 25 January 2012

PROPOSAL: Conversion of existing public house into one 4 bedroom and one 3 bedroom dwelling. The conversion of the detached summer house into a two bedroom dwelling, construction of two new dwellings to incorporate one 4 bedroom, and one 3 bedroom units, together with associated parking facilities.

LOCATION: Kentish Yeoman, The Kentish Yeoman, 10-12 High Street Seal TN15 0AJ

WARD(S): Seal & Weald

ITEM FOR DECISION

This application has been referred to the Development Control Committee since the Officer's recommendation is at variance to the view of the Parish Council and at the request of Councillor Hogarth who has concerns about the loss of the pub as a service and facility that serves the local community.

RECOMMENDATION A: That subject to the receipt of a signed and valid S106 Obligation to secure the off-site affordable housing contribution, that authority be delegated to the Community and Planning Services Director to GRANT planning permission with 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.

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 Council Core Strategy.

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

2) 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 development hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To maintain the integrity, character and settings of the Listed Buildings and to preserve the character and appearance of the Conservation Area as supported by Planning Policy Statement 5: Planning for the Historic Environment.

3) No development shall be carried out on the land until full details of 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);-a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); and-a programme of implementation.

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

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- 4) Soft landscape works shall be carried out before first occupation of the dwellings. The landscape works shall be carried out in accordance with the approved details.
- To preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.
- 5) 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.
- 6) The recommendations outlined within the Arboricultural Report dated 30th June 2011 shall be adhered to at all times during the period of construction.
- To ensure the long term retention of mature trees on the site as supported by Planning Policy Statement 9: Biodiversity and Geological Conservation.
- 7) No development shall be carried out on the land until full details of the surfacing within the root protection areas of the existing trees on the site and adjacent to it, and the construction of these areas, have been submitted to and approved in writing by the Council.
- To ensure the long term retention of mature trees on the site as supported by Planning Policy Statement 9: Biodiversity and Geological Conservation.
- 8) No development shall take place until details of the layout of areas for the parking of cars have been submitted to and approved in writing by the Council. The parking areas approved shall be provided and kept available for parking in connection with the use hereby permitted 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.
- 9) The development hereby permitted shall not be used or occupied until details of pedestrian visibility splays have been submitted to and approved in writing by the Council. The visibility splays shall be provided before the development is first used or occupied and thereafter shall be maintained free from obstruction at all times at a height not exceeding 0.6m above the level of the adjacent carriageway.
- In the interest of pedestrian safety as supported by policy EN1 of the Sevenoaks District Local Plan.
- 10) No development shall be carried out on the land until a Construction Management Plan has been submitted and approved in writing by the Council. The plan should include the provision of on site parking and loading, and wheelwashing facilities. The development shall be carried out in accordance with the approved plan.
- In the interests of highway safety and visual amenity as supported by policy EN1 of the Sevenoaks District Local Plan.
- 11) Prior to the commencement of the development hereby approved, a scheme of acoustic insulation and mechanical ventilation shall be submitted to, and approved in writing by the Local Planning Authority. The scheme should provide the residential units with adequate protection against noise and air pollution, the later to include

demonstrating that any alternative source of 'clean air' has acceptable or lower levels of pollution. The development shall be carried out in complete accordance with the approved details and shall thereafter be maintained as such.

To ensure a suitable living environment for future occupiers as supported by Planning Policy Guidance 24: Planning and Noise.

12) No development shall be carried out on the land until the findings of the site investigations recommended within paragraphs 10.5 and 10.6 of the Phase 1 Geo Environmental Desk Study dated June 2011 have been submitted to and approved in writing by the Council.

To ensure a suitable living environment for future occupiers as supported by Planning Policy Statement 23: Planning and Pollution Control.

13) The existing detached outbuilding as shown on the approved plan 3656-PD-02 Revision C shall be demolished and all materials resulting therefrom shall be removed from the land before development commences, or within such period as shall have been agreed in writing by the Council.

To prevent over development of the site as supported by Planning Policy Guidance 2: Green Belts.

14) No boundary walls, fences or other means of enclosure shall be erected on the site boundaries of the approved dwellings despite the provisions of any Development Order.

To maintain the integrity, character and setting of the Listed Buildings as supported by Planning Policy Statement 5: Planning for the Historic Environment.

15) No extension or external alterations shall be carried out to the dwellings hereby approved, despite the provisions of any Development Order.

To prevent inappropriate development in the Green Belt as supported by Planning Policy Guidance 2: Green Belts.

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

To prevent inappropriate development in the Green Belt as supported by Planning Policy Guidance 2: Green Belts.

17) The development of the pair of semi-detached dwellings 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. Achievement of Code level 3 must include at least a 10% reduction in the total carbon emissions through the on-site

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installation and implementation of decentralised, renewable or low-carbon energy sources.

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 and policy SP2 of the Core Strategy.

18) The development of the main pub building and summer house shall achieve a BREEAM Eco Homes 'refurbishment' minimum rating of "Very Good". Evidence shall be provided to the Local Authority -

i) Prior to the commencement of development, of how it is intended the development will achieve an Eco Homes Design Certificate minimum rating of "Very Good" 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 an Eco Homes post construction certificate minimum rating of "Very Good" or alternative as agreed in writing by the Local Planning Authority. Achievement of an Eco Homes rating of "Very Good" must include at least a 10% reduction in the total carbon emissions through the on-site installation and implementation of decentralised, renewable or low-carbon energy sources.

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 and policy SP2 of the Core Strategy.

19) The development hereby permitted shall be carried out in accordance with the following approved plans: 3656-PD-02 Revision C, 05 Revision A, 06 Revision B, 07 Revision C, 08 Revision A and 3656-04 Revision A.

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:

South East Plan 2009 - Policies CC1, CC2, CC4, CC6, H4, H5, T4 and BE6

Sevenoaks District Local Plan - Policies EN1, EN6 and VP1

Sevenoaks District Core Strategy 2011 - Policies LO2, LO8, 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.

The development would respect the fabric, character and setting of the Listed Building.

The development would preserve the special character and appearance of the Conservation Area.

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:

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 Council Core Strategy.

Description of Proposal

- 1 The application seeks the approval of the conversion of the existing public house into two dwellings, the conversion of the detached summer house into a separate dwelling and the construction of two new dwellings adjacent to the pub building.
- 2 The proposal to convert the pub building would result in minimal external alterations to the building. An existing porch to the north-east corner of the building is proposed to be removed and replaced, a small ground floor roof overhang is proposed to be removed from the front elevation and a single storey rear projection is proposed to be replaced.
- 3 The proposal to convert the existing summer house building would again result in some external alterations including additions to the northern and southern ends of the building, as well as the insertion of several velux roof lights into the roof of the building and alterations to the existing doors and windows.
- 4 Finally, the new pair of semi-detached dwellings would stand in the existing gap between the pub building and 14 High Street to the east of the application site. The dwellings would be two storey in design, with accommodation provided within the roof of the buildings. A link would be created at first floor level between the two properties, below which access to the parking area to the rear would be provided. This link would add additional accommodation for one of the proposed dwellings. The design of the building would reflect detailing found within the locality including tile hanging, dormer windows and fascia board detailing.
- 5 Other works proposed include alterations to the large area of hard standing to the rear of the site that is proposed to be reduced in size and altered in shape to wrap around the rear of the summer house. It is also proposed to remove a detached outbuilding and small tress to the rear of the site.

Description of Site

- 6 The application site comprises a large detached pub building and its associate curtilage, which possesses a detached summer house building to the rear, a large rear garden area and a large area of hard standing along the eastern boundary of the plot. The side and rear boundaries of the site are bounded by some mature trees but views into the site from neighbouring properties, including the Seal Laundry site to the rear are available. The plot is fairly level, with the levels of the High Street dropping slightly from east to west.

Constraints

- 7 The site lies within the Seal Conservation Area, the Kent Downs Area of Outstanding Natural Beauty (AONB), and partly within the Metropolitan Green Belt and partly within the built confines of Seal. The site also possesses a number of trees covered by a Tree Preservation Order (TPO). Finally, the main pub building is Grade II Listed and the small Summer House building to the rear is curtilage Listed.

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Policies

South East Plan

8 Policies– CC1, CC2, CC4, CC6, H4, H5, T4 and BE6

Sevenoaks District Local Plan

9 Policies– EN1, EN6 and VP1

Sevenoaks District Core Strategy

10 Policies– L02, L08, SP1, SP2, SP3, SP5 and SP7

Other

11 Planning Policy Statement 1: Delivering Sustainable Development (PPS1)

Planning Policy Guidance 2: Green Belts (PPG2)

Planning Policy Statement 3: Housing (PPS3)

Planning Policy Statement 5: Planning for the Historic Environment (PPS5)

Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS9)

Planning Policy Guidance 13: Transport (PPG13)

Planning Policy Statement 23: Planning and Pollution Control (PPS23)

Planning Policy Guidance 24: Planning and Noise (PPG24)

Seal Conservation Area Appraisal

Affordable Housing Supplementary Planning Document (SPD)

Planning History

12 SE/11/03105 Listed Building Consent for the conversion of the existing public house into one 4 bedroom and one 3 bedroom dwelling, plus the conversion of the detached summer house into a two bedroom dwelling. Pending consideration.

Consultations

Seal Parish Council

13 Comments received on 20.12.11 - 'Objection

- The Kentish Yeoman public house is situated centrally in Seal High Street and has traditionally been of importance to the vibrancy of the village and its associated community.
- Policy L07 of the Local Development Framework seeks to resist the loss of community services and facilities, unless under exceptional circumstances the financial viability of that service cannot be sustained.

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- The applications documents provide no clear evidence on this point, and any business plan or financial projections to substantiate justification of the loss of the community service.
- The applicant has stated that he has been frustrated in his proposals to develop the facility by planning restrictions, although the Parish Council is unaware of, or has not been consulted on any planning applications to date. The Council would have considered any such application in a sympathetic way, as it is aware of the need to support local businesses.
- The Parish Council is conscious of local peoples' wishes to protect core services in the community and would view any application with sensitivity.
- There is evidence of the necessity for public houses in Seal as the remaining unit open is thriving, and with limited parking facilities is unable to cope with the current demand with inherent problems for local people.
- According to the local shops in the High Street, the closure of the Kentish Yeoman has already had a detrimental effect on their businesses.
- The Parish Council has carried out in 2010 a Parish wide questionnaire. Question 21 asked, "Do you think planning rules should be used to protect local pubs and shops from closure and conversion to housing if at all possible?" The response from Seal Ward of the Parish Council to this question was 84% in favour of the statement.
- Turning to the application details, it is the view of the Parish Council that the parking facilities shown in the application drawings are unacceptable, and would exacerbate the severe parking problems that pre-exist in the village of Seal.
- Furthermore, Policy L07 of the Local Development Framework states, "Exceptions will be made where equivalent replacement facilities are provided equally accessible to the population served". The change of use to this site as proposed does not satisfy that criteria.
- The Parish Council is also concerned that the proposal constitutes over-development of the site.'

Conservation Officer

14 Comments received on 03.01.12

- 'These proposals follow detailed discussions. The listed building lends itself very well to a vertical subdivision and little is necessary in the way of alterations to achieve this. The removal of out of scale front porch would be an improvement to the appearance of the building. The additions proposed are modest, in scale and reasonably necessary to facilitate the residential uses. The agent has confirmed that no alterations are proposed to the cellar and that all the existing windows will be retained and refurbished. It is on this basis that I recommend consent to the conversion. This should be subject to samples/details of materials, no walls or fencing within the site except to the frontage as indicated. The conversion of the curtilage listed summer house is also acceptable, with the alterations shown and subject to

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the necessary details. The proposed removal of the unattractive modern store in the rear garden is welcomed.

- With regard to the proposed new houses, these would be in scale and character and enhance the CA. It is commendable that the architects have taken inspiration from the design of the long lost cottages originally on this site.'

Kent Highways Engineer

15 'I refer to the above application as amended and with Site Plan dated 16/8/2011.

- The proposed parking provision is at the limit of what is acceptable. Tandem parking as shown on the Site Plan is difficult to use if both cars are used regularly, and it is likely that residents will park between the trees at the south end of the site instead. If this happens, there may be no parking space available on site for visitors to use.
- I would recommend a minor change to the drawings to widen parking space "Number 1 Unit 4" to 2.7 metres, because it is adjacent a fence, and the additional width will allow easier access to the cars parked there.
- I do not intend to object to this application, but would request that the following conditions are applied to any permission if granted:
 1. Pedestrian visibility splays of at least 1 metre x 1 metre to be provided on either side of the driveway where it meets the footway of the High Street, and no object higher than 0.6 metres to be permitted in the visibility splays at any time. (Reason: pedestrian safety);
 2. Standard condition for means to prevent deposit of mud, grit or other material on the highway during construction. (Reason: Highway safety);
 3. During construction, no vehicles to reverse onto or off the site except under supervision of a banksman (Reason: Highway Safety).'

Environmental Health Officer

16 Comments received on 14.07.11

- 'The site is subject to high levels of road traffic noise from the A25. The applicants have used an acoustic consultant to undertake a noise assessment based on measured noise levels. PPG 24 gives guidance on noise for residential developments based on Noise Exposure Categories (NECs) defined in the guidance. Of the 4 NECs (A,B,C,D) PPG 24 advises that planning permission should normally be refused if a development falls into NEC C or NEC D.
- NEC
 - A Noise need not be considered as a determining factor in granting planning permission, although the noise level at the high end of the category should not be regarded as a desirable level.

B Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise.

C Planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise.

D Planning permission should normally be refused

- Noise Exposure Category

Road Traffic

| | A | B | C | D |
|---------------|-----|---------|---------|-----|
| 07.00 - 23.00 | <55 | 55 - 63 | 63 - 72 | >72 |
| 23.00 - 07.00 | <45 | 45 - 57 | 57 - 66 | >66 |

- The noise assessment reports a 'daytime level of 70 and a night-time level of 65, Both fall in the upper part of NEC C band and are only 2 dB off NEC D.
- I would therefore recommend refusal of the application based on PPG24 advice.
- If however you are minded to approve the development a scheme of noise protection would be required to include mechanical acoustically protected ventilation so occupants do not have to compromise the acoustic protection by opening windows for ventilation.
- The traffic which causes the noise problem is also responsible for high levels of air pollution along the A25 including through Seal High Street. As a result an Air Quality Management Area (AQMA) has been designated along this road in Seal and this site falls within it. The occupants may therefore be exposed to levels of air pollution that exceed national objectives set in air quality regulations and which could be harmful to health. PPS23 advises that in these circumstances air quality may be a material planning consideration. The applicant has not addressed this issue and has not demonstrated that the occupants of the dwellings will be suitably protected against traffic pollution. I do not therefore recommend approval of the application until the applicant has satisfied us on this issue.

17 Further comments received on 30.01.12

- 'This does not overcome the PPG 24 guidance which recommends refusal on noise grounds. Nor does it overcome my concern about introducing new residential occupation in an area of poor air quality - air pollution can adversely affect health.
- If however you are minded to approve the application then acoustic protection of at least that recommended in the report should be provided.

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- Mechanical ventilation to allow front windows to be kept shut to keep out noise is needed, and to provide cleaner air sourced away from the air pollution along the road. The information provided by the applicant is inadequate. Where are the air intake/s, where does the air discharge into rooms, what air changes are achieved, what noise levels are emitted from the plant, ducts and air discharge - so that the internal environment is acceptable with the plant running.
- I do not accept that the applicant has demonstrated that the issues of ventilation has been satisfactorily dealt with.
- If however you are minded to approve this application then these issues could be made a condition.
- Please note the contaminated land assessment recommends additional investigations.'

Tree Officer

18 Comments received on 21.12.11

- 'In general this proposal appears acceptable. The arb report appears thorough and the details within it should be adhered to throughout any consented to works. As specified within 10.3.6 of the report. I suggest a condition for the applicant to provide details of hard landscaping within RPA's inclusive of the proposed parking bays.'

Thames Water

19 Comments received on 29.07.11

- No objection received – see file note for full comments.

Representations

20 Four letters of representation have been received, three of which are from the same interested party, highlighting concerns regarding:

- The viability of the pub use;
- Parking;
- Impact on the Conservation Area;
- Traffic problems; and
- Air quality.

Head of Development Services Appraisal

21 The main issues in this case are the principle of the development, whether the site is previously developed land or a Greenfield site, the loss of the pub use, the potential impact on the fabric, character and setting of the Listed Buildings, the potential impact on the character and appearance of the Conservation Area and street scene, the potential impact on neighbouring amenity, the potential impact

of noise and air pollution, the potential impact on the AONB, parking provision, the potential impact on highways safety, the provision for affordable housing and the potential impact on the Green Belt. Other issues include potential impact on trees.

Principal Issues

Principle of the development

- 22 PPS1 and PPS3 considers that in determining planning applications for new housing the LPA should have regard to:
- Achieving high quality housing
 - Ensuring developments provide a good mix of housing reflecting the accommodation requirements of specific groups, in particular families and older people.
 - The suitability of a site including its environmental sustainability
 - Using land effectively and efficiently
 - Ensuring the development is in line with planning housing objectives, reflecting the need and demand for housing in the area and does not undermine wider policy objectives.
- 23 Policy SP7 of the Core Strategy states that all new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. In conjunction with the delivery of high quality design and in order to make good use of available land and encourage more sustainable patterns of development and services, housing densities of 30 dwellings per hectare are encouraged within the built confines of Seal.
- 24 Given the policy presumption in favour of the use of land within urban areas, which have good access to a range of services (in this instance Seal village centre and Sevenoaks town centre), there is no objection to the principle of re-development of the site for a more efficient housing use.
- 25 Taking into consideration the existing residential unit over the pub, the existing site provides a density of 4.17 dwellings per hectare. The proposed scheme would result in a density of 20.83 dwellings per hectare. However, given the character of the area, which is characterised by a mixed density of dwellings, the proposed density is deemed acceptable. Hence there is no objection to the principle of re-development of the site for a more efficient housing use.

Previously developed land or Greenfield site

- 26 PPS3 states that in identifying suitable locations for housing development 'priority for development should be previously developed land'. However, no explicit exclusion of development on Greenfield sites is contained within the document.
- 27 Annex B of PPS3 provides a definition for previously developed land stating that it is land 'which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.' This

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definition excludes 'Land in built up areas such as private residential gardens, parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been previously developed.'

- 28 The site currently possesses a large detached building, a smaller detached outbuilding to the rear and a large area of garden and hard standing to the side and rear. The proposed new dwellings would be sited adjacent to the main building and neighbouring properties where an area of hard standing is currently found. This area lies within the curtilage of the application site and forms part of the associated fixed surface infrastructure of the plot. I would therefore conclude that this part of the site would fall within the definition of previously developed land.

Loss of the pub

- 29 Policy L07 of the Core Strategy states that the loss from rural settlements of services and facilities that serve the local community will be resisted where possible. Exceptions will be made where equivalent replacement facilities are provided equally accessible to the population served, or where it is demonstrated, through evidence submitted to the Council, that the continued operation of the service or facility is no longer financially viable.
- 30 It is acknowledged that until recently the pub has been an important facility within the village providing an important service to the local community. However, the applicant has provided clear evidence that the pub is no longer a viable business.
- 31 The applicant states that the pub has closed four times in the last ten years, three of these closures occurring within the last five years. In addition to this, the applicant has made a significant investment into the business after taking it over. With income falling well below that required to break even it was no longer possible to continue. Finally, the applicant cites the cost of drinking at home against the cost of visiting a pub and the fact that the village continues to retain a pub.
- 32 In my opinion this justification submitted is sufficient to demonstrate that the continued operation of the pub is no longer financially viable. It is an unfortunate situation to lose an important community facility such as this one. However, the village retains a pub which will hopefully continue to provide the community if it demands this type of facility.

Impact on the Listed Buildings

- 33 PPS5 states that in considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations. This understanding should be used by the local planning authority to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposals.
- 34 As confirmed by the comments provided by the Conservation Officer, the main pub building lends itself very well to a vertical subdivision and little is necessary in the way of alterations to achieve this. Support is also given to the removal of the existing front porch, which would be an improvement to the appearance of the

building, and the additions proposed are modest, in scale and reasonably necessary to facilitate the residential uses.

- 35 In addition, the proposed new dwellings, to be constructed adjacent to the main pub building on the High Street, would not harm the setting of the Listed Building since the new building would be detached and the design of it would be in scale and character with the pub building.
- 36 Finally, the conversion of the curtilage Listed summer house is also deemed to be acceptable by the Conservation Officer, as is the removal of the unattractive modern store in the rear garden.
- 37 On this basis the Conservation Officer has recommended approval to the proposed development, subject to several conditions. It is therefore considered that the proposed scheme would preserve the fabric, character and setting of the Listed Buildings.

Impact on the character and appearance of the Conservation Area and street scene –

- 38 Policy EN1 states that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. This policy also states that the design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.
- 39 In addition to this, PPS1 also emphasises the need to achieve good design standards for new development and a high quality of urban design in the wider context. This document recognises that design issues are matters of proper public interest and the relationships between buildings in their wider setting is often as important or more important than individual designs.
- 40 PPS3 also states that good design is fundamental to the development of high quality new housing, which contributes to the creation of sustainable, mixed communities. In addition to this it also states that good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.
- 41 The character of the High Street is defined by the rows of buildings that are sited adjacent to the frontage of each individual plot. This has created a tightly-packed frontage to the street, with some spacing between buildings offering views beyond. The main architectural and historic interest of the High Street lies in its rich mix of contrasting styles and periods together with the panoramic way in which the street rises from west to east.
- 42 External alterations to the pub building are proposed to be minimal with the most obvious change being the removal of the large front porch, with a smaller side porch proposed to the eastern end of the building. A second external change to the frontage of the building would be the removal of a section of roof overhang attached to the existing ground floor bay window.
- 43 The most significant change to the frontage of the site would be the construction of the pair of semi-detached dwellings proposed to be erected between the pub building and the adjacent property to the east, 14 High Street. The design of

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these houses reflects the appearance of the of the cottages that once stood on the site. The design also picks up on detailing found within the locality.

- 44 The height, bulk and scale of the proposed houses is wholly in keeping with the prevailing character of the area given the height, bulk and scale of surrounding buildings. In addition, the proposed dwellings would respect the lie of the land. The levels of the street drop slightly from east to west. This change in levels is exaggerated slightly by the fact that No.14 stands slightly higher than the pub building. However, the two new dwellings would step down in height to reflect these level changes and would create a visual link between the pub building and No.14.
- 45 I am also of the opinion that the site, in conjunction with the conversion of the main pub building, lends itself to development on this part of the plot. A large gap currently exists between the pub building and No.14, which is an unusual feature in the High Street. Given the overall size of the site the pair of semi-detached houses would sit comfortably on the plot in this location and the development would not result in over development.
- 46 Finally, it is the view of the Conservation Officer that the proposed new houses would be in scale and character and enhance the Conservation Area.
- 47 Overall, it is therefore considered that the proposal would preserve the special character and appearance of the Conservation Area and preserve the character and appearance of the street scene.

Impact on neighbouring amenity

- 48 Policies EN1 and H6B of the Sevenoaks District Local Plan require that any proposed development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants.
- 49 Properties adjacent to the site are mainly commercial or residential in their use. Minimal alterations are proposed to the main pub and summer house buildings and so the conversion of these building would have minimal impact upon the amenities of the occupiers of neighbouring properties.
- 50 The proposed dwellings would be sited adjacent to 14 High Street, which has a similar two storey depth to the proposed houses but projects further into its plot at ground floor level. The proposed dwelling would therefore create no significant impact on the amenities of the occupiers of this neighbouring property.
- 51 Further to this no significant impact would be exerted on future occupants of the proposed units. Any overlooking between properties would be mutual and generally expected in an urban environment such as this. The proposed velux roof lights proposed to be inserted along the western flank of the converted summer house would each be over 1.7m high internally and so would not provide any outlook over the rear of Unit 2.
- 52 Overall, it is therefore considered that there would be no significant loss of amenities experienced by the occupiers of neighbouring properties to the site or by future occupants of the development.

Impact of noise and air pollution

- 53 PPG24 sets out noise levels that are acceptable in relation to new dwellings, those levels that require mitigation to make them acceptable and those that are unacceptable. PPS23 advises that in an Air Quality Management Area (AQMA) where occupants of properties may be exposed to levels of air pollution that exceed national objectives set in air quality regulations, and which could be harmful to health, air quality may be a material planning consideration.
- 54 The Environmental Health Officer has raised an objection to the proposal in terms of both noise and air quality. The site lies adjacent to the A25 and the traffic passing along this road are responsible for high levels of noise and air pollution.
- 55 The applicant has submitted an acoustic assessment which finds that the site would be subject to a noise level falling within category C as defined by PPG24. PPG24 advises that noise sensitive development in category C should normally be refused, and only permitted in special circumstances such as no alternative quieter development sites being available in the area. However, the applicant has demonstrated that it would be possible to mitigate against noise to reduce it to a level within category B. As such the Environmental Health Officer has commented that the proposal could be acceptable subject to a condition requiring a scheme of noise protection.
- 56 The applicant has acknowledged the issue of air quality, providing some information relating to ventilation that could be provided to the new dwellings, but this is currently not to the satisfaction of the Environmental Health Officer. However, the Environmental Health Officer has again commented that the proposal could be acceptable subject to a condition requiring a scheme for the ventilation of rooms fronting on to the High Street.
- 57 It is therefore considered that the proposal would not harm the amenities enjoyed by future occupants of the units, subject to the imposition of a condition to deal with matters of noise and air quality.

Impact on the AONB

- 58 Policies relating to the AONB requires development that falls within these areas not to harm or detract from the landscape character of the area.
- 59 The proposed development, including the new dwellings, would be seen in the context of the existing buildings that line the High Street. For this reason it is considered that the proposal would not harm or detract from the landscape character of the AONB.

Parking and highways safety

- 60 Policy EN1 of the Sevenoaks District Local Plan requires that proposed development should ensure the satisfactory means of access for vehicles and provides parking facilities in accordance with the Council's approved standards.
- 61 The Highways Engineer has stated that the proposed parking provision is the minimal amount for the proposed development. As such, the Highways Engineer would not object to the proposal on the grounds of parking provision subject to the inclusion of a condition requiring a slight amendment to the dimensions of one of the proposed parking spaces.

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- 62 In addition, the Highways Engineer has suggested a condition relating to visibility splays at the access onto the site to ensure pedestrian safety and highways safety generally. It is therefore considered that the proposal is also acceptable on the grounds of highways safety.

Affordable housing contribution

- 63 Policy SP3 of the Core Strategy requires that residential developments of less than 5 units, that involve a net gain in the number of units, a financial contribution based on the equivalent of 10% affordable housing will be required towards improving affordable housing provision off-site.
- 64 Since the proposal would result in the net increase of four units then a financial contribution is required. An independent assessment of the value of the completed development has been provided. When the formula stated in the Council's Affordable Housing SPD is applied this would generate a requirement for a contribution of approximately J88,124.
- 65 It is accepted in Policy SP3 and in the Affordable Housing SPD that there will be some situations where the provision of an affordable housing contribution would render a scheme unviable. An appraisal of build costs relating to the conversion of the Listed pub building, along with an appraisal of the viability of the scheme to convert the pub building has been provided with the application. The appraisal submitted by the applicant suggests that the development would not be viable if the required affordable housing contribution was made for the converted pub building.
- 66 It is accepted that with a conversion of a Listed Building it is likely that build costs are going to be significantly greater than the cost of a standard new build. Together with other costs, including the recent purchase price of the pub building, professional fees and a profit, it is evident that a full contribution towards affordable housing provision would make the development unviable.
- 67 The applicant has accepted that full payment of the required contribution should be made for two of the remaining three units to be created, with one proposed to be retained by the applicant. This equates to a contribution of just under J30,000.
- 68 For this reason, the proposal is currently deemed acceptable, complying with policy SP3 of the Core Strategy. However, Members will note that the recommendation is for delegated powers to approve the application subject to the receipt of an acceptable Section 106 undertaking within 4 weeks of the committee date. If an acceptable Section 106 is not received before the expiration of this period, the application should be refused as failing to comply with SP3 of the Sevenoaks Core Strategy.

Impact on the Green Belt

- 69 Policy regarding the Green Belt contains a presumption against inappropriate development in the Green Belt. PPG2 states that the statutory definition of development includes engineering and other operations, and the making of any material change in the use of land. The carrying out of such operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt. (para. 3.12)

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- 70 PPG2 also states that inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. (para. 3.2)
- 71 The proposed development would result in a change of use of the land, including the rear garden area, which falls partly within the Green Belt. However, the proposed residential use of the site would have no greater impact on the openness of the area and would not conflict with the purposes of including land in the Green Belt compared with the existing use.
- 72 The site would also benefit from the fact that the area of hard standing to the rear of the site is to be reduced significantly in size, with this area proposed to be landscaped.
- 73 These elements of the development are deemed to be appropriate development in the Green Belt.
- 74 The proposal would also result in a small extension to the rear of the converted pub building and an addition to the southern end of the summer house, both of which would project into the Green Belt designation. Since neither the existing pub building nor the summer house stand within the Green Belt there would be no policy support for this part of the development.
- 75 These additions would therefore be seen as inappropriate development in the Green Belt and it follows that it is necessary to assess the case for very special circumstances put forward by the applicant. The case put forward relies on the fact that the proposal involves the removal of an outbuilding from the site with a similar footprint to that of the proposed extensions. An assessment of this case will be done later in the report.

Other Issues

Impact on trees

- 76 PPS9 states that “Aged or ‘veteran’ trees found outside ancient woodland are also particularly valuable for biodiversity and their loss should be avoided. Planning authorities should encourage the conservation of such trees as part of development proposals.” Policy EN1 of the Sevenoaks District Local Plan requires that proposed development retains important features including trees, hedgerows and shrubs.
- 77 Subject to the inclusion of conditions relating to the development adhering to the submitted arboricultural report and details of hard landscaping within RPAs inclusive of the proposed parking bays on any approval of consent the proposal is generally acceptable to the Tree Officer.

Access Issues

- 78 Policy EN1 of the Sevenoaks District Local Plan requires that proposed development provides appropriate facilities for those with disabilities. The front entrance to the proposed units each appears to be via a step up. The applicant can be notified by way of informative on any approval of consent that an

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application may be required for any ramp up to the entrances necessary for Buildings Regulations Consent.

Very Special Circumstances

- 79 The elements of the proposed extensions to the main pub building and the converted summer house, which would project into the Green Belt, would be of a similar cumulative floor area to the existing detached outbuilding proposed to be removed from the rear of the site and which falls within the Green Belt. The combined bulk and scale of the additions may be slightly greater than that of the existing outbuilding. However, this additional bulk and scale would be seen in the context of the built form and scale of the existing pub building and the summer house.
- 80 It is therefore the case that the harm the proposed extensions projecting into the Green Belt would have would be off-set by the removal of the existing outbuilding. The Council would also be able to control any further development on the site by way of removing permitted development rights for any potential future extension or outbuildings proposed to be built on the site.

Conclusion

- 81 It is considered that the proposed development would be acceptable in principle, would not significantly impact the Listed Buildings, the Conservation Area, street scene, neighbouring amenity, the AONB and highways safety, would provide sufficient off-street parking and a provision for off-site affordable housing. The proposal would be deemed inappropriate development in the Green Belt. However, very special circumstances exist which outweigh the harm that the proposal represents. Consequently the proposal is not wholly in accordance with the development plan but the Officer's recommendation is to approve.

Background Papers

Site and Block Plans

Contact Officer(s): Mr M Holmes Extension: 7406

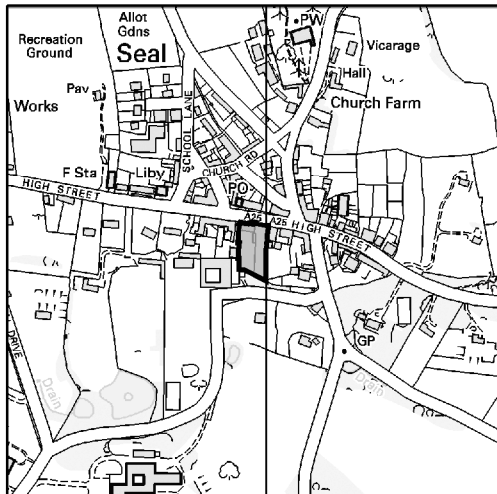
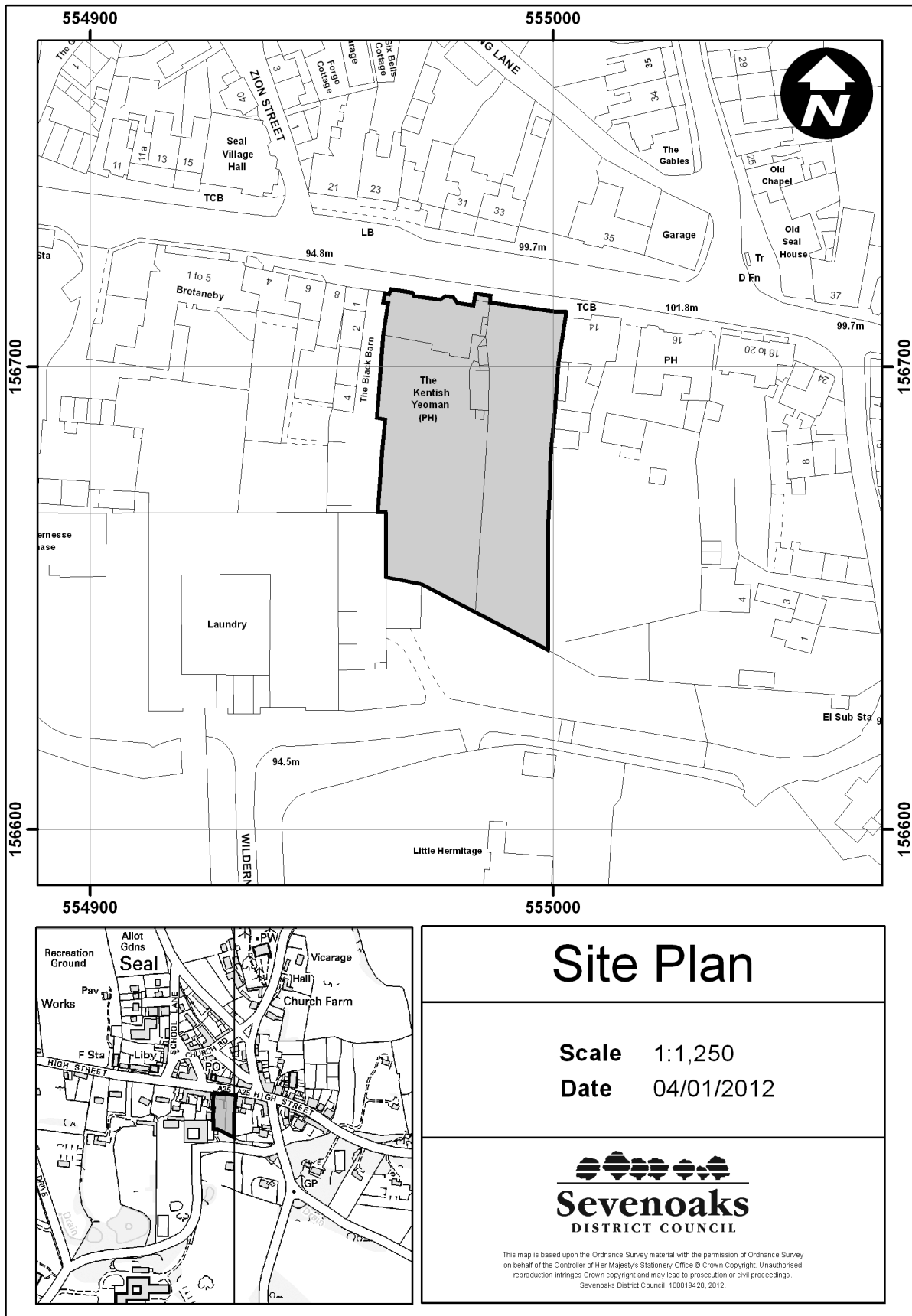
Kristen Paterson
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LNx12YBK0CR00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LNx12YBK0CR00>



Site Plan

Scale 1:1,250

Date 04/01/2012



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Sevenoaks District Council, 100019428, 2012.

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5.05- SE/11/03105/LBCALT Date expired 23 January 2012

PROPOSAL: Conversion of existing public house into one 4 bedroom and one 3 bedroom dwelling. The conversion of the detached summer house into a two bedroom dwelling.

LOCATION: Kentish Yeoman, The Kentish Yeoman, 10-12 High Street Seal TN15 0AJ

WARD(S): Seal & Weald

ITEM FOR DECISION

This application has been referred to the Development Control Committee since the Officer's recommendation is at variance to the view of the Parish Council and at the request of Councillor Hogarth who has concerns about the loss of the pub as a service and facility that serves the local community.

RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:-

1) The works to which this consent relates shall begin before the expiration of three years from the date of this consent.

In pursuance of section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2) No works shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby granted consent have been submitted to and approved in writing by the Council. The works shall be carried out using the approved materials.

To maintain the integrity, character and settings of the Listed Buildings as supported by Planning Policy Statement 5: Planning for the Historic Environment.

3) The development hereby permitted shall be carried out in accordance with the following approved plans: 3656-PD-02 Revision C, 05 Revision A, 06 Revision B, 07 Revision C and 3656-04 Revision A.

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 BE6

Sevenoaks District Local Plan - Policies None relating to this application

Sevenoaks District Core Strategy 2011 - Policies None relating to this application

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

The development would respect the fabric, character and setting of the Listed Building.

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- 1 The application seeks the approval of the conversion of the existing public house into two dwellings, the conversion of the detached summer house into a separate dwelling and the construction of two new dwellings adjacent to the pub building.
- 2 The proposal to convert the pub building would result in minimal external alterations to the building. An existing porch to the north-east corner of the building is proposed to be removed and replaced, a small ground roof overhang is proposed to be removed from the front elevation and a single storey rear projection is proposed to be replaced.
- 3 The proposal to convert the existing summer house building would again result in some external alterations including additions to the northern and southern ends of the building, as well as the insertion of several velux roof lights into the roof of the building and alterations to the existing doors and windows.

Description of Site

- 4 The application site comprises a large detached pub building and its associate curtilage, which possesses a detached summer house building to the rear, a large rear garden area and a large area of hard standing along the eastern boundary of the plot. The side and rear boundaries of the site are bounded by some mature trees but views into the site from neighbouring properties, including the Seal Laundry site to the rear area available. The plot is fairly level, with the levels of the High Street dropping slightly from east to west.

Constraints

- 5 The main pub building is Grade II Listed and the small summer house building to the rear is curtilage Listed.

Policies

South East Plan

- 6 Policies– BE6

Sevenoaks District Local Plan

- 7 Policies– None relating to this application

Sevenoaks District Core Strategy

- 8 Policies – None relating to this application

Other

- 9 Planning Policy Statement 5: Planning for the Historic Environment (PPS5)

Planning History

- 10 SE/11/01732 Full planning application for the conversion of the existing public house into one 4 bedroom and one 3 bedroom dwelling, the conversion of the detached summer house into a two bedroom dwelling, construction of two new dwellings to incorporate one 4 bedroom, and one 3 bedroom units, together with associated parking facilities. Pending consideration

Consultations

Seal Parish Council

11 Comments received on 20.12.11 'Objection

- The Kentish Yeoman public house is situated centrally in Seal High Street and has traditionally been of importance to the vibrancy of the village and its associated community.
- Policy L07 of the Local Development Framework seeks to resist the loss of community services and facilities, unless under exceptional circumstances the financial viability of that service cannot be sustained.
- The applications documents provide no clear evidence on this point, and any business plan or financial projections to substantiate justification of the loss of the community service.
- The applicant has stated that he has been frustrated in his proposals to develop the facility by planning restrictions, although the Parish Council is unaware of, or has not been consulted on any planning applications to date. The Council would have considered any such application in a sympathetic way, as it is aware of the need to support local businesses.
- The Parish Council is conscious of local peoples' wishes to protect core services in the community and would view any application with sensitivity.
- There is evidence of the necessity for public houses in Seal as the remaining unit open is thriving, and with limited parking facilities is unable to cope with the current demand with inherent problems for local people.
- According to the local shops in the High Street, the closure of the Kentish Yeoman has already had a detrimental effect on their businesses.
- The Parish Council has carried out in 2010 a Parish wide questionnaire. Question 21 asked, "Do you think planning rules should be used to protect local pubs and shops from closure and conversion to housing if at all possible?" The response from Seal Ward of the Parish Council to this question was 84% in favour of the statement.
- Turning to the application details, it is the view of the Parish Council that the parking facilities shown in the application drawings are unacceptable, and would exacerbate the severe parking problems that pre-exist in the village of Seal.
- Furthermore, Policy L07 of the Local Development Framework states, "Exceptions will be made where equivalent replacement facilities are provided equally accessible to the population served". The change of use to this site as proposed does not satisfy that criteria.
- The Parish Council is also concerned that the proposal constitutes over-development of the site.'

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Conservation Officer

12 Comments received on 03.01.12.

- 'These proposals follow detailed discussions. The listed building lends itself very well to a vertical subdivision and little is necessary in the way of alterations to achieve this. The removal of out of scale front porch would be an improvement to the appearance of the building. The additions proposed are modest, in scale and reasonably necessary to facilitate the residential uses. The agent has confirmed that no alterations are proposed to the cellar and that all the existing windows will be retained and refurbished. It is on this basis that I recommend consent to the conversion. This should be subject to samples/details of materials, no walls or fencing within the site except to the frontage as indicated. The conversion of the curtilage listed summer house is also acceptable, with the alterations shown and subject to the necessary details. The proposed removal of the unattractive modern store in the rear garden is welcomed.
- With regard to the proposed new houses, these would be in scale and character and enhance the CA. It is commendable that the architects have taken inspiration from the design of the long lost cottages originally on this site.'

Representations

13 None received.

Head of Development Services Appraisal

14 The main issue in this case is the potential impact on the fabric, character and setting of the Listed Buildings.

Principal Issues

Impact on the Listed Buildings

- 15 PPS5 states that in considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations. This understanding should be used by the local planning authority to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposals.
- 16 As confirmed by the comments provided by the Conservation Officer, main pub building lends itself very well to a vertical subdivision and little is necessary in the way of alterations to achieve this. Support is also given to the removal of the existing front porch, which would be an improvement to the appearance of the building, and the additions proposed are modest, in scale and reasonably necessary to facilitate the residential uses.
- 17 The conversion of the curtilage Listed summer house is also deemed to be acceptable by the Conservation Officer.
- 18 On this basis the Conservation Officer has recommended approval to the proposed development, subject to several conditions. It is therefore considered

that the proposed scheme would preserve the fabric, character and setting of the Listed Buildings.

Other Issues

19 None relating to this application.

Access Issues

20 None relating to this application.

Conclusion

21 It is considered that the proposed development would not significantly impact the Listed Buildings. Consequently the proposal is in accordance with the development plan and therefore the Officer's recommendation is to approve.

Background Papers

22 Site and Block Plans

Contact Officer(s): Mr M Holmes Extension: 7406

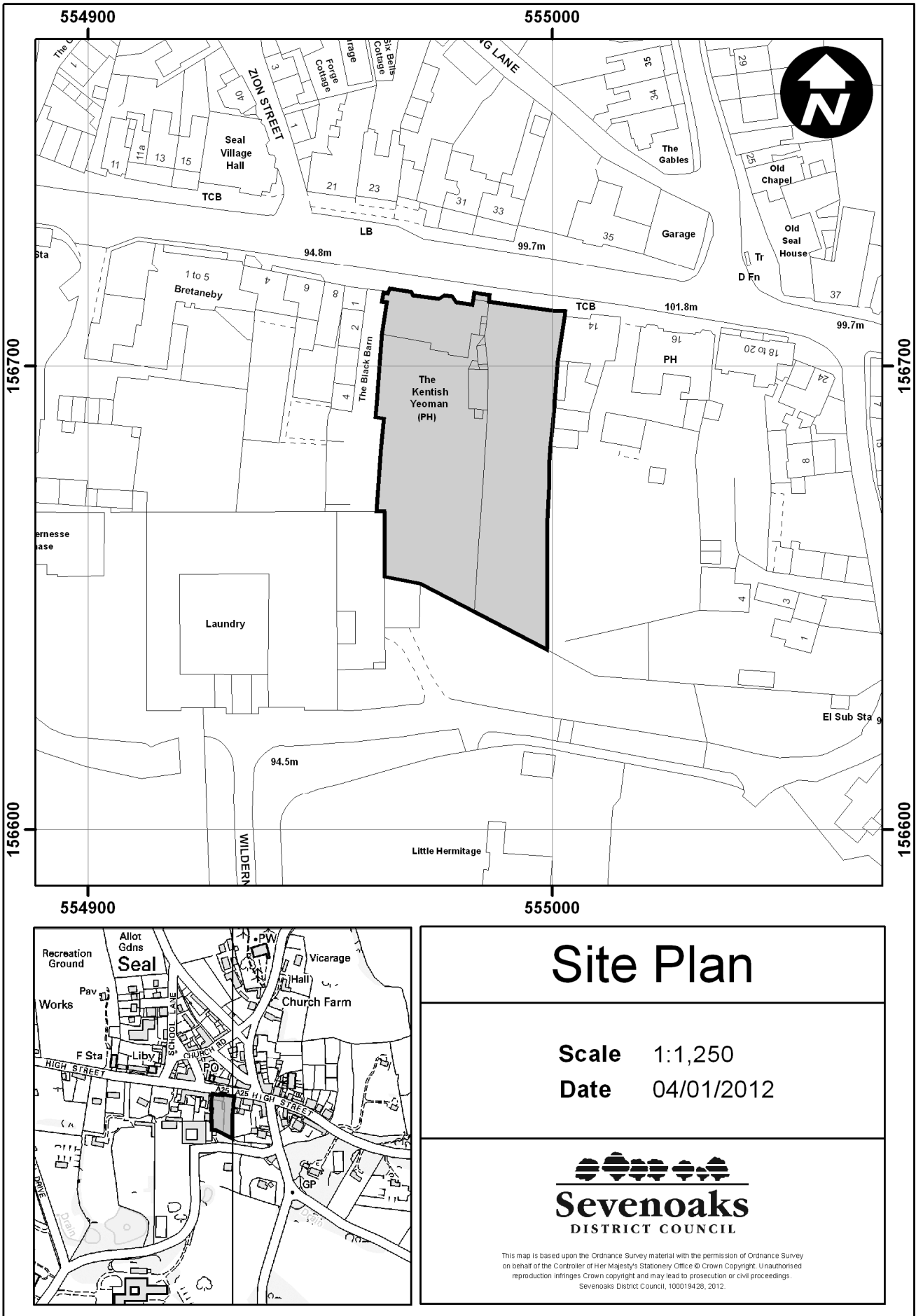
Kristen Paterson
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LVGZLMBKOCRO0>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LVGZLMBKOCRO0>



Site Plan

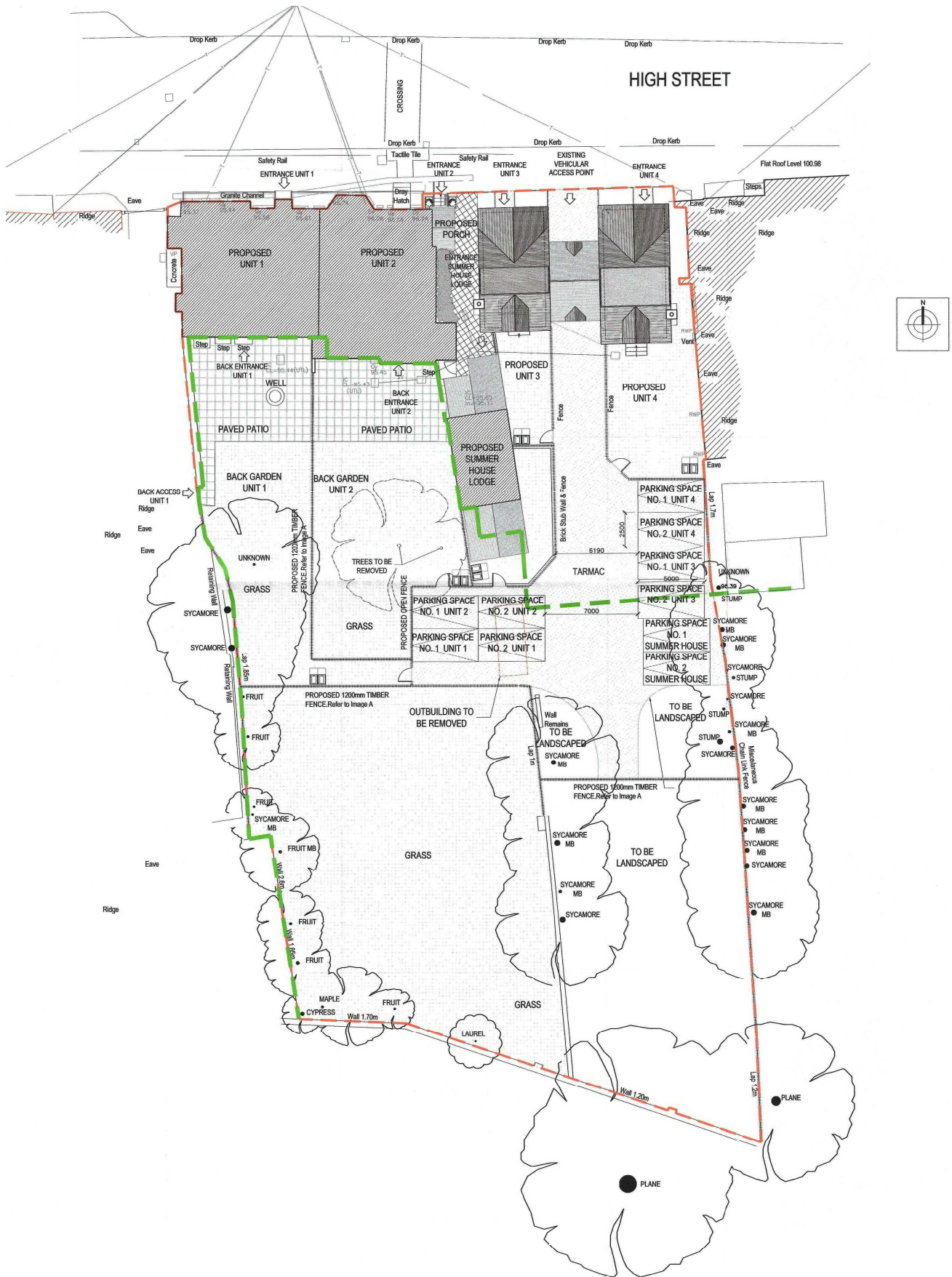
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Date 04/01/2012



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BLOCK PLAN



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