



**Sevenoaks**  
DISTRICT COUNCIL

*Despatched: 21.11.12*

**DEVELOPMENT CONTROL COMMITTEE**

**29 November 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, Orridge, Mrs. Parkin, Piper, Scholey, Miss. Thornton, Underwood and Walshe

Pages

**Apologies for Absence**

1. **Minutes** (Pages 1 - 10)  
Minutes of the meeting of the Committee held on 25 October 2012
2. **Declarations of Interest or Predetermination**  
Including any interests not already registered
3. **Declarations of Lobbying**
4. **Planning Applications - Group Manager - Planning's Report**
  - 4.1. **SE/12/01611/FUL - 66 London Road, Sevenoaks TN13 1AT** (Pages 11 - 62)  
Demolition of existing commercial building and the construction of a new two storey retail unit with undercroft parking and the construction of a separate four storey apartment block consisting of 22 one and two bedroom apartments, together with associated car parking, bin stores and cycle areas.
  - 4.2. **SE/12/01530/CAC - Cavendish House, Clenches Farm Road, Sevenoaks TN13 2LU** (Pages 63 - 72)  
Demolition of the existing dwelling and attached garage

- 4.3. **SE/12/01529/FUL - Cavendish House, Clenches Farm Road, Sevenoaks TN13 2LU** (Pages 73 - 84)
- Demolition of the existing dwelling and attached garage and erection of a detached house and garage
- 4.4. **SE/11/02722/CONVAR - Sevenoaks Boxing Club, Unit 19, Gaza Trading Estate, Scabharbour Road, Hildenborough** (Pages 85 - 96)
- Application to vary conditions 4 (hours of use of the building), 6 (use of the building) and 9 (no amplified music) of SE/05/00972/FUL.
- 4.5. **SE/12/02389/HOUSE - 22 Longmeadow, Riverhead TN13 2QY** (Pages 97 - 104)
- Erection of a single storey rear extension
- 4.6. **SE/12/02106/FUL - Land East of the White House, Blakes Green Road, Seal, Kent** (Pages 105 - 114)
- Erection of wooden shed on existing concrete base for the storage of straw bedding, animal feed and mowing equipment, on agricultural land. (Retrospective)
5. **Tree Preservation Orders**
- 5.1. **Objection to TPO/16/2012 - West Cottage, High Street, Leigh** (Pages 115 - 118)

#### 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](mailto:democratic.services@sevenoaks.gov.uk) or speak to a member of the Democratic Services Team on 01732 227350 by 5pm on Monday, 26 November 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 held on 25 October 2012 commencing at 7.00 pm

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

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

Apologies for absence were received from Cllrs. Brown, Mrs. Dawson and Gaywood

Cllrs. Ayres, Mrs. Davison, Searles and Miss. Stack were also present.

Prior to commencing with the formal business of the meeting, the Chairman proposed five minutes reading time for all those present to read through the minutes of the previous meeting which had been tabled.

82. Minutes

The agenda had envisaged that the minutes for the meeting on 18 October 2012 would not be available until the meeting on 22 November 2012. As they had already been published the Chairman proposed that they be considered at the instant meeting instead. Copies of the minutes were tabled for Members of the Committee.

Officers agreed to update Cllr. Scholey on whether the movement of the post box was covered by the conditions applied to the permission for minute item 80, Land SW of Forge Garage, Highstreet, Penshurst.

Resolved: That the minutes of the meeting of the Development Control Committee held on 18 October 2012 be approved and signed by the Chairman as a correct record.

83. Declarations of Interest or Predetermination

Cllrs. Brookbank and Underwood declared in respect of item 3.2 SE/12/01617/FUL - Cold Harbour Farm, Wood Street, Swanley Kent BR8 7PA that they were also members of Swanley Town Council which had already considered the matter.

84. Declarations of Lobbying

All Member of the Committee declared that they had been lobbied in respect of item 3.1 SE/12/02319/CONVAR - The Wheatsheaf , High Street, Kemsing Sevenoaks TN15 6NA.

Reserved Planning Applications

The Committee considered the following applications:

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85. SE/12/02319/CONVAR - The Wheatsheaf , High Street, Kemsing Sevenoaks TN15  
6NA

The proposal sought variation of conditions 8 (wheelwashing facilities) and 12 (drawing numbers) of planning application ref SE/12/00765/FUL to revise the design and siting of the garage block already approved and to approve wheelwashing facilities. The permission related to the erection of three houses with rear garaging and forecourt with ancillary landscaping and a new footway.

The garage as previously approved would comprise a block of three single-width garages sited broadly at right angles to the rear boundary of Well Cottage towards the rear of the site. It would be set back from the boundary with Well Cottage by between 5-7m. The scheme now proposed increasing the depth of the garage block by 3m by adding secure storage areas at the rear of each garage. The garages would therefore be 2-4m from the boundary with Well Cottage rather than the previous 5-7m. The eaves height would rise to 2.5m at the front of the garage but would be only 1.8m to the rear. The ridge height would rise by 0.16m.

The report advised that the development would preserve those trees on the site which were important to the visual amenities of the locality, preserve the special character and appearance of the Conservation Area and preserve the setting of the adjacent listed buildings. Any potentially significant impact on the amenities of nearby dwellings could be satisfactorily mitigated by way of the conditions imposed.

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

The Committee was addressed by the following speakers:

Against the Application:	Ritch Sibthorpe
For the Application:	Graham Norton
Parish Representative:	-
Local Member:	Cllr. Miss. Stack

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

In response to a question Officers confirmed that the neighbouring wall was listed as it was connected to Rose Cottage. The public speaker against the application presumed that this wall was owned by the applicant. At the point where the gardens were most open the wall was 2.7m tall from the side of the application site.

Permitted Development rights had been removed from the site and so the owners would have no automatic right to install a shed.

It was MOVED by the Chairman and was duly seconded that the recommendation in the report, as amended by the Late Observations Sheet, to grant permission subject to conditions be adopted.

Concerns were raised regarding the impact of the garages on the conservation area, on the listed wall and on neighbouring amenity. It was suggested that the increased height could make the garages visible from the neighbouring properties, especially if some of the boundary foliage were lost.

Other Members suggested it was unlikely the extension to the garage could be seen from next door because the wall was sufficiently high and the garage roof sloped away from the adjoining properties. One Member noted that the increased storage area could benefit the site as it would reduce the number of objects left out in the open.

The motion was put to the vote and there voted –

11 votes in favour of the motion

4 votes against the motion

Resolved: That

A. That subject to the submission of an agreed and signed Deed of Variation in respect of the Affordable Housing Contribution by midday on 26<sup>th</sup> November 2012, planning permission be GRANTED subject to the conditions below:

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 occupation shall commence 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);
- 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
- details of all materials proposed for hard landscaping.

The scheme shall be carried out in accordance with the approved plans. If within a period of 5 years from the completion of the planting scheme any of the plants die, become diseased, are damaged or removed, the plants shall be replaced with a species, of a size and in a position to be agreed with the Local Planning Authority.

To ensure a satisfactory appearance upon completion in accordance with the provisions of policy EN1 of the Sevenoaks District Local Plan.

3) No occupation shall take place until the first floor bathroom window in the flank elevation of unit 1 has been fitted with obscured glass and fixed permanently shut. The window shall be retained permanently as such thereafter.

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To protect the privacy and amenities of the adjacent residents in accordance with the provisions of policy EN1 of the Sevenoaks District Local Plan.

4) Notwithstanding the submitted drawings, no occupation shall take place until details have been submitted to and approved in writing by the Local Planning Authority of:

- details of any repairs/replacement to the existing boundary wall between this site and the adjacent houses of St Ediths View, Well Cottage and Rose Cottage.
- proposed means of boundary treatment along the rear of the site

The approved scheme for the means of enclosure around the whole site shall be carried out in accordance with the approved plans prior to first occupation and shall be permanently retained thereafter.

To ensure a satisfactory appearance within this Conservation Area in accordance with the provisions of policies EN1 and EN23 of the Sevenoaks District Local Plan and policy SP1 of the Core Strategy.

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

In the interests of the character and amenities of the surrounding Conservation area.

6) No window(s) or other opening(s) shall be inserted at any time in the houses or garages hereby approved without the prior approval in writing of the Local Planning Authority despite the provisions of any Development Order.

To protect the amenities of nearby residents and character and appearance of the surrounding conservation area in accordance with the provisions of policies EN1 and EN23 of the Sevenoaks District Local Plan and policy SP1 of the Core Strategy.

7) No occupation of the development hereby permitted shall take place until the access, garaging, car parking and turning areas shown on the approved plan have been provided. Thereafter no development shall take place that would prevent the permanent use of the access, garages and parking spaces for that purpose.

To ensure satisfactory levels of off street parking.

8) No occupation shall take place until details have been submitted in writing to and approved by the Local Planning Authority of a scheme to demonstrate that the visibility splays shown on the approved drawing can be achieved. No occupation shall take place until the visibility splays are formed in accordance with the approved scheme. Thereafter no development or planting shall obscure the visibility splays between a height of 0.6m above ground - 2m above ground.

In the interests of highways safety.



9) The scheme shall be constructed using the following materials unless otherwise agreed in writing by the Local Planning Authority: Wienerberger Bloomsbury Multi Stock Brick, Terca Baggeridge Warnham Red Stock, Keymer Traditional Elizabethan Tiles, Sandtoft Village Blend tiles, Redland Cambrian Natural Weathered Slates.

To ensure satisfactory appearance upon completion.

10) 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.

In the interests of the character and amenities of the surrounding Conservation Area.

11) Wheelwashing facilities shall be provided on site for the duration of the development works and shall be provided in accordance with the details shown on drawing number PLK-104.

To ensure that no mud or other debris is deposited on the nearby public highway.

12) The scheme shall be carried out in accordance with the following plans: PLK-500, PLK-004C, 009C, 020A, 100, 101F, -103, 104, 010C, 1002B, 200, 202, 203, 204.

In the interests of the proper planning of the area.

Or,

B. If an agreed and signed Deed of Variation has not been submitted by midday on 26<sup>th</sup> November 2012 permission shall be REFUSED because –

The proposed development makes no provision for a contribution towards the Councils Affordable Housing initiative and, nor has it been demonstrated that such a contribution would render the scheme unviable. This scheme is therefore contrary to the provisions of policy SP3 of the Sevenoaks Core Strategy and policy H3 of the South East Plan.

86. SE/12/01617/FUL - Cold Harbour Farm, Wood Street, Swanley Kent BR8 7PA

The proposal was for the retrospective change of use of South Barn from equestrian use to B1 Business Use to allow an existing business (testing oil samples), which was owned by the new owner of Coldharbour Farm and operated out of the Blue Chalet Industrial Estate in West Kingsdown, to move to the site.

It was reported that a change of use to a B1 use had already taken place and that since May 2008 a wine import and export business had operated from the building.

The existing access would be used for the site. Sufficient car parking would be provided for 11 cars with sufficient turning space within the site to enable access to the highway in a forward direction.

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The report stated that the change of use sought and the impact upon the surrounding area was compliant with policies seeking to protect the area. The scale, location and design of the development would respect the context of the site and preserve the visual amenities of the locality, the traffic movements generated by the development could be accommodated without detriment to highway safety and the development was considered to be appropriate development within the Metropolitan Green Belt.

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:	-
Local Member:	Cllr. Searles

In response to a question Officers explained that although they proposed a condition to regulate the hours of commercial use they did not intend a condition to deal explicitly with emergency deliveries. Officers had been informed by the applicant that emergency deliveries would occur "every now and then". If such deliveries were rare then it was unlikely enforcement action would be taken.

The number of car parking spaces to be provided was based on the floorspace of the building. Hardstanding for parking was already partly present but would be resurfaced and would be permeable. Officers considered the likelihood of water pollution from the business to be small; the quantities of oil tested would be small and there would be no external storage of it.

It was MOVED by the Chairman and was duly seconded that the recommendation in the report, as amended by the Late Observations Sheet, to grant permission subject to conditions be adopted.

Some Members believed the change of use itself would have little impact as an isolated change, though they noted there had been a series of changes on the site over previous years. As there would be a reduction in HGV use and traffic would only be between 9am and 6pm on weekdays it was believed that there would be little increased harm through traffic. It was suggested the wooden cladding and new windows could enhance the site. A Member welcomed the increased employment on the site.

The Local Member, who sat on the Committee, considered that the use was not appropriate for the Green Belt but was turning a previously agricultural site into an industrial one. The use was more appropriate in an industrial park.

The motion was put to the vote and there voted –

12 votes in favour of the motion

2 votes against the motion

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 development shall be those indicated on the approved plan 1957/6B.

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

3) Prior to the commencement of the proposed use, the parking spaces shown on drawing reference 1957/6B shall be provided and maintained for parking permanently thereafter. Details shall be provided to and be approved in writing by the Local Planning Authority of the surfacing proposed for the parking spaces 6 -9 and associated turning area, as shown on drawing reference 1957/6B prior to the commencement of works. The scheme shall be implemented in accordance with the approved details.

To ensure adequate off street parking in accordance with the provisions of policies EN1 and VP1 of the Sevenoaks District Local Plan.

4) The scheme is required to achieve BREEAM Very Good standards and prior to the first use of the site details shall be submitted in writing to and be approved in writing by the Local Planning Authority to demonstrate that these standards have been achieved.

To ensure a sustainable form of development and to comply with policy SP2 of the Sevenoaks Core Strategy.

5) The landscaping shown on drawing number 1957/6B shall be planted during the first available planting season following the commencement of development hereby approved. Any plants that die within 5 years of being planted shall be replaced with a species, of a size and in a location to be agreed with the Local Planning Authority.

To ensure a satisfactory appearance to the completed scheme in accordance with the provisions of policy EN1 of the Sevenoaks District Local Plan.

6) Works to the building hereby approved shall be carried out in accordance with the approved plans and the building shall be used only for uses falling within Use Class B1 and no external changes or change of use shall take place without the prior written approval of the Local Planning Authority, including any changes permitted by the Town & Country Planning (General Permitted Development) Order (or any subsequent amendments).

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To ensure a satisfactory impact upon the surrounding Green Belt and adjacent Conservation Area in accordance with the provisions of the National Planning Policy Framework.

7) The development hereby permitted shall be carried out in accordance with the following approved plans: 1957/1,2B rev 10/12,3,4A rev 08/12,5A rev 08/12,6B, 1957/6B, rev 09/12,

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

8) No external storage shall take place without the prior approval in writing of the Local Planning Authority

To protect the openness and character of the surrounding Green Belt.

9) The use hereby approved shall only operate between the hours of 9am – 6pm Mondays to Fridays and 9am – 1pm Saturdays and not at all on Sundays and Bank Holidays.

To protect the amenities of the surrounding rural area in accordance with the provisions of Policy EN1 of the Sevenoaks District Local Plan.

87. SE/11/03184/FUL - Land North of Downsvie, 48 Green Court Road, Crockenhill, Kent

The proposal was for permission to install metal fencing along the north, south and east boundaries of the site. It would measure 2m in height and would incorporate vertical repeats. Permitted development rights to erect, construct, maintain improve or alter a gate, fence, wall or other means of enclosure on the land had previously been removed.

The application site was located within the Green Belt. There were several trees protected by TPOs located on the boundaries of the site.

The report advised that there was a presumption against inappropriate development in the Green Belt and that the proposal was contrary to the definition of appropriate development found in the National Planning Policy Framework. Due to the design and height of the proposed fence it would cause harm to the openness and visual amenities of the surrounding Green Belt and the character of the surrounding countryside. No very special circumstances had been provided that clearly overcame the harm caused. Further, insufficient information had been presented to demonstrate the proposal would have no adverse impact on the protected trees that surround the site.

The Committee was addressed by the following speakers:

Against the Application: -

For the Application: -

Parish Representative: -

Local Member: Cllr. Mrs. Dibsdall

Officers advised that the neighbouring field had unlimited B8 use. Members noted the comments of the Local Member and were concerned by the poor condition of the shipping containers in the adjoining field. They also noted the health and safety dangers which could arise, particularly from children trespassing on the site.

Officers were unable to place a condition on vegetation around the fence but the Local Member had assured the Committee that the Parish Council intended to provide boundary hedging.

It was MOVED by the Chairman and was duly seconded that the recommendation in the report to refuse permission be adopted.

Members of the Committee suggested that a metal fence could seem inappropriate on the site and may make it appear more urban. If the nearby containers were to be removed at some future point then the fence could seem excessive for enclosing the property. Even if the fence were 2m in height the containers in the neighbouring field would still be visible.

Other Members of the Committee proposed that the fence had relatively little impact when compared to the containers in the adjoining field. The special circumstances of the case could overcome the harm caused.

The motion was put to the vote and there voted –

13 votes in favour of the motion

2 votes against the motion

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

The land lies within the Green Belt where strict policies of restraint apply. The proposal would be inappropriate development harmful to the maintenance of the character of the Green Belt and to its openness by way of its height, solid appearance and design. No very special circumstances have been put forward that clearly outweigh the harm in principle and the harm to the openness of the Green Belt and as such this conflicts with policies SP5 of the South East Plan L08 of the Core Strategy and the National Planning Policy Framework.

The proposed fence would by virtue of its size and design, represent an alien and intrusive feature which would have an adverse impact on the visual quality of the landscape. The proposed development would therefore have a detrimental impact on the character of the countryside and the open visual appearance of the Green Belt. This conflicts with policy EN1, policies SP1 and L08 of the Sevenoaks Core Strategy, policies SP5 and C4 of the South East Plan and the advice and guidance in National Planning Policy Framework.

Insufficient information has been submitted to demonstrate that the proposal would not adversely impact upon the protected trees located on the eastern and southern boundaries of the site. This conflicts with policy EN1, policies SP1 and

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L08 of the Sevenoaks Core Strategy, policies SP5 and C4 of the South East Plan and the advice and guidance in National Planning Policy Framework.

Members advised Officers that they should consider what enforcement action may be appropriate regarding the shipping containers in the adjoining field, which the Members considered potentially dangerous. They suggested this enforcement action could either be by the Council (including planning control) or by other agencies.

THE MEETING WAS CONCLUDED AT 8.27 PM

CHAIRMAN

4.1 - SE/12/01611/FUL Date expired 24 September 2012

PROPOSAL: Demolition of existing commercial building and the construction of a new two storey retail unit with undercroft parking and the construction of a separate four storey apartment block consisting of 22 one and two bedroom apartments, together with associated car parking, bin stores and cycle areas.

LOCATION: 66 London Road, Sevenoaks, TN13 1AT

WARD(S): Sevenoaks Town & St Johns

**ITEM FOR DECISION**

This application has been referred to Development Control Committee at the discretion of the Community and Planning Services Director given the significant nature of the proposal as well as Sevenoaks District Council being the landowner.

**RECOMMENDATION A):** That the Community and Planning Services Director be given delegated powers to GRANT planning permission, subject to:

- The submission of satisfactory amended drawings to address concerns over loss of light and the receipt of no new or significant representations made following re-consultations regarding this issue;
- The completion of a Section 106 Obligation within three months of the date of this meeting. The Obligation shall cover the following matters: Air Quality Monitoring; Secondary school provision; Libraries; Adult Social Services; Public Art and Variable Message Signs;
- and 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 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. This shall include a scheme for the re-use of existing ragstone on the site, unless agreed otherwise in writing by the Local Planning Authority. 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 and the setting of the adjacent conservation area, as supported by Policies EN1 and EN23 of the Sevenoaks District Local Plan and Policy SP1 of the Sevenoaks Core Strategy.

3) The development of the flats hereby permitted shall achieve a Code for Sustainable homes minimum rating of level 3, and shall include at least a 10% reduction in the total carbon emissions through the on-site installation and implementation of

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decentralised, renewable or low-carbon energy sources. 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, including a 10% reduction in total carbon emissions, 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 and has achieved a 10% reduction in total carbon emissions, 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 by Policy SP2 of the Sevenoaks Core Strategy.

4) The development of the retail store hereby permitted shall be carried out to achieve a BREEAM rating of "Very Good", in accordance with the Pre-Assessment Report submitted by Scott Wilte and Hookins. Prior to the opening of the retail store to the general public, a post construction certificate to demonstrate that a "Very Good" rating has been achieved shall be submitted to and approved in writing by the Local Planning Authority.

In the interests of environmental sustainability and reducing the risk of climate change as supported by Policy SP2 of the Sevenoaks Core Strategy.

5) Before works to the access road, car park or walkways hereby permitted are carried out, samples of the materials to be used in the finished surfaces shall be submitted to and approved in writing by the Local Planning Authority, and shall be selected to match the materials used in the adjacent Blighs car park unless agreed otherwise. The development shall be undertaken in accordance with the approved details.

To ensure that the appearance of the development is in harmony with the existing character of the area and the setting of the adjacent conservation area, as supported by Policies EN1 and EN23 of the Sevenoaks District Local Plan and Policy SP1 of the Sevenoaks Core Strategy.

6) The retail unit shall not be opened to the general public until all pedestrian and vehicular access points and car parking spaces as shown on the approved plans have been completed on site and made available for use, and these shall maintained as such thereafter.

To ensure that suitable access to the development is provided and maintained, in the interests of highways safety as supported by Policy EN1 of the Sevenoaks District Local Plan.

7) The residential units shall not be occupied until all pedestrian and vehicular access points and car parking spaces in connection with the units, as shown on the approved plans, have been completed on site and made available for use, and these shall maintained as such thereafter.

To ensure that suitable access to the development is provided and maintained, in the interests of highways safety as supported by Policy EN1 of the Sevenoaks District Local



Plan.

8) The car parking spaces as shown on the approved plans below the proposed retail store and to the south of the store shall be made available for short term use by the general public and no spaces shall be reserved for particular individuals, companies or organisations. The retail unit shall not be opened to the general public until a car park management strategy has been submitted to and approved in writing by the Local Planning Authority, and shall include a strategy for fee charging, and a definition of short term use. The car park shall be operated in accordance with the approved strategy.

To ensure that the parking provided in connection with the retail store is made available for use by shoppers and accords with the Council's parking strategy for the town centre, in accordance with Policy EN1 of the Sevenoaks District Local Plan and Policy LO3 of the Sevenoaks Core Strategy.

9) The car parks relating to the retail development, as shown on the approved drawings, shall be made available for use by the public at all times during store opening hours. No barriers shall be used or operated to control entry to the car parks during store opening hours.

To ensure the availability of suitable car parking during trading hours, and to prevent the likelihood of queues and obstruction to the free-flow of traffic on the road network, in accordance with Policy EN1 of the Sevenoaks District Local Plan.

10) No development (including demolition) shall take place until the tree protection measures as specified in Sections 9 and 10 the Arboricultural Report by Sylvan Arb dated 6th June 2012 have been fully undertaken on site. The protection measures shall be maintained on site for the duration of the development in accordance with Sections 10.2 and 10.3 of the report.

To protect existing trees shown for retention in order to maintain the visual amenities of the area, in accordance with Policy EN1 of the Sevenoaks District Local Plan and Policy SP1 of the Sevenoaks Core Strategy.

11) 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.

The development shall be carried out in accordance with the approved details. 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 complement the visual appearance of the development as supported by Policy EN1 of the Sevenoaks District Local Plan and SP1 of the Sevenoaks Core Strategy.

12) No development shall take place until full details of the planting design and specification for the proposed living wall and a scheme for the long term management and maintenance of the living wall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include measures to control the spread of dominant plants on the wall and a strategy for replacement planting. The living wall shall

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be completed in accordance with the approved details prior to the opening of the store to the general public, and shall thereafter be maintained and managed in accordance with the approved details.

To complement the visual appearance of the development and to ensure the facility is properly maintained in the long term, as supported by Policy EN1 of the Sevenoaks District Local Plan and SP1 of the Sevenoaks Core Strategy.

13) No development (including demolition) shall take place until a bat survey has been undertaken in accordance with Section 5.1 of the Ecological Scoping Survey Report by Greenlink Ecology Ltd (dated 9th November 2012) and the details of which have been submitted to and approved in writing by the Local Planning Authority. The details shall include a mitigation strategy if bats are found to be present. The development shall be carried out in accordance with the approved details, and in accordance with the mitigation measures specified within Section 5.2 of the above report.

In the interests of biodiversity, in accordance with Policy SP11 of the Sevenoaks Core Strategy.

14) No development shall take place until details of ecological enhancement measures, as specified in Section 5.3 of the Ecological Scoping Survey Report by Greenlink Ecology Ltd (dated 9th November 2012), have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

In the interests of biodiversity, in accordance with Policy SP11 of the Sevenoaks Core Strategy.

15) Before development commences, a Method Statement showing the phasing of the development, including demolition and underground car park excavation, shall be submitted to and approved in writing by the Local Planning Authority and the development shall not proceed other than in accordance with the approved programme.

In the interests highway safety and the proper programming of the development, in accordance with Policy EN1 of the Sevenoaks District Local Plan.

16) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: the parking of vehicles of site operatives and visitors loading and unloading of plant and materials access and turning facilities for construction vehicles storage of plant and materials used in constructing the development the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate wheel washing facilities measures to control the emission of dust and dirt during construction a scheme for recycling/disposing of waste resulting from demolition and construction works

In the interests of highways safety and the amenities of the surrounding area during the construction phase, in accordance with Policy EN1 of the Sevenoaks District Local Plan.

17) The cycle parking facilities as specified on the approved plans shall be provided prior to first occupation of the residential units and prior to first opening of the retail store to the general public, and shall be maintained for such use thereafter.

To promote and encourage sustainable modes of transport, in accordance with Policy

SP1 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

18) The Interim Green Travel Plan prepared by TTP Consulting and submitted with the application shall be implemented in full by the retail store operator upon the opening of the store to the general public.

To promote and encourage sustainable modes of transport, in accordance with Policy SP1 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

19) No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

To safeguard existing service infrastructure, in accordance with Policy EN1 of the Sevenoaks District Local Plan.

20) Before development commences, full details of the design, material specification, and opening and closing mechanism of the delivery yard door servicing the retail unit shall be submitted to and approved in writing by the Local Planning Authority. The mechanism shall be designed to minimise noise outbreak from operation of the door.

To ensure a satisfactory appearance to the development and to protect the amenities of surrounding properties, in accordance with Policy EN1 of the Sevenoaks District Local Plan and SP1 of the Sevenoaks Core Strategy.

21) No deliveries shall be taken, nor shall any activities take place within the delivery yard outside the hours of 07:00-19:00 Mondays - Saturdays, or 09:00-17:00 on Sundays and Bank Holidays.

To protect neighbouring residential properties (including the occupants of the proposed flats) from noise generated through use of the delivery and service yard, in accordance with Policy EN1 of the Sevenoaks District Local Plan.

22) No development shall take place until a scheme of ventilation for the residential flats has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based upon the recommendations contained within Section 6.2.2 of the Air Quality Assessment by GEM Air Quality Ltd and submitted with the application. The development shall be carried out in accordance with the approved details.

To provide appropriate levels of air quality to future residents of the development, in accordance with Policy EN1 of the Sevenoaks District Local Plan and Policy SP2 of the Sevenoaks Core Strategy.

23) The development hereby permitted shall be carried out in accordance with the following approved plans: 3706-PD-41 Rev D, 42 rev C, 43 Rev B, 44 Rev B, 45 Rev D, 46 Rev D, 47 Rev c, 48 Rev C, 80 Rev R, 81 Rev P, 82 Rev K, 83 Rev Q, 84 Rev M, 85 Rev L, 86 Rev L, and 87 Rev C,

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

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### following Development Plan Policies:

The South East Plan 2009 - Policies SP3, CC1, CC2, CC4, CC7, H3, H4, H5, T4, T5, BE1, BE4, BE6,

Sevenoaks District Local Plan - Policies EN1, EN23, VP1, ST1A, ST6

Sevenoaks District Core Strategy 2011 - Policies L01, L02, L03, SP1, SP2, SP3, SP5, SP7, SP8, SP9, SP11

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

The impact of the development on the High Street Conservation Area and the setting of listed buildings on London Road is not considered to be harmful to justify refusal of the scheme

The development, including the mitigation measures proposed, would not cause unacceptable highway or parking conditions in the surrounding area.

The proposal would result in a mixed use development on a town centre site identified for redevelopment.

The impact of the proposal on surrounding properties is not considered to be significant to warrant refusal of the scheme.

**RECOMMENDATION B):** In the event that the applicant does not submitted satisfactory amended drawings nor completes the Section 106 Obligation within three months, the planning application shall be refused for the following grounds:

- 1 The proposed development would result in the harmful impact on the residential amenity of neighbouring properties. The scheme will result in the significant loss of background daylight to 73, 75 & 77 London Road, as well as a demonstrable loss of sunlight to 19 Pembroke Road. As such the proposal is contrary to saved policy EN1 of the Sevenoaks District Local Plan & policy SP1 of the Sevenoaks Core Strategy 2011.
- 2 In the absence of a completed Section 106 Obligation, the proposal would have an adverse impact on infrastructure provision. As such the proposal is contrary to SP9 of the Sevenoaks Core Strategy 2011.

### Description of Proposal

- 1 The proposed development involves demolition of all existing buildings on site, changes to existing land levels, and redevelopment of the site to accommodate a two storey retail unit of 4113 sqm gross floor area, and 22 flats, 40% of which would be affordable units.
- 2 The retail unit would be accommodated over two sales floors with a basement car park accessed via London Road. The sales area of the retail unit would be around 2,700 sqm.
- 3 The main entrance of the unit would face into the Blighs development, and would be between 13.5 and 15 metres in height at this point, and around 33 metres in width. This elevation would be largely glazed under a dummy hipped roof.

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- 4 The building would also be sited adjacent to the London Road frontage and this elevation containing the sales floor would measure approximately 50 metres in length and between 15 and 18 metres in height when measured from London Road. This elevation would consist of a series of staggered building and roof lines, and would again be under a dummy hipped roof. A further flat roofed building containing the warehouse and storage area would be sited to the rear of the store, measuring around 17 metres in length and 12 metres in height. This elevation would be constructed in a mixture of yellow and red stock bricks, and would include the erection of a “living” green wall on a 30 metre section of the building.
- 5 The warehouse and storage area would be serviced by a delivery yard, accessed via London Road. The yard would be enclosed by a ragstone wall.
- 6 The basement car park would provide 51 parking spaces, and a further 30 spaces would be provided at ground floor level to the front of the store.
- 7 The new store is predicted to create 150 new jobs. It is proposed to be occupied by Marks and Spencer.
- 8 The proposed flats would be located at the junction of London Road and Pembroke Road, and have been designed in a V shape to take into account the shape of the plot and location of the road junction. The building would run from this junction to the delivery area of the proposed unit on the London Road frontage, and to the boundary with No. 21 Pembroke Road. The flats would be accommodated over four floors, with the top floor recessed back from the main elevation of the building. Each wing of the building would taper down to three storeys. The height of the building would vary between 8 and 13 metres. The design of the flats is contemporary in approach, with the use of brick, render, and wooden cladding. 22 car parking spaces would be provided - at 1 space per unit. The flats are primarily 1 and 2 bed units, with one 3 bed unit proposed on the top floor.
- 9 The development would include the demolition of the existing building at 66 London Road which currently contains a ground floor retail unit with office accommodation above, and the demolition of a single storey building to the rear which is currently occupied by a dance school. In addition, the existing car parking to the front and rear of No. 66 would be lost, as would long stay parking within the Pembroke Road car park. The existing retaining ragstone wall surrounding the site would also be removed.

### Description of Site

- 10 The site consists of a long rectangular tract of land of 0.57 hectares, close to the commercial core of Sevenoaks Town Centre. It lies on the west side of a triangle of land bounded by the High Street, London Road and Pembroke Road. Most of this triangle has been redeveloped as the Blighs Meadow shopping centre and car park. The remainder of this area forms the application site for the current proposal, sited between 50-52 London Road and the Pembroke Road junction.
- 11 The site is occupied by a building containing a retail unit with office accommodation above, a single storey building to the rear occupied as a dance school and public car parking, with a limited amount of private car parking space. This includes parking associated with the existing Blighs Meadow development, and long stay car parking at the northern tip of the site, accessed via Pembroke Road.

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- 12 The site lies adjacent to the Sevenoaks High Street Conservation area, and the existing ragstone wall on London Road marks the extent of the conservation area. A row of listed buildings are sited on the west side of London Road opposite the site and are in residential use. The remainder of properties on London Road are largely commercial and retail premises, with some residential accommodation on upper floors.
- 13 The Pembroke Road junction at the northern tip of the site is characterised by the large buildings containing the Council Offices and the West Kent Housing Association offices to the west, and a mix of office accommodation and residential units to the north and east.
- 14 The site also borders the rear of properties on Pembroke Road, all of which are in commercial use other than no. 19 which has recently been developed as flats.
- 15 The site slopes in a northerly direction and the site levels rise in height in comparison to London Road in the same direction.

### Constraints

- 16 Within defined town centre of Sevenoaks
- 17 Opposite Sevenoaks High Street Conservation Area
- 18 Adjacent to a row of Listed Buildings

### Policies

#### *South East Plan*

- 19 Policies– SP3, CC1, CC2, CC4, CC7, H3, H4, H5, T4, T5, BE1, BE4, BE6, TC2, LF1, LF4, LF5, LF7, LF10

#### *Sevenoaks District Local Plan*

- 20 Policies – EN1, EN23, VP1, ST1A, ST6

#### *Sevenoaks Core strategy*

- 21 Policies – L01, L02, L03, SP1, SP2, SP3, SP5, SP7, SP8, SP9, SP11

#### *Other*

- 22 The National Planning Policy Framework (NPPF) is a material consideration
- 23 The Sevenoaks High Street Conservation Area Appraisal is also a material consideration.
- 24 A draft Supplementary Planning Document (SPD) for the development of the site was produced for consultation in March 2010. However this was never adopted and as such carries limited weight.

### Planning History

- 25 A number of applications have been entertained over the wider Blighs site. Following permission and the development of part of Blighs, principally under SE/98/01988,

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the following applications have been considered on the remaining part of the site subject to this application.

- SE/06/02917 – use of land as a car park – Approved (3 year consent)
- SE/03/00542 - Variation to the time limit, set down in condition 2 of the permission SE/00/00246/OUT, through the addition of a further 3 years, to run from the 22nd May 2003 until 22nd May 2006 – Approved
- SE/03/00047 – continued use of land as a temporary car park – Approved (3 year consent)
- SE/02/02386 - Demolition of existing Sevenoaks Social Club building, and redevelopment of site to provide 65 residential units with 838 square metre of retail space (A1, A2) and 2121 square metres office accommodation, with associated access, underground parking and landscaping.(Blighs development Phase 2) – Withdrawn
- SE/00/00246 - 80 bedroom hotel and 32 apartments with basement car parks – Approved (this permission has lapsed)
- SE/00/00758 – renewal of permission for use of land as a temporary car park – Approved (3 year consent)
- SE/97/01098 – Demolition of existing property and erection of a temporary car park – Approved

(Note: The temporary car park permissions relate to the Pembroke Road car park only)

### Consultations

#### *Sevenoaks Town Council*

- 26 Original comments - recommended approval subject to the Planning Officer(s) being satisfied that adequate car parking provision is made for the proposed retail and residential units by Marks & Spencer to make up for the proposed loss of town centre parking and to ensure there are no detrimental effects on residents and existing businesses. To mitigate the effect of Marks and Spencer staff parking within the Town Centre, Sevenoaks Town Council requests that the Marks & Spencer Green Travel Plan be incorporated into the planning application.
- 27 In addition, Sevenoaks Town Council is concerned that the siting of the undercroft parking and service bay in London Road may cause access and egress issues and would seek assurance that the Highway Officer(s) are satisfied there will be no traffic congestion in London Road as a result of the increased number of vehicular movements.
- 28 Further comments - Sevenoaks Town Council recommended approval subject to:
- The proposed VMS hardware being installed and functional prior to the commencement of work on the main development, to lessen the impact on parking and traffic issues during the construction phase.

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- The interim green travel plan being in place from the opening of the store, and reviewed within a 6mo period from opening.

### *Kent Highways*

#### 29 Original Comments (Now superseded)

1. While the principle of the redevelopment of the site is acceptable, the analysis of how the expected increase in vehicular traffic will impact upon key junctions, including the High Street/Pembroke Road/Suffolk Way with the committed alterations to improve pedestrian crossing facilities, is inadequate.
2. The Transport Assessment does not deal with trip generation, modal split, car park capacity and management, and sensitivity testing with sufficient clarity, and in accordance with discussions that have been held concerning the requirements for its content.
3. In the light of 1. and 2. above, it is not yet possible to report on likely impacts, necessary mitigation, and potential operating conditions for the proposed retail store.
4. Further details of the car park, its highway access, and how it will be managed to prevent queuing on London Road, have been requested but have yet to be received. Similarly, clarification regarding the layout and operation of the service yard is awaited.

#### 30 Amended Comments –

##### Trip Generation and Transport Impact

##### Retail Element

- 31 The proposed development has been rigorously tested to determine the likely transport impacts over a range of trip scenarios to the town centre. These impacts have been discussed with officers of Sevenoaks District Council in order to ensure that they have full regard for the availability of car parking and any possible updating of the parking strategy for the town in the next few years.
- 32 Based on retail assessments, 15% of the total trips to the development are estimated to be new trips. An earlier study indicated that 26% of total trips would be new trips. The transport assessment has undertaken robust option testing of these scenarios and this has indicated that there will be no significant impact upon junctions on the local road network or on the capacity of public car parks.
- 33 In consideration of new trips at a higher level such as at the first few weeks of operation and at certain times of the year, various assessments have been undertaken up to a maximum of 70% new trips. These have shown that junctions begin to become overloaded at around 40% new trips, unless traffic can be managed through the controlled display of information concerning the availability of car parking. This in turn relates to the effective use of public car parking in and around the town centre.
- 34 The analysis of higher levels of new trips demonstrates that Variable Message Signs (VMS) displaying car parking capacity, and controlled by the district council for parking and traffic management purposes, is needed to mitigate the proposed



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development's possible transport impacts. The need for VMS arises directly from the proposal, in that the public car parks and network junctions are largely operating within capacity at the present time. Furthermore, VMS obviates the need for junction improvements, which may be impractical and not necessarily support effective parking management. If this application is approved, the delivery of VMS needs to be included in a Section 106 Agreement.

- 35 Whilst the development utilises three existing accesses, two additional accesses are proposed to enable servicing and underground car parking. It is therefore considered that a review of traditional signing at the approaches to this site will also be required in order to provide appropriate notification and direction for road users. The existing access points are considered satisfactory in terms of widths and inter-visibility. It is likely that the new accesses, as they affect the public highway, will be the subject of a Section 278 Agreement under the Highways Act 1980.
- 36 Consideration has been given to the possibility of queuing associated with the proposed underground car park in the site itself. It is anticipated that this can also be addressed by VMS. On-site control of the car park, to be agreed with the district council and included in the Section 106 Agreement, will also seek to ensure that queuing does not occur.
- 37 The removal of materials for the construction of the underground car park will have to be managed. It is recommended, should this application be approved, that a complete phasing and construction methodology, including hours of operation, should be provided for approval by the Planning and Highway Authorities prior to the commencement of any works.
- 38 The service yard has been checked for accessibility and manoeuvring by the largest vehicles expected to use it. Subject to any environmental constraints relating to delivery times, it has been found to be acceptable in terms of the safety and convenience of the users of London Road.
- 39 Because the site is in the town centre there is a high level of accessibility on foot, by bicycle and using public transport. Apart from any highway works in the immediate vicinity of the access points and those measures already mentioned, no other off-site highway works are considered necessary. The store will however operate a Travel Plan to encourage and support non-car travel by staff and appropriate delivery facilities for customers.

### Residential Element

- 40 The residential element comprises 22 one and two bedroom flats. 22 car parking spaces are proposed, secure cycle parking is included and bin storage is allocated adjacent to Pembroke Road. The level of car parking is considered to be acceptable at this town centre location. With the surrounding on-street parking regimes and town centre enforcement levels, it is not expected that unacceptable on-street parking will occur. The residential development utilises an existing access that has seen no personal injury crashes in the past 10 years.
- 41 In summary, the Highway Authority has no objection to this application in principle, subject to conditions as recommended and provisions within a Section 106 Agreement to cover Variable Message Signs and the control of the underground car park.

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### *SDC Parking and Amenity team*

#### 1.0 BASIS OF THE ASSESSMENT

- 42 The effects of the development are considered on the basis that it generates 40% new trips, as this would be the point at which the new dedicated M&S car park (50 spaces) and the surface car park (30 spaces) would reach capacity. This assessment, therefore, considers the effects upon the town centre parking on this basis and checks the degree to which the current usage of the car parks that will be lost to the development could be relocated to the other town centre car parks.
- 43 The car parks which will be lost to the development are:
- the Pembroke Road car park (54 spaces) – long stay Monday to Friday and short stay (up to 4hours) on Saturdays, and
  - the “old” section of the Blighs car park (49 public spaces and 17 private spaces). The public spaces form part of the Blighs car park which is short stay (up to 3 hours) Monday to Saturday.
- 44 In addition to the parking spaces mentioned above, it is thought that five parking spaces off the access between the “old” and the “new” sections of the Blighs car park (opposite the building 66 London Road), which were provided and are included as part of the “new” Blighs car park, will be lost to the development. The loss of these five spaces has not been taken into account in this assessment and if it were the case, the figures would need to be adjusted accordingly.
- 45 There may be scope to replace these spaces if the link to the main Blighs car park is not retained. It is expected that the proposed surface car park would not be managed by the Council in which case a link between the car parks may not be appropriate.
- 46 Based on the 40% figure for new trips, the effect of the development upon the town centre car parks is assessed by relocating the short stay parking which has been taking place in the old Blighs car park into the other town centre car parks and by relocating the long stay parking which has been taking place in the Pembroke Road car park into the Buckhurst 2 car park. The Buckhurst 2 car park is the only long stay car park available within the town centre. In this way, an assessment can be made as to whether the town centre car parks would be able to cope with the additional usage.
- 47 From July 2010 to the end of August 2011, the Waitrose store was redeveloped and a temporary store was operated on the former Woolworths site. During this period, Waitrose customers would have been using the public town centre car parks as there was no dedicated Waitrose parking provided. The effect upon the town centre car parks during this period needs to be taken into account and, hence, this assessment looks first at the period during the Waitrose redevelopment and secondly at the period since the opening of the new Waitrose store at the beginning of September 2011.
- 48 It is good practice to keep the peak demand for parking at 85% of capacity. However, should a system of variable message signing be provided on the approaches to the town centre, advising drivers where spaces can be found, higher levels of occupancy could be tolerated.

### 2.0 PARKING SURVEYS

- 49 A check on parking usage in the Council run car parks is undertaken during one week of every month to provide usage records on a sample basis. The survey is undertaken twice each day to coincide with the morning peak (11.00am to noon) and the afternoon peak (2.30pm to 3.30pm). The number of parking spaces available is recorded. Where possible, the car parks are surveyed on all working days of the week, but on occasions, due to staff resources, fewer days may be surveyed. The car parks are not surveyed on Saturdays.
- 50 For the purposes of this assessment, summary data has been produced to indicate short stay and long stay parking use month by month from April 2010 to October 2012. For each month, the lowest and the highest figure recorded are provided to show the range of parking spaces available during the morning and afternoon periods. Because of the effect the Sevenoaks market has upon parking in the town centre, records for Wednesday parking are considered separately.
- 51 Whilst the parking surveys undertaken can really only serve to act as a guide to parking use, they do provide a good indication of parking trends in the town centre car parks.

### 2.1 SHORT STAY USE – WEEKDAYS

#### (a) During the Waitrose Redevelopment

- 52 In respect to short stay parking, for the period of the Waitrose redevelopment (July 2010 to August 2011) and having relocated parking from old Blighs into the other town centre car parks, the following figures are derived with the corresponding occupancy level shown in percentage terms:

#### Morning period:

- the average of the least number of spaces available recorded each month is 26 spaces (95.6%), excluding Wednesdays, the lowest figure being –8 (101.4%) (Nov. 2010)
- the average of the greatest number of spaces available recorded each month is 51 spaces (91.3%), excluding Wednesdays, the highest figure being 81 (86.2%) (Aug. 2010)
- for Wednesdays, the average number of spaces available is –4 (100.7%). The figures range from –46 (107.9%) (Oct.2010) to 27 (95.4%) (Jan.2011)

#### Afternoon period:

- *the average of* the least number of spaces available recorded each month is 71 spaces (87.9%), excluding Wednesdays, the lowest figure being –3 (100.5%) (Feb. 2011)
- the average of the greatest number of spaces available recorded each month is 94 spaces (83.9%), excluding Wednesdays, the highest figure being 132 (77.4%) (Sep. 2010).

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- For Wednesdays, the average number of spaces available is 24 (95.9%). The figures range from –33 (105.6%) (Nov. 2010) to 69 (88.2%) (May. 2011).

### (b) Subsequent to the Opening of the New Waitrose Store

53 In comparison, for the period following the opening of the new Waitrose store (September 2011 to October 2012), the following figures are derived:

#### Morning period:

- the average of the least number of spaces available recorded each month is 55 spaces (90.6%), excluding Wednesdays, the lowest figure being 8 (98.6%) (Nov. 2011)
- the average of the greatest number of spaces available recorded each month is 84 spaces (85.6%), excluding Wednesdays, the highest figure being 127 (78.3%) (Jun. 2012)
- for Wednesdays, the average number of spaces available is 31 (94.7%). The figures range from 17 (97.1%) (Oct.2011) to 40 (93.2%) (Nov.2011)

#### Afternoon period:

- the average of the least number of spaces available recorded each month is 116 spaces (80.2%), excluding Wednesdays, the lowest figure being 67 (88.5%) (Oct. 2011)
- the average of the greatest number of spaces available recorded each month is 156 spaces (73.9%), excluding Wednesdays, the highest figure being 218 (62.7%) (Jul. 2012).
- For Wednesdays, the average number of spaces available is 80 (86.3%). The figures range from 43 (92.6%) (Oct. 2011) to 123 (79.0%) (Jun. 2012).

## 2.2 SUMMARY - SHORT STAY USE – WEEKDAYS

54 In summary, by averaging the minimum and averaging the maximum figures for the morning and afternoon periods, a more simplistic comparison can be provided, as shown in the following table.

55 As noted earlier, this is based upon 40% new trip generation which takes the M&S car parks to capacity and so requires current usage within car parks on the site to be relocated to the other town centre car parks.

Spaces Available Following Relocation				
Period	Excluding Wednesdays, spaces available - morning average	Excluding Wednesdays, spaces available - afternoon average	Wednesdays, spaces available - morning average	Wednesdays, spaces available - afternoon average
During Waitrose redevelopment (July 2010 to August 2011)	39	83	-4	24
Corresponding level of occupancy	93.3%	85.8%	100.7%	95.9%
Since Waitrose redevelopment (September 2011 to October 2012)	68	134	31	80
Corresponding level of occupancy	88.4%	77.1%	94.7%	86.3%

- 56 Although there may well have been a down-turn in parking usage over the last few months, the summary figures suggest that the town centre car parks could cope with the short stay parking displaced by the development, assuming a level of 40% for new trips. Should the level of new trips be nearer 15% as suggested by the proposals, the effect upon the town centre car parks would be significantly less as spaces would then be available within the development, although these will be managed by the store.
- 57 The existing Waitrose car park (162 spaces) will also contribute spaces to the publicly available parking stock. This has not been taken into account in this assessment. Occasional checks have shown there to be between 30 and 60 spaces available.
- 58 On-street short stay parking (up to two hours) is available in and around the periphery of the town centre. Whilst this is generally well-used, some parking spaces would be available to supplement those in the car parks. The on-street parking use has not been recently surveyed and, hence, no figures are available for inclusion in this assessment.

**2.3 LONG STAY USE – WEEKDAYS**

- 59 The only car park available for parking displaced from the Pembroke Road car park (54 spaces) would be the Buckhurst 2 car park (291 spaces). Undertaking a similar assessment to that carried out for short stay use leads to the following summary figures being produced in terms of availability of spaces:

(a) During the Waitrose Redevelopment

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### Morning period:

- the average of the least number of spaces available recorded each month is -34 spaces (i.e. oversubscribed), excluding Wednesdays.
- the average of the greatest number of spaces available recorded each month is -44 spaces (i.e. oversubscribed), excluding Wednesdays.
- For Wednesdays, the average number of spaces available is -44 (i.e. oversubscribed).

### Afternoon period:

- the average of the least number of spaces available recorded each month is -22 spaces (i.e. oversubscribed), excluding Wednesdays.
- the average of the greatest number of spaces available recorded each month is -34 spaces (i.e. oversubscribed), excluding Wednesdays.
- For Wednesdays, the average number of spaces available is -29 (i.e. oversubscribed).

### (b) Subsequent to the Opening of the New Waitrose Store

#### Morning period:

- the average of the least number of spaces available recorded each month is -22 spaces (i.e. oversubscribed), excluding Wednesdays.
- the average of the greatest number of spaces available recorded each month is -35 spaces (i.e. oversubscribed), excluding Wednesdays.
- For Wednesdays, the average number of spaces available is -28 (i.e. oversubscribed).

#### Afternoon period:

- the average of the least number of spaces available recorded each month is -14 spaces (i.e. oversubscribed), excluding Wednesdays.
- the average of the greatest number of spaces available recorded each month is -28 spaces (i.e. oversubscribed), excluding Wednesdays.
- For Wednesdays, the average number of spaces available is -13 (i.e. oversubscribed).

### 2.4 Summary – LONG STAY USE – WEEKDAYS

60 The summary figures for long stay parking are:

Spaces Available Following Relocation				
Period	Excluding Wednesdays, spaces available - morning average	Excluding Wednesdays, spaces available - afternoon average	Wednesdays, spaces available - morning average	Wednesdays, spaces available - afternoon average
During Waitrose redevelopment (July 2010 to August 2011)	-39	-28	-44	-29
Corresponding level of occupancy	113.4%	109.6%	115.1%	110.0%
Since Waitrose redevelopment (September 2011 to October 2012)	-28	-20	-28	-13
Corresponding level of occupancy	109.6%	106.9%	109.6%	104.4%

- 61 As can be seen, the Buckhurst 2 car park does not have the capacity to accommodate the long stay parking from the Pembroke Road car park.
- 62 It should be noted that the situation is likely to be exacerbated by the loss of the 13 private non-residential long stay spaces in old Blighs car park, which are associated with the property at 66 London Road. A proportion of these are thought to be sub-let to other businesses within the town. The displacement of these spaces has not been taken into account in this assessment.
- 63 The Council operates a permit system for non-residential parking in the roads within walking distance of the town centre. However, all permits are currently taken and there is no availability for relocating long stay parking that would be displaced from the Pembroke Road car park.
- 64 Therefore, apart from areas further out from the town centre where parking is unrestricted, and these would most likely be residential areas, there is currently no alternative long stay parking provision to meet the needs generated by the development.
- 65 It should be noted that there is no provision for staff parking within the development. It is understood that a Green Travel Plan will be introduced for staff travel. However, it may remain to be seen whether the Plan will be strictly adhered to or whether staff parking may become an issue in connection with the development.

**2.5 SHORT STAY USE – SATURDAYS**

- 66 On Saturdays, the Council office car park (140 spaces) is made publicly available for short or long stay parking. Buckhurst 2 car park is generally more available for short

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stay use due to less long stay parking taking place. There are also 15 spaces in the visitors' car park which probably also get used for Saturday parking.

- 67 Based upon surveys undertaken on Saturdays (June 2010 and June 2012) and relocating short stay parking from the Pembroke Road and the old Blighs car parks to the other town centre car parks, shows that there would have been between 93 and 168 spaces available in the morning period and 286 spaces available in the afternoon period. The corresponding occupancy figures are 91.0% to 83.7% for the morning and 72.2% for the afternoon period. Whilst the number of surveys could be considered limited, this does tend to support the view that parking availability would not be an issue on Saturdays.

### 2.6 LONG STAY USE – SATURDAYS

- 68 It is not considered that long stay parking would be a problem on Saturdays. There is availability at the Council office car park and the surveys undertaken have shown there to be spaces available (between 126 and 190) in the Buckhurst 2 car park.
- 69 Long stay parking should also be available on-street in the area of Plymouth Drive and Holly Bush Lane.

### *Tree Officer*

- 70 Differing views can currently be expected of this site dependent on your approach direction or viewing point. When approaching from the south west along London Road - the view is of a mixed bank of green foliage. Views from Pembroke Road are of a backdrop of mature trees located sporadically along the length of the proposal. Views from the south and south east mainly consist of the existing buildings and car parking areas with surrounding sporadically located mature boundary trees. In order to accommodate the Marks & Spencer building the bulk of the vegetation to the north, north west and the west will either need to be removed completely or pruned to the extent that any amenity value that it holds will be severely decreased or lost. In particular there are a group of neighbouring trees located adjacent to the rear boundary of 19 Pembroke Road, which will require severe pruning to accommodate this proposal. The same can be said of a mature Ash tree located in a similar position to the rear of 15 Pembroke Road. These trees currently offer beneficial visual benefit to the aforementioned properties as well as from Pembroke Road. I suspect that the pruning back required to allow this construction will greatly lessen this amenity or remove it to the extent that it is no longer beneficial.
- 71 This proposal will clearly have a negative impact on the existing vegetation and views from various points around the site.
- 72 In order to negate this impact there are proposals to create green walls as well as an amount of planting at the Pembroke/London Road junction as well as along London Road. Given the proposed design of the new build at the aforementioned junction, it may not be feasible to plant potentially larger specimen trees here. Any such planting would grow to block or severely shade the windows on this elevation of the proposed building. It is expected therefore that indicative low level planting only will be appropriate. This is a potential loss of planting sites for trees that would be very visible at this gateway to the town centre. The green walls would be of benefit and assist in the softening of the large building that is proposed. Unfortunately I was unable to assess the plant species as the details supplied were unreadable. Plants



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are generally in competition with one another wherever they grow. A green wall may have stronger and weaker plants within its mix. In time unless there is regular maintenance, it is likely that any dominant species will take over the area that it has been planted in. It is likely therefore that a monoculture green wall can be expected in the long term. The proposed margin of planting along the London Road frontage at 1 metre wide is also unlikely to support larger specimens, although indicative tree planting has been shown. No details inclusive of potential views have been provided to show the affects of the required works to trees backing Pembroke Road properties. A view has been provided to show the view up Pembroke Road but no views to show what the residents, office workers and users of Pembroke Road will see.

- 73 There is clearly a negative impact on the existing vegetation that will not be fully replaced by the proposed vegetation, but it will go some way to lessen the affects. The design of the new builds appears visually better than the building that currently exists and this needs to be weighed against the aforementioned losses. I am not qualified in this area so will leave others to assess this aspect.
- 74 Further comments (following amended plans) - I maintain my comments made in August of this year. I note the additional information with regards to the living wall and the images provided, which look very attractive. I suggest that discussions are had with regards to maintenance and even a condition placed upon any consent provided to ensure that the living wall is maintained to ensure its continued amenity and condition to ensure that it continues to look like the images provided well into the future.

### *SDC Conservation Officer*

- 75 The site is located adjacent to the Sevenoaks High Street Conservation Area, with a small strip of land along the London Road frontage included within the boundary. There are also several listed buildings nearby on the western side of London Road. At present the development site is occupied by the Social Club, a building of little architectural merit, and car parking. There are a number of trees on and adjacent to the site, and substantial ragstone walling to the London Road frontage, all of which contribute to the character of the Conservation Area.
- 76 The scheme involves the demolition of the social club and the development of the whole site with a mix of residential and retail structures, in distinct zones which have been treated differently in design terms. The retail element would be on the site of the club and relate to the Bligh's Meadow retail area to the east and to the properties fronting London Road to the west. Inevitably this would be of a large scale, exceeding the present building in ground area, height and volume.
- 77 At the junction of London Road and Pembroke Road and extending part way along the latter would be 22 residential units. The design has taken into account the style of the existing buildings in the road, albeit that these are of varied sizes and designs. The site is of especial importance as it is on rising ground, directly in view as the town centre is approached from the train station and lies effectively at the entrance to the town centre proper. Thus a 'statement' building is appropriate here.
- 78 It has long been the intention within planning policy documents to extend the modern retail area at Bligh's onto this site, albeit that a smaller building was previously envisaged. Whatever the details of the scheme, any structure here would dominate this part of London Road as the site lies at a much higher level than the properties on the western side.

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- 79 Whilst most of the site is outside the boundary of the CA, the scale of the development and its prominent position at the edge of the town centre means that it could not fail to have a major impact on the character and setting of the CA as whole. Therefore my comments relate to all elements of the scheme regardless of whether each is within the boundary.
- 80 The site is within area 001 of the Sevenoaks Character Area Appraisal, (covering areas outside CAs) which describes it as very mixed in terms of the age, use, layout, design and materials of buildings. In giving design guidance, the node of London Road, Pembroke Road and Eardley Road is recognised as of increased scale and enclosure, which should be respected. However, the domestic scale and character of properties in Pembroke Road is also recognised as deserving of respect. Certainly the proposed residential element of the scheme would continue the 'theme' of larger buildings at the road junction.
- 81 There is in fact great variety in terms of style and materials to existing properties in Pembroke Road itself and in a row of mainly office uses, there are just a few dwellings, located close to the proposed new residential units. The design for these residential units breaks down the building into two blocks, and makes use of the sloping ground to good effect. The units proposed next to no. 21 Pembroke Road have been designed to have a pitched roof and projecting bays to provide a transition in design terms between the more traditional existing properties and the new corner building. Given this mix of building sizes and configurations, styles, materials in the area I do not consider that the new building would be out of place and indeed, with good quality materials, has the potential to enhance the Conservation Area, adding a contemporary structure to the range of existing buildings erected over the centuries.
- 82 With regard to the proposed retail unit, because of its much greater size than any existing building in the vicinity, this cannot fail to have a considerable visual impact on the CA and on the setting of the listed buildings in London Road (73-93 odd). The question is whether the town centre location and commercial need/ justification for a large store outweighs such considerations. The site is clearly within the well contained mixed retail, commercial and services core of the town. There are, of course, retail and service uses on the western side of London Road as well so the listed buildings in residential use are already in a partly commercial environment.
- 83 The design of the retail unit is more traditional, the building being broken up into sections stepping down the London Road frontage with differently styled largely glazed sections using a mix of brick and render and with a varied roof form. The latter includes low pitched slate roofs. The highest part of the new building would be opposite the more modern unlisted buildings in London Road (69-71), with the listed buildings lying opposite the service area and the lowest part of the retail unit itself. There would still be considerable difference in heights, especially with the pitched roofs.
- 84 The integration of the new structures with London Road in particular could be assisted by recycling the ragstone in the existing retaining wall which would be removed, into new retaining/boundary walling.
- 85 Overall it has to be said that the design of the retail unit is unadventurous
- 86 Given the prominence of the site and the fact that this is likely to be the only significant new building in Sevenoaks town centre for some years, there is surely an argument for a more striking building here. As there is a wide variety of buildings in

the area in terms of age, style, size, materials, and design a structure firmly of the 21st century would not be out of place.

- 87 Further Comments following amendments to the scheme - These amendments represent improvements to the design

### *Thames Water*

- 88 Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

- 89 No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.
- 90 Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality). Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

### *Environmental Health Officer*

- 91 Air Quality - I am satisfied with the submitted air quality assessment. The assessment predicts a small impact on air quality as a result of the proposed development. Whilst the impact of the development is shown to be low it does not assist the traffic reduction sought by the Council's Air Quality Action Plan and adds to creeping traffic growth in the area. I therefore request the developer be asked to make a Section 106 contribution to assist with measures in the air quality action plan to improve air pollution in the general area.

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- 92 Further comments - With regard to the contribution I would suggest £5k (to carry out actions contained within the SDC Air Quality management Plan)
- 93 Contaminated Land – I am satisfied with the preliminary report and accept the recommendations for a site investigation as detailed in section 4.6 (of the report).
- 94 Noise - The report considers the likely noise impact from plant located on the roof and noise associated with deliveries / HGV movements from the proposed development.

### Plant

- 95 Whilst plant noise appears acceptable at the nearest receptor identified (75 London Road) I feel it would also be prudent to provide a prediction to properties in Pembroke Road (model needs to include any impact of garden or amenity areas).
- 96 If at all possible I would like to see a more detailed drawing that indicates the location and layout of the roof plant together with the acoustic barrier proposed. Further details of the barrier would also be helpful.
- 97 I am slightly confused by the difference in noise data between that included in 6.1 of the report and the data sheet included with the application - Schedule of Anticipated External Plant Noise Levels – Rev A. The data for the packaged boiler room and packaged plant room appears to be at variance with each other and I would clearly be concerned if the predictions within the report were based on inaccurate information.
- 98 Whilst I have asked for a copy of the LA90 background noise levels taken during the background monitoring exercise, the Excel spread sheet I have been sent does not make it apparent which of the columns (if any) contain this data. I would be grateful for some clarification.

### Deliveries

- 99 The report considers noise associated with the loading / unloading of lorries and also noise from the vehicles entering and exiting the enclosed loading yard.
- 100 Loading noise levels have been predicted at 41 dB (A) at all receivers, as indicated by 3D noise mapping undertaken. However, it does appear that noise is likely to be significantly increased in the gardens of Pembroke Road. I would welcome the consultant's comments on this. It would also increase clarity if a map indicating specific properties could be super-imposed to provide reference. Clearly it would be preferable to include the proposed residential units as well as existing dwellings. Can we just confirm that the 41 dB (A) includes noise of the vehicle manoeuvring itself into position as well as any noise from the actual unloading?
- 101 It would be interesting to receive details of where this design of loading area has been used elsewhere. I would also like to see full details of the assumptions / inputs made in the modelling and any measurements taken.
- 102 The enclosed loading yard appears to be highly reflective and I am interested at the potential to reduce noise emissions further by introduction of absorptive materials to the walls and / or addition of a roof (clearly this would have ventilation implications and I would anticipate opposition from the developer. Whilst I am not pressing for this amendment at the moment, I can see advantages from a noise impact

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perspective and will consider this further upon receipt of any further submission by the applicant).

- 103 Can we have an estimate of how long it typically takes an HGV with trailer to manoeuvre from the road to final position with docking bay? It would also be helpful to have details of the reversing alarms used (how feasible would it be to require all vehicles using this facility to be fitted with broadband / “white noise” reversing alarms?). Full details of the loading docks to be employed would also be appreciated, along with details of the roller – shutter door (how much noise does it make opening / closing and what level of noise attenuation does it offer?).
- 104 Can it be confirmed at this point that the application is for deliveries from 06.00 hours? Will this include Sundays / Bank holidays?
- 105 Noise from HGVs gaining access / egress from the facility is also considered briefly. Some noise is clearly inevitable from this activity and is likely to affect the closest neighbours for short periods at unsociable times, in my opinion. I do feel that the reference to a 1 dB increase is slightly misleading as this appears to be an hourly average ( $L_{Aeq\ 1\ hour}$ ) and clearly the human perception would be of a brief but markedly raised noise level. Whilst the report provides little quantitative data, I do attach an email I received at pre-application stage. Once I have received the background noise data I will be in a better position to comment further, though I do not think my opinion will change substantially.
- 106 I will also need to make an assessment of the existing traffic noise that would impact the residents of the proposed new residential development and a noise report should be submitted demonstrating this has been adequately considered in the design, particularly in terms of glazing and ventilation. This matter can therefore be conditioned - should consent be granted. However, I would advise that the consultant initially contact me to discuss whether he intends to use existing survey data or undertake further measurements at the site of the proposed residential development.
- 107 Malcolm Webb has previously noted in pre-app advice that the creation of additional reflecting surfaces has potential to exacerbate traffic noise for existing residents in London Road. This is an interesting point which I wish appreciate the consultant’s comment on.

### *Mouchel (Acting for KCC)*

- 108 Seek financial contributions towards the provision of secondary school places, libraries, community learning and adult social service facilities as follows –

Secondary school provision –	£589.95 per applicable flat
Libraries -	£4,245.96
Adult Social Services	£6,552.98

### *West Kent Primary Care Trust*

- 109 Seeks a contribution of £13,608 towards healthcare needs within NHS services generated by the occupants of the units

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### *English Heritage*

- 110 Do not wish to offer any comments on this occasion. Recommend that the application be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.

### *Natural England*

- 111 This application is within the setting of Kent Downs Area of Outstanding Natural Beauty. Natural England has no comments to make on this proposal as we do not believe that this development is likely to impact on the reasons for which the site is designated.
- 112 Given the location of the development, however, the local planning authority should seek the views of the AONB Partnership where relevant prior to determining this planning application, as they may have comments to make on the location, nature or design of this development.

*(Officer note – given the town centre location of the development it is not considered that the scheme would give rise to any impacts on the AONB and no consultation on this matter has been carried out. For information, the site is approximately 500m from the nearest boundary with the AONB (in Knole Park).*

### Protected Species

- 113 Natural England's advice is as follows:
- 114 We have adopted national standing advice for protected species. As standing advice, it is a material consideration in the determination of the proposed development in this application in the same way as any individual response received from Natural England following consultation and should therefore be fully considered before a formal decision on the planning application is made.
- 115 The protected species survey has identified that bats, a European protected species may be affected by this application.
- 116 We have not assessed the survey for badgers, barn owls and breeding birds, water voles, widespread reptiles or white-clawed crayfish. These are all species protected by domestic legislation and you should use our standing advice to assess the impact on these species.
- 117 How we used our standing advice to assess this bat survey and mitigation strategy:

We used the flowchart on page 10 of our Standing Advice Species Sheet: Bats beginning at box (i) and came to the following conclusion:

Box (i) - Using Nature on the Map we determined that No, the application is not within/close to a SSSI or SAC notified for bats. This took us to Box (v).

Box (v) - We looked at the survey report and determined that Yes, it did highlight that there are suitable features for roosting within the application site (e.g. buildings, trees or other structures) that are to be impacted by the proposal. This took us to Box (iv).

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Box (iv) - We determined that No, detailed visual inspections (internal and external where appropriate) had not been undertaken and found evidence of a roost. This took us to Box (vii).

Box (vii) - We determined that Yes, the application does involve a medium or high risk building as defined in our standing advice. This took us to Box (x).

Box (x) advises the authority that further survey effort is required in accordance with Bat Surveys - good practice guidelines and you should request additional information from the applicant. If it is not provided, then the application should be refused.

### *KCC Ecology*

118 An ecological scoping report has been submitted in support of this application. Several recommendations are made

- The buildings have potential to provide roosting opportunities for bats; emergence surveys for bats are required.
- Habitats suitable for breeding birds should be removed outside of the bird breeding season, unless conducted under the supervision of a suitably experienced ecologist

119 In addition we note in the arboricultural report and tree removal plan that several off-site trees are likely to require removal or pollarding to facilitate the development. We advise that confirmation is sought that these trees were assessed for their bat-roosting suitability as the ecological scoping survey report states that the on-site trees were assessed.

120 We advise that the recommended surveys for bats are carried out, with the results submitted, along with any necessary mitigation proposals, to inform SDC's determination of the application, in line with Government guidance, planning policy and legislative requirements.

121 We advise that the lighting scheme for the proposed development should adhere to the Bat Conservation Trust and Institution of Lighting Engineers guidelines to reduce the potential for impact to bats.

122 Ecological enhancements are also recommended in the report. We advise that their implementation is sought in order to conform to the NPPF principle that "opportunities to incorporate biodiversity in and around developments should be encouraged".

### Further comments (following submission of a revised scoping report)

123 As detailed in the report, the site has a low potential of bats, but there are some potential roosting features present that could provide opportunities for bats. However, if present these are likely to be 'low status' roosts.

124 While we advocate the provision of all ecological survey information that may confirm the presence of protected species as material to the determination of an application, in this instance we consider that the report provides sufficient information, from a suitably experienced and licensed ecologist, to enable Sevenoaks to determine the application on the basis that the likely level of impact, if bats are present, will be low.

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As such, suitable mitigation, should bats be found to be present, is easily achievable and can be incorporated into the scheme.

125 We can therefore advise the use of a planning condition requiring that a bat survey is undertaken, with the report and any mitigation proposals necessary as a result of the survey findings is submitted for approval before implementation.

126 In keeping with the report recommendations, ecological enhancement measures should also be sought, perhaps through incorporation in the landscaping plan. The recommendations include the use of native species planting that will benefit wildlife, and the incorporation of bat roosting and bird nesting features.

### *SDC Planning Policy team*

127 The key strategic planning policy issues are considered to be:

- Consistency with Core Strategy Policy L03 for Development in Sevenoaks Town Centre
- Housing and affordable housing provision
- Extent of retail / impact on town centre
- Highways and parking issues
- Sustainability

128 Core Strategy Policy L03 sets out that:

*A mix of uses (including retail, offices, cultural, leisure, hotel and residential development) will be retained and enhanced within the town centre. The historic form and character of the town centre will be maintained. Approximately 4,000 sq. metres net of new shopping floorspace (including approximately 1,700 sq. m of convenience and 2,300 sq. m of comparison floorspace) will be provided in the town centre up to 2026. This will include redevelopment of land west of Blighs Meadow for a mix of uses including residential, commercial and retail and in the longer term redevelopment of land east of the High Street for retail and related uses. New development in the town centre should be of a scale consistent with the existing character of the centre and should contribute to improving the quality of the town centre environment. Town centre car parking will be managed to ensure adequate and convenient provision for shoppers and appropriate provision for long stay parking.*

129 The supporting text of the policy specifically identifies the land west of Blight's Meadow, for:

*A mixed use development is proposed including residential flats, commercial, retail and cafe/restaurant use, together with the relocated market. The town centre commercial uses will adjoin the Bligh's Meadow car park and complement the existing shopping provision. The development will bring more residential development into the town centre and improve the appearance of a relatively unattractive part of the centre. The scheme offers a range of benefits and will be brought forward early in the plan period.*



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- 130 The proposed development is for a 4,113sqm retail unit (incorporating a cafe) and 22 residential units, 9 of which are proposed to be affordable housing. This is broadly in accordance with Core Strategy Policy L03 set out above. It is a mixed use development, providing convenience and comparison retail, together with a range of housing. However, it does not include any commercial/office development or relocation of the market, and would be a single large-format store, rather than the smaller-scale retail and office blocks envisaged in the draft SPD Planning Brief (March 2010). In addition, 22 residential units are proposed, whereas the draft Planning Brief suggested a capacity of 60 units.

### Housing

- 131 SDC seeks to promote housing, including affordable housing, in sustainable locations, such as this site. The Core Strategy aims to deliver 3,300 dwellings in the plan period to 2026, 1,330 of which are to be located within the Sevenoaks Urban Area, and this site will form part of that provision. Core Strategy policy L02 identifies Sevenoaks town centre as a key location for residential development and policy L03 (Development in Sevenoaks Town Centre) states that redevelopment of the land west of Blighs Meadow will be for a mix of uses including residential, as set out above. In relation to the proposed quantity of housing (22 units in the application), the draft Allocations and Development Management Plan (ADMP) has been considered by Members (LDF Advisory Group) in June 2012 with a reduced housing capacity of 22 units, and the quantity is described as indicative, with priority given to the residential element of the scheme complimenting an appropriate mix of town centre uses. Members did not raise any objections to the reduced residential provision (when compared to the 60 units in the draft 2010 Planning Brief) and this reduction in capacity does not lead to a deficit in overall housing supply in the District due to the inclusion of additional and extended residential sites in the draft ADMP. Therefore, although the current proposals represent an under-provision of residential units when considered against the draft 2010 Planning Brief, the reduced provision of 22 units has been reviewed by Members and is considered appropriate, with priority to be given to the retail elements of the scheme in this town centre location.
- 132 Core Strategy Policy SP3 also seeks the inclusion of affordable housing (at 40% provision on a site of this scale). It is welcomed that this proposal seeks to provide affordable housing (9 units) in accordance with Policy SP3.

### Retail / Commercial

- 133 Core strategy policy L03 identifies approximately 4000m<sup>2</sup> of new shopping floorspace in Sevenoaks town centre up to 2026 (based on the 2009 retail study update). This proposal would provide a large proportion of that floorspace. In terms of location and the National Planning Policy Framework (NPPF) sequential approach, this site is well within the town centre, very sustainable in terms of public transport accessibility and provides excellent linkages to the existing retail centre. The scheme could therefore provide a significant enhancement to the town centre retail offer.
- 134 The NPPF (para.23) states that town centres should be recognised as the heart of the local community and local planning authorities should pursue policies that support their viability and vitality. It goes on to state that existing markets should be retained and enhanced, and where appropriate re-introduce or create new ones. The adopted Core Strategy and the draft ADMP set out that development on this site should include the relocation of Sevenoaks market. Although this has been

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discussed at pre-application stage, it is not clear from the submission that this proposal has been incorporated in the scheme, and further details are therefore requested.

- 135 It is also noted that the proposal is for a single large-format store, rather than the smaller-scale retail and office units, as envisaged in the 2010 draft Planning Brief. However, provided it is demonstrated that the development can be accommodated satisfactorily in terms of integration with the rest of the centre, physical appearance and highways and parking, it is considered that a larger format retail store (comprising comparison and convenience retailing and a cafe) is appropriate on this site.
- 136 It is suggested in the CBRE 'M&S Development Potential' statement on retail that shopper spend potential in Sevenoaks town will increase by 34% at opening in 2013 to 52% at maturity in 2017. The statement also suggests that the increase in spend will come from greater spend per existing shopper, rather than a rise in shopper population or expansion of the catchment. It would be useful for the background report and calculations to be provided, in order to properly assess these headline statements. Equally the statement notes that turnover in the town will increase from £88m to £134m in 2017, with all retailers in the town benefitting from the opening of an M&S store. Further details are again requested.

### Highways and Parking

- 137 It is understood that KHS has raised concerns at pre-application stage regarding servicing access and the impact of a retail development of this scale on the highways network in the town centre. These issues will need to be resolved with KHS to ensure that the servicing and additional trips that will be generated by this development do not have an adverse impact on the town centre road system.
- 138 In relation to car parking, Core Strategy policy L03 states that *town centre car parking will be managed to ensure adequate and convenient provision for shoppers and appropriate provision for long stay parking.*
- 139 The submission states that the current public parking provision is 105 spaces (54 spaces in Pembroke Road and 51 spaces in London Road). Our parking survey data suggests that there are 113 existing spaces (55 in Pembroke Road and 58 in London Road) and therefore this discrepancy should be resolved. The submission proposes 81 public spaces and 22 spaces for the residential units.
- 140 In relation to the parking provision for the retail unit, advice will be needed from KHS to ensure that the level of parking provision is sufficient so as not to cause a detrimental impact on the operation of the town centre. Off-site mitigation has been proposed in the form of Variable Message Signs, and it will need to be considered whether these signs, in conjunction with the 81 retail spaces, are sufficient to address the additional parking pressure that will be generated by such a retail store.
- 141 Parking provision for apartments at a ratio of 1:1 in this sustainable location is in line with the KCC IGN3 Parking Standards.

### Sustainability

- 142 Policy SP2 of the Core Strategy requires all new commercial development to achieve the BREEAM "Very Good" standard. The submitted pre-assessment certificate indicates that the proposal would meet this minimum standard. However, due to the

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location and size of the proposal, a rating of “Excellent” would be encouraged on this site. Paragraph 5.2.8 of the Core Strategy states that “high quality residential and commercial schemes that exceed the standards will be encouraged”

- 143 Policy SP2 also requires new housing to achieve Level 3 of the Code for Sustainable Homes as a minimum. As with the commercial aspect of the development, the residential units would be encouraged to exceed this minimum standard.
- 144 It is noted that a Green Wall is included within the scheme, which is welcomed.
- 145 The Planning Policy team does not wish to comment on detailed matters of the submission, such as the design, detailing and materials of the buildings or impact on the adjacent Listed Buildings, the Conservation Area or AQMA.

### Representations

- 146 15 letters of objection received, raising the following matters –
- The height of the residential building at 4 storeys is inappropriate
  - Loss of light to properties on other side of Pembroke Road
  - The residential scheme should be lower in density
  - Impact of residential development on setting of Edwardian dwellings opposite
  - The modern design of the flats is inappropriate and should be more traditional
  - Impact upon schools, hospitals and medical facilities
  - Loss / under-provision of parking
  - Loss of light to properties on London Road due to scale of retail building
  - Noise / disturbance from deliveries
  - Increased traffic levels and noise pollution
  - Would road parking opposite the delivery area change?
  - The Heritage statement is inadequate
  - Potential for structural damage to surrounding properties
  - The residential scheme fails to accord with the Sevenoaks Residential Character Appraisal
  - Loss of soft landscaping and wildlife habitat
  - The delivery yard / loading bay should be accessed via the main car park
  - No design relationship with historic properties on London Road or the Conservation Area
  - The roof mass is large, bulky and ugly

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- Pollution arising from traffic and noise
- Impact upon privacy, light and outlook of the new flats at 19 Pembroke Road
- The development will result in the removal of trees within the grounds of neighbouring buildings, and subsequent loss of visual amenity

147 In addition, two letters from local amenity groups (The Sevenoaks Society and Sevenoaks Conservation Council) have been received and are summarised below.

148 The Sevenoaks Society welcomes the application which would add a national retailer to the town and provide affordable homes. However the following reservations to the current scheme are made –

- The design is disappointing and has become muddled in a search for a compromise. The pre-application advice from the planning officer for a contemporary scheme has not been followed.
- The residential block is confidently modern and appropriate in scale but loses confidence on Pembroke Road. More positive tree planting should take place at the junction
- The fake slate roofs of the retail building make it taller than it needs to be. The gable proposed is gratuitous and the delivery area accommodates a massive door akin to a business park. The green walls are problematic if not properly maintained.
- The better relationship with London Road would be achieved if ragstone was used on the lower parts of the building, with railings at the back of the footpath and high density planting and semi-mature trees creating a soft transition from the ground to the walls of the building.
- The surface area car park must be seen as an extension to the existing Blighs Car Park. Continuity in hard landscaping materials and tree planting would help.
- The façade fronting Blighs Meadow is pusillanimous and makes poor use of this special site. It could be crisper, bolder, and higher in part to look over the North Downs. An opportunity to make this a positive destination has been missed.
- We concur with Sevenoaks Town council with regard to car parking.
- The proposals in their current form are not worthy of this prominent and sensitive site and further design work is required.

149 The Sevenoaks Conservation Council also welcomes the advent of an M&S store in town but has two main areas of concern with the submitted scheme –

- The dominating and unsympathetic effect of the proposal on the High Street Conservation Area, and on the domestic scale listed buildings on the west side of London Road. Namely the loss of ragstone walling and trees; The green wall cannot be relied on; The pitched roofs of the retail store add to its height and dominance – an alternative treatment such as a mansard design would be

more acceptable; the position of the delivery yard opposite residential buildings is problematic.

- Highways issues. Namely the impact of additional access points on London Road; lorry manoeuvring is bound to cause problems; loss of parking; no parking for M&S employees, the VMS facility is likely to increase traffic movements throughout the town; a better solution would be investment in a park and ride facility.

### Group Manager - Planning Services Appraisal

- 150 This application seeks permission for a major mixed retail and residential development within the town centre. It has been reported to committee due to the scale of the development, the general interest in the development, and because the Council owns much of the site.
- 151 Members will no doubt be aware of the long term aspirations of the Council to develop this key town centre site, and will note that the site has been subject to redevelopment proposals in the past. This includes an outline permission in 2000 for an 80 bed hotel development with 32 residential apartments. A subsequent application for 65 residential units, retail and office accommodation was considered in 2002, but subsequently withdrawn.
- 152 Members will also be aware that a Development Brief for the site was drafted in March 2010, with an overall aim to secure a mixed use development for the site, incorporating around 60 residential dwellings and 1980 sqm of commercial floorspace which may include retail, leisure and office uses. This draft was not progressed to adoption due in part to the emergence of this proposal.

### Principle of development

- 153 The site is located within Sevenoaks Town Centre, and acts as a focal point for development in the District, in accordance with Policy LO1 of the Sevenoaks Core Strategy. Policy LO3 of the Core Strategy specifically relates to development in Sevenoaks Town Centre, and encourages a mix of uses within the area (retail, residential, offices, cultural, leisure and hotel), including the provision of approximately 4,000 sqm (gross) of new shopping floorspace. The policy specifically refers to the redevelopment of the application site for mixed use. The policy also states that new development in the town centre should be of a scale consistent with the existing character of the centre, and should contribute to improving the town centre environment.
- 154 The NPPF is underpinned by a presumption in favour of sustainable development and defines such development as having the following components –
- An economic role, contributing to a strong, responsive and competitive economy,
  - A social role, creating strong vibrant communities through providing a supply of housing to meet needs and a high quality environment
  - An environmental role, contributing to protection and enhancement of the natural and built environment.

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- 155 The NPPF states a commitment to strong economic growth, to the recognition of town centres as the heart of the local community and to the pursuit of local policies that support the viability and vitality of such centres. It further states that a wide choice of high quality homes should be delivered, including affordable homes where needed.
- 156 The proposal would deliver approx. 2,700 sqm of additional trading retail sales floor space and approx. 390 sqm of existing retail space within the existing building would be removed. The application states that this floor space would be split to provide approx. 1940 sqm of comparison floorspace (i.e. clothing, beauty, general products), and 760 sqm convenience goods (food and drink, and café). This level of additional retail floor space would comply with the aspirations of Policy LO3 of the Core Strategy to increase shopping floorspace in the town centre, and the provision of housing on the remainder of the site would provide a mixed use development, compliant with this policy. The development would strengthen the position of Sevenoaks as the major settlement in the District and would enhance retail choice within the town centre.
- 157 The scheme is somewhat different to proposals for the site as outlined in the Council's draft Planning Brief with an emphasis on a single large retail store and a subsequent reduction in the number of residential units on site. However there is no reason in retail policy terms why a larger store could not be accommodated on the site – and the size of the store as proposed would provide additional retail floor area in accordance with the figures specified under Policy LO3 of the Core Strategy.
- 158 The proposal would also provide an opportunity for an anchor store within the town. The proposed store would be significantly larger than any existing retail store in the town centre and creates the possibility for a Marks and Spencer department store to come to the town centre. Its attractiveness to shoppers offers the prospect of a substantial economic benefit to the centre as a whole which could not be achieved by smaller scale retail development.
- 159 In terms of the functioning of the town centre the store should also draw shoppers across Blighs Meadow, and potentially into London Road, improving connectivity through the town centre. Its position at the north western side of the centre will provide a balance with the recently-completed Waitrose redevelopment to the south so that the two main attractors are at either end of the town centre helping maintain a flow of shoppers throughout the main shopping area.
- 160 Overall the economic benefits of a Marks and Spencer store to the town amount to a substantial argument in favour of the development which is considered sufficient to outweigh the departure from the previous proposals for the site
- 161 Taking the above into account, I consider the principle of a mixed retail and residential scheme (with an emphasis on retail) on this town centre site to be in accordance with the Councils local development plan and national advice within the NPPF. However, the acceptability of the scheme will be subject to consideration of the following impacts.

### Impact of the development upon the character and appearance of the area within the Sevenoaks High Street Conservation Area

- 162 Policy SP1 of the Core Strategy states that all development should be designed to a high quality and respond to local distinctiveness. Account should be given to

conservation area appraisals, and the Districts heritage assets and their settings should be protected and enhanced.

- 163 Policy EN1 of the adopted local plan states that all developments should be compatible with their surroundings in terms of scale, height, density and site coverage and in harmony with the surrounding environment. Policy EN23 states that proposals for development within or affecting conservation areas should preserve or enhance the character and appearance of the area.
- 164 The NPPF states that the government is committed to securing economic growth, with significant weight to be placed on such growth. It advocates the pursuit of high quality design. Within historic areas, development that causes harm should require clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 165 The application has been submitted with a Heritage Statement. The adequacy of this statement has been questioned by an objector to the scheme. However I am satisfied that the heritage impacts of the development can be properly identified and assessed.
- 166 The development is split into two distinct parts, the development of the retail store, and the development of the flats.

### *The retail store*

- 167 The retail store, as a building designed to contain one large retail operator, would undoubtedly be greater in scale than surrounding buildings on London Road, Pembroke Road and Blighs Meadow, which consist of smaller scale and more intimate units, largely consisting of retail units, offices and residential units. The footprint of the building would measure around 70 metres in length along London Road, and around 33 metres in length on Blighs Meadow, which are the two most prominent and visible elevations of the building. The main shopping façade and entrance to the store would face into Blighs Meadow and would consist of a largely glazed elevation with a dummy pitched roof, and would be around 13.5-15 metres in height. The elevation fronting London Road would be set back generally between 3 and 6 metres from the pavement edge and between 15 and 18 metres in height when measured from road level, although the warehouse area to the rear would have a parapet roof and would be lower in height at 12-13 metres.
- 168 An attempt to break down the scale of this elevation has been made through the use of staggered building and roof lines and projections, and the use of differing materials on different sections of the building. This is evidenced through the use of yellow and red stock bricks to provide a contrast, and the use of a “living wall on the lower rear section of the building to add some interest and soften the appearance. Nonetheless, the building would be noticeably greater in scale and mass than surrounding buildings.
- 169 The site lies adjacent to the Sevenoaks High Street Conservation Area, and this includes the ragstone wall which runs along part of the length of London Road. The wall would be removed although a replacement ragstone wall is proposed along part of the frontage, and the section of the delivery yard fronting London Road is also proposed to be clad in ragstone. The Conservation Area Appraisal recognises the importance of the redevelopment of the site, and the need for any development to succeed commercially as well as integrating with the character of the town and

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conservation area. It states that the parameters for development of the site should encourage high quality development that reflects local identity and distinctiveness, informed by the wider context of Sevenoaks.

- 170 I do not consider a building of the scale proposed to necessarily be alien to a town centre environment. The gross floor area of the building as proposed is not dissimilar to the gross floor area of the Waitrose store elsewhere in the town centre (including the attached Waitrose car park). However in my opinion, given the prominence and tight parameters of the site and the requirement for a single use operator, there would be some conflict between the more intimate and human scale of London Road in particular, and the proposed store. This is also emphasised to a degree by the raised site levels above London Road, albeit that the development would reduce these levels in part. However this needs to be balanced against the benefits of attracting a large store operator to the town. The Conservation Officer acknowledges that it has long been the intention to extend the modern retail area at Bligh's onto this site, and that whatever the details of the scheme, any structure would dominate this part of London Road as the site lies at a much higher level than the properties on the western side. It is also recognised by the conservation officer that the highest part of the new building would be opposite the more modern unlisted buildings in London Road (69-71). The Grade II listed buildings on the west side of London Road would be largely opposite the service area and the lowest part of the retail unit itself. Notwithstanding this, there would still be a difference in scale and height between the buildings on the west side of London Road and the proposed store building.
- 171 This difference in scale is evident on the section drawings submitted with the application, which show the part of the building with a parapet roof and containing the warehouse area to be around 1.6 metres higher than the buildings on the west side of the road. The drawings show a greater difference in height as the building progresses up London Road and rises in height – and the section drawings indicate height differences of 3.8 metres and 6 metres in places. The building would certainly be prominent; it would create a sense of enclosure to the buildings on the opposite side of the road, and to a degree would dominate views of this part of the road. However it is recognised that modern and larger retail developments within town centres often have a larger scale than surrounding older buildings. It is also recognised that this effect is partly created by the changes in land level between the two sides of the road, and that the London Road is characterised by buildings typically of 3-4 storeys in height and hard against the pavement edge, which in themselves create a sense of enclosure. The other main difference in my opinion between these buildings and the scheme is that existing buildings are broken up into more intimate groups and different architectural styles, with natural breaks between buildings and varying roof styles, whereas the proposal presents a single façade of similar height and design, albeit that some attempts have been made to break down this scale.
- 172 The Conservation Officer has commented that the proposed retail unit, because of its much greater size than any existing building in the vicinity, cannot fail to have a considerable visual impact on the Conservation Area and on the setting of the listed buildings in London Road (73-93 odd), and I would agree with her comments and from my analysis above that that the scale of the building would undoubtedly impact upon the more intimate and human scale of surrounding buildings, particularly those on London Road including the listed buildings. This, in my opinion would result in some harm to the setting of the conservation area, and to the setting of the row of Grade II listed buildings. This scale impact is also referred to by the Sevenoaks Society and Sevenoaks Conservation Council.



- 173 In addition to the general scale of the building, the Conservation Officer also considers that the design of the store building is unadventurous and that there is an argument for a more striking and modern building in this location. Concern over the design approach is also found in the comments received from the Sevenoaks Society and the Sevenoaks Conservation Council. I would also take the same view that there is an opportunity to provide a striking and modern designed building in this location, based on the fact that any building of the size and scale proposed would be very different to surrounding buildings and that such a building designed in lighter and more modern materials would be a better alternative (in my opinion) to a more traditional approach that attempted to reflect the design of surrounding buildings but was substantially different in scale. The applicant was encouraged by officers to adopt this approach prior to submission of the planning application. However for other reasons the applicant chose to adopt a more traditional design approach particularly on the elevation facing London Road.
- 174 I would not describe this approach to be necessarily pastiche, but rather a mixture of some traditional and more contemporary styles. The initial design has been somewhat improved during the course of the application and in discussions with officers, through the use of ragstone material on the delivery yard wall, the removal of a large dummy pitched roof on the warehouse building and replacement with a parapet, and further changes to the use of external materials to break up the building into identified sections – which in turn helps to relieve the scale of the building. The design also picks up on the use of a yellow and red stock bricks and ragstone, which is evident elsewhere in London Road. Overall I would agree with the conservation officer that the design could be better if a more striking design approach firmly of the 21<sup>st</sup> Century was taken. In my opinion, the scale of the building is given greater emphasis partly as a consequence of the design approach taken by the applicant, through the use pitched roofs and a heavier palette of more traditional external materials. However, whilst I consider the aesthetic design could be better, I do not consider it to be so unacceptable that refusal could be justified on such grounds.
- 175 The design and scale of the building when viewed from Blighs Meadow, with a mix of traditional and contemporary styles, would be less sensitive given the intervening space between the building and existing buildings within the Blighs development, the lower height of the building from the context of Blighs Meadow, and the more modern character of the Blighs development.
- 176 The proposal would include demolition of the ragstone retaining wall on the boundary of London Road, which is located on the boundary line of the conservation area. This wall is partly obscured by existing vegetation, has been replaced by a brick wall further down London Road, and has been re-built in sections to a fairly poor standard. The conservation officer does not object to the loss of this wall and it is noted that ragstone walling is proposed in the new scheme as part of the boundary treatment on London Road, and on the delivery yard wall.

### *The residential flats*

- 177 The second main element of the scheme relates to the residential development that is proposed on the junction of London Road and Pembroke Road. This part of the scheme would be of contemporary design, largely consisting of a four storey building with a recessed and glazed top floor section, with each wing of the building tapering to three storeys. The scheme adopts a bolder design approach utilising clean, straight building edges and a palette of materials including render, timber and bricks.

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A deviation is made from this on the frontage of Pembroke Road - where a wing of the building has been designed with a pitched roof and gable features to relate to existing buildings on this road.

- 178 The building would be clearly smaller in scale than the proposed retail store. However it is located on the northern tip of the site which represents a transition point into the main town centre and a very prominent position on the main approach road into Sevenoaks from the north. The building lies within a quasi residential and commercial area and immediate surrounding buildings are of mixed design, scale and age.
- 179 It is considered that this part of the site requires a well designed building that would act as a focal point into the town, due to its prominent location on the road junction. In this respect, the main part of the building is focused at the northern tip of the site, and this responds well in scale to other prominent buildings located on junctions in this area – namely the Council Offices and the West Kent Housing building.
- 180 Whilst this part of the site is more divorced from the conservation area (which ends at No. 93 London Road), the conservation officer recognises that its prominent position would still have some impact on the setting of this area. I would agree with the Conservation Officer that the design and scale of the flats makes good use of the sloping land, would relate well in scale to the other corner buildings, and has been designed to address its relationship with properties on Pembroke Road. I would also agree that given the different mix of building sizes, ages and styles in this particular area that a modern design would add to this range, would provide an appropriate focal point on this sensitive junction, and would relate positively to the setting of the conservation area.

*Whether the design and scale of the development would result in substantial harm to designated heritage assets*

- 181 Taking the above into account, I consider that the development would cause some harm, through the scale and design of the proposed retail store, to the setting of the conservation area and the row of Grade II listed buildings opposite London Road.
- 182 The harm to the listed residential buildings at 79-93 London Road, which are arranged over three storeys, has been managed to an extent by designing the rear part of the building at a lower height and accommodating the delivery yard in this location. The listed buildings at 73-77 London Road are greater in scale at 4 storeys and are sited opposite the point where the proposed store would rise in height to a greater scale. This part of the proposed store would also be opposite a group of more modern buildings at 69-71 London Road which are of no design merit and do not contribute to the character of the conservation area, albeit that they are within this designation. The likely harm to buildings further to the south of the proposed store is more limited due to the separation distances, the continued rise in land levels in a southerly direction, and the taller height of those buildings on the western side of the road adjacent to No. 69. In my opinion the more traditional design of the building acts to emphasise this scale, as per my assessment above.
- 183 In considering the impact of the development, it is recognised that there have been long-term plans to redevelop this site as part of the Council's town centre strategy. The development brief produced in 2010 presented options for development of the site which included a range of buildings of differing scales and heights. Whilst the brief was not progressed to adoption and envisaged a different design, based on a number of smaller retail units and greater number of residential units, the scale of

development shown in the brief would also have impacted upon the more intimate scale of existing properties on London Road, albeit in a different way to what is now proposed. Nonetheless, it is evident that any development of the site would be likely to have a substantial impact to varying degrees on the setting and appearance of London Road.

- 184 Taking this into account, I consider that there would be some conflict with the stated local development plan policies which seek to ensure that development is well integrated into its surroundings and protects designated heritage assets. However, I would conclude from my above assessment that this harm would not necessarily be significant, and the NPPF states that in such cases, such harm should be weighed against the public benefits of the proposal. This is considered in my overall balancing exercise later in the report.

### Impact of development upon local highway network and parking within the site and wider town centre car parks

- 185 Policy LO3 of the Core Strategy states that for development proposals in the town centre, town centre car parking will be managed to ensure adequate and convenient provision for shoppers and appropriate provision for long stay parking. Policy SP9 states that where development creates a requirement for new infrastructure, this should be provided by the developer (or via a contribution). Policy EN1 of the local plan states that development proposals should provide appropriate parking and access facilities, and should not create unacceptable traffic conditions on surrounding road networks.
- 186 Policies LO1 of the Core Strategy and LF7 of the SE Plan confirm the status of Sevenoaks as the focal point for retailing and mixed use development and the ability of the town centre to accommodate sustainable development to reduce travel needs.
- 187 The NPPF (Section 4) states that developments which generate significant traffic should be located where the need to travel is minimised and the use of sustainable transport modes is maximised. Transport Assessments and Travel Plans should be provided with such applications.
- 188 The application has been submitted with a Transport Assessment and a Retail Impact Assessment. The assessments recognise that the new store will make the town a more attractive place to shop and would result in more trips being made to the town centre by shoppers. However it is also reasonable to forecast that a number of visitors to the new store would be drawn from existing shoppers and visitors to the town who would already be in the town centre.
- 189 These documents forecast that the number of new shoppers attracted into the town by the store would be in the region of 15% of total trips to the store. Put another way, the information forecasts that some 85% of total trips to the new store would be by existing shoppers and that as such only 15% of trips to the store would generate additional traffic to the town.
- 190 Notwithstanding these forecasts, officers have used some caution and sought for the applicant to test the scheme based on a higher rate of new trips to the store. Therefore the applicant has also carried out further tests based on predicted new trips to the store at 26%, 40%, 60% and 70%, in order that the impact of the development based on a higher level of new trips to the store can be considered.

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- 191 In terms of traffic generation, three main junctions have been identified that the majority of traffic entering and exiting the town centre would pass through. These are the Pembroke Road/Suffolk Way/High Street junction, the Pembroke Road/London Road/Argyle Road junction, and the High Street/London Road junction. Based on highways modelling information submitted with the transport assessment, Kent Highways are satisfied that at a new trip rate to the store of 15% or 26%, the junctions would not reach capacity. Capacity issues would be more likely to arise if new trips exceeded 40% without mitigation in the form of traffic management.
- 192 In terms of car parking, the Council does not have any local parking standards for retail development. The applicant has used the former Kent County Council parking standards and has calculated that the food and non-food related elements of the proposal would require a maximum provision of 188 new parking spaces. However Members should note that this level of parking is based on a scenario that all trips would be new trips to the retail destination. This broadly equates with the standards set out in PPG13 (Transport) – although this document has been superseded by the NPPF. Members should also note that this figure applied equally to town and out of town retail sites and that car parking would be expected to be reduced in sustainable locations such as existing town centres. I would stress that the above standards are no longer in force, but have been included as a guide.
- 193 The application proposes to provide 81 car parking spaces, and the Transport assessment forecasts that this would provide sufficient space to accommodate 40% of all shoppers using the store. Given that the application forecasts the number of new shoppers to be attracted into the town by the store to be 15% of all shoppers using the store, the 81 car parking spaces proposed would be some 2-3 times greater than the predicted level by the applicant. This 15% figure may be considered to be low, but as stated, the car parking proposed would allow for capacity for up to 40% of trips to the store to be new trips, with 60% of trips to the store carried out by people already within the town. I consider the ability of the car park to accommodate a new trip figure of up to 40% to be sufficient, taking into account the likely use of the store by shoppers already in the town and the sustainable location of the site and its appeal to shoppers that do not rely on travelling to the town by car.
- 194 However the provision of these spaces as part of the development would not account for the vehicles that use the current car parking facilities and would be displaced by the proposal. In considering this impact, the Council's Parking and Amenity Manager has provided a detailed appraisal as set out in the consultations section above. Members will note that the development would directly result in the loss of existing public car parking on the site, consisting of 54 long stay parking spaces at the Pembroke Road car park, 49 public short stay spaces and 17 private spaces on the "old" section of the Blighs car park, and 5 public spaces included in the "new" Blighs car park. These spaces are currently well used without the added draw of a large retailer in the town.
- 195 The Parking and Amenity Manager has provided survey information on the capability of surrounding town centre car parks to accommodate those existing car-borne visitors to the town centre that would be displaced by the loss of the car parks on the application site. Members will note that the recent car parking data has been skewed partly by the Waitrose redevelopment – during which time the store temporarily relocated to the High Street and shoppers parked in public car parks rather than the dedicated Waitrose car park. Members will also note that the survey information shows particular capacity issues during periods on a Wednesday, due to the use of part of the Buckhurst car park as a market.

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- 196 More parking is also available on Saturdays due to the use of the Council's own car park and the ability to use the Buckhurst long stay car park for short stay parking on this day.
- 197 Taking the survey information following the re-opening of the new Waitrose store, it is evident that capacity exists within existing short stay car parks to accommodate vehicles displaced by the loss of the short stay parking on the application site. On average, the survey information demonstrates that 68 spaces are typically available in surrounding public car parks at morning peak times, and 134 spaces in the afternoon peak. On Wednesdays, due to the presence of the market, this capacity is reduced to 31 spaces in the morning and 80 spaces in the afternoon. Other than on Wednesday mornings (due to the presence of the market), this data demonstrates that capacity exists to accommodate the displacement of visitors who currently utilise the short stay parking spaces in Blighs Meadow which will be taken by the development. Whilst it is noted that the figures should be adjusted down to take account of the 5 parking spaces in the "new" Blighs car park which will also be taken by the development, the general outcome does not alter significantly...
- 198 If the number of new shoppers attracted to the town by the store was less than 40% of total shoppers using the store – and as stated above the application predicts a figure of 15%, then capacity would also exist in the new car park provided with the store to accommodate existing shoppers that drive into the town and use the short stay parking.
- 199 It should also be noted that the survey information provided by the Parking and Amenity Manager does not include the use of the Waitrose car park (162 spaces). This is because the car park is primarily for shoppers using the Waitrose store, although it does provide the opportunity for short stay parking for wider town centre shopping. Occasional surveys of this car park show there to be between 30 and 60 spaces available. Whilst this could accommodate some displaced parking from the application site, I would not overly rely on the use of this car park as a facility for the wider town centre, given that its primary purpose is to accommodate Waitrose shoppers. It would also be reasonable to conclude that Waitrose would raise concern if their customers had difficulties in parking at the store due to increased use by other town centre shoppers.
200. The likely increased use of surrounding public car parks would raise the capacity of these car parks beyond 85% at certain times. It is recognised that parking management becomes more difficult when this capacity is reached, and that mitigation measures become necessary to direct traffic to available spaces. Taking this into account, together with the possible capacity problems identified at the junctions if the rate of new shoppers to Sevenoaks attracted by the new store exceeded the low levels predicted by the applicant (and your officers are cautious not to over-rely on these levels), it is considered that a form of mitigation is necessary.
201. As such, the application also proposes to fund a scheme to provide Variable Message Signs (VMS) within the town, to direct shoppers to available spaces within the town centre car parks. It is envisaged that three main signs will be necessary, on the southern approach to the town, on the High Street (between the Seal Hollow Road and Suffolk Way junction) and on London Road (before the Pembroke Road junction). It is envisaged that these signs would replace existing directional car park signs in the same locations. The signs would electronically display the number of available spaces within the town centre car parks. The installation, maintenance and

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management of the system would be undertaken by Kent County Council, subject to agreement over suitable funding with the applicants. The costings for this are still being considered, and Members will be updated on the day of committee. This funding would be secured via a S106 agreement and the applicant would be required to provide this funding upon commencement of the development. This would then provide Kent County Council with the opportunity to provide the VMS scheme prior to the opening of the store.

202. The VMS is considered to be necessary to reduce the likelihood of shoppers driving into the town from trying to find space in certain car parks where none exists, with subsequent congestion problems within car parks and surrounding roads / junctions due to vehicles moving between car parks without knowledge of available parking. VMS would provide a facility to inform shoppers where car parking is available, directing them straight to these car parks. In order for the development to be acceptable, both Kent Highways and the Council's Parking and Amenity Manager consider that a VMS system is required.
203. In terms of long stay parking, it is noted that 54 long stay parking spaces would be lost through the development, as well as 17 private spaces. The Council's only other long stay car park is at Buckhurst, which provides 291 spaces in total. Whilst the survey information provided by the Parking and Amenity Manager demonstrates that some capacity exists in the Buckhurst car park to accommodate the displaced parking, it cannot accommodate all of this. There will therefore be a reduction in long stay parking within the town.
204. However it is important to note that the existing facility at the long stay Pembroke Road car park only has a temporary permission – on the basis that the site would be redeveloped at a later date. As such it has always been recognised that this car park is a temporary facility and would eventually be removed. Spare long stay capacity elsewhere in the centre could accommodate about half the spaces lost. This is likely to mean that other users would either need to travel to the town by alternative means, or that they would park on the periphery of the town and walk in.
205. Given that the existing car park was only accepted as a temporary measure, I do not consider that the Council could reasonably object to its loss as part of this application.
206. The development would generate trips by HGV's providing deliveries to the store. The delivery area would be accessed via London Road. The Transport assessment includes information to demonstrate that a goods vehicle can enter and exit the delivery yard in forward gear. The supporting information states that typically fewer than five deliveries per day would be generated. Kent Highways consider the delivery arrangements on highways safety grounds to be acceptable.
207. The application also proposes a further access point on London Road serving the underground car park. Similarly Kent Highways raise no objection to the creation of an access in this location, and anticipate that any potential issues relating to queuing would be addressed through the VMS facility and a car parking management strategy for the basement car park.
208. Finally, the residential element of the scheme proposes 22 car parking spaces, accessed via a separate entrance onto Pembroke Road. This equates to 1 space per unit. Again, the Council has no locally adopted residential parking standards, however Kent Highways recommend that within town centres a maximum of 1 space

per unit should be provided such developments. The proposal accords with this advice.

209. Taking the above into account, I consider that the impact of the development has been robustly tested through the information submitted in the Transport assessment. Following this, and based on advice received from Kent Highways and the Council's Parking and Amenity Manager, I am satisfied that the development, incorporating mitigation measures through a VMS system, would not have an unacceptable impact upon the capacity of the local road network or result in a deficiency in short-stay town centre car parking, nor would any adverse highway conditions be likely to arise. The proposal would lead to a reduction in long stay parking facilities although the existing long stay parking on site was always a temporary parking facility, taking into account the long-term aspirations of the Council to redevelop the site. Taking this into account, I am satisfied that the highways and parking impacts related to the scheme would comply with local and national planning policy and advice.

### Impact of the development upon the living conditions and amenities of neighbouring properties

210. The site is surrounded by buildings in a variety of uses, including a number of residential properties on London Road and Pembroke Road that face towards the site. In addition a block of flats at 19 Pembroke Road back onto the site. Policy EN1(3) of the local plan states that a proposed development should not have an adverse impact upon the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion, or activity levels.
211. The applicant has also submitted section drawings and a shadow study statement with the application which provide a tool to assess the impact of the development on surrounding properties.

### *Impact arising from the proposed residential units*

212. The proposed flats would be sited around 24 metres from the dwellings on Pembroke Road opposite the site. Taking this distance into account together with the height of the proposed building, the development would be unlikely to impact upon the provision of daylight to these properties. The shadow study assessment demonstrates that overshadowing of the front windows to these properties would be limited to some points during the afternoon in mid winter. In my opinion, this impact would not be significant.
213. The proposed flats would clearly be visible from these properties but at 24 metres distance, with a relatively busy road in between the buildings, I do not consider that the proposed flats would have a significant impact upon the outlook or privacy of these existing dwellings.
214. The proposed flats would be sited next to No. 21 Pembroke Road, and have been designed to step down in height to the same ridge height as this property (approx. 10 metres). Given the step down in scale, and the use of No. 21 as office accommodation, I consider this relationship to be acceptable. Some angled views would be obtained across No. 21 towards the existing flats at 19 Pembroke Road. However this would be at a distances of between 20 and 27 metres across a neighbouring property, and I do not consider this would cause an unacceptable level of overlooking to No. 19.

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215. On the London Road frontage, the proposed flats would be sited some 20 metres from the West Kent Housing Association building, which is primarily arranged with accommodation over two upper floors with parking at ground level. Given this distance, together with the similar scale of the two buildings, and the layout and use of the WKHA building as office accommodation, I consider this relationship to be acceptable. The residential property next to WKHA at 95 London Road is raised substantially above ground level at the point where the flats taper down in height to three storeys – at around 8 metres in height. Taking this into account together with the distance to No 95 of around 20 metres, I do not consider that the development would harm the living conditions of this property.

### *Impact arising from proposed retail unit*

216. Moving further up the west side of London Road, the properties on this side begin to face the commercial element of the development. The first units at 79-93 London Road are Grade II listed buildings in residential use that would face towards the delivery yard and the rear part of the proposed store. This is lower in height than the main part of the building at around 12 metres in height. At a separation distance of 20 metres, I do not consider this relationship would cause any undue loss of light or outlook to the occupants of these properties.
217. The main area of the building containing the shop floor of the store increases in height to approximately 17 metres. A number of properties on the opposite side of the road are in commercial use at ground floor level, with some residential accommodation above. This includes the remaining listed buildings at 73-77, of which No. 77 appears to be totally in residential use. The properties at 69, 73 and 75 London Road all contain flats at first floor level and above. It is this location between No's 69 and 77 where the difference in scale between the proposed store and the existing buildings on London Road would be most marked. As a guide, Members should note that the height of the store at this point is shown to be the same height as the existing building at 66 London Road, but would be sited 4 metres closer to London Road, and would have a much greater frontage at this height than the existing building. The first and second floor flats at No 69 are set back from the commercial unit below and as a result would be some 24 metres from the proposed retail store. Given the raised height of the flats at first floor level and the separation distance involved, it is unlikely that the retail store would cause any material loss of daylight to these properties. The separation distance between the proposed building and the existing properties opposite at 73-77 London Road would be less, at around 17 metres. Given the height and length of the proposed store in this location, I consider that it has greater potential to impact upon the amenities of these properties.
218. As stated above, the ground floors of 73-77 are occupied predominantly as commercial units where such impacts are less sensitive. Whilst no 77 is shown in residential use, the information held by the Council on this property indicates that the ground floor is used as a storage area, and that the main living accommodation is at first floor level and above. Taking this into account, it would appear that all residential accommodation provided within the buildings opposite this part of the site is at first floor level and above. The height and scale of the proposed store would be likely to have less impact on these properties than would be the case if they were at ground floor level. Given the difference in height between the buildings, I consider that the proposed store could still have some impact on the levels of daylight reaching these residential units, more so to units at first floor level rather than second and third floor levels. When applying the 25 degree test from the first floor windows of 73, 75 & 77 London Road, the proposed development would have



detrimental impact on the amount of the daylight received to these properties. In order to address these concerns, the applicant is intending to review the height and roof profiling of a section of the development to minimise its impact on 73, 75 & 77 London Road. An update on the submission of amended drawings will be provided in the Late Observation papers.

219. The applicant has provided a shadow study statement which plots the potential for the development to overshadow surrounding properties. This predicts that in summer months, no overshadowing to the units on London Road would take place after 8am. The statement predicts that in March / September these units should not be overshadowed from 8.45-9am each day. During winter months, when the sun is at its lowest, it is predicted that the units would not be overshadowed from 10am. However it is noted that the existing units on London Road face towards the north east, and as such would only receive morning sunlight into the front elevations.
220. The retail development would have an impact on the outlook from these properties and particularly the residential units. This would change from a relatively open site to a large scale urban development. However given the town centre location of the development, the long term aspirations to redevelop the site for an appropriate town centre use, and the intervening London Road and degree of human and vehicular activity, I do not consider this impact to be unacceptable.
221. The proposal would also be sited adjacent to a recent development of flats at 19 Pembroke Road. Some of these units are arranged with living accommodation facing to the rear, towards the development. These would largely face the warehouse area to the rear of the proposed store. The applicant has undertaken a daylight assessment in accordance with guidance set out by the Building Research Establishment (BRE) to calculate whether the development would be likely to impact upon levels of lights to these properties. This establishes that there would be some impact on the lower ground floor unit, which would be likely to lead to a reduction in the amount of skylight reaching this unit. However this is calculated at just below recommended levels and the impact is considered to be slight.
222. In terms of the impact of loss of sunlight, the proposed development lies immediately to the south the 19 Pembroke Road and potentially will have a detrimental impact, given the scale of the buildings. The applicant has submitted BRE sunlight drawings for October and December, which show that the ground floor flat at 19 Pembroke will only receive minimal sunlight during the winter months. In order to address these concerns, the applicant is intending to review the height and roof profiling of a section of the development to minimise its impact on 19 Pembroke Road. An update on the submission of amended drawings will be provided in the Late Observation papers.
223. The proposed building would be sited close to the rear boundary of No. 19 and, as a result of the development; a number of trees in the garden to No. 19 would be likely to require removal. The applicant has contacted the owners of No. 19 to address with this matter, and it is understood that an offer of replacement trees planting has been made. Given the changes in levels between the site and No. 19, the development would be sited at a lower level than the flats and garden area. The flats would mainly face towards the elevation of the store containing the warehouse, although the height of the store would rise in height adjacent to the south east corner of the garden to No.19. Given the changes in levels, the warehouse building would be around 8.5 metres in height above the garden level of No. 19. This has the

## Agenda Item 4.1

potential to create an unrelieved outlook to the occupants of the flats, although it is noted that replacement tree planting would assist in mitigating this impact.

224. The proposed retail store would also have the potential to create noise, particularly through the installation of plant / equipment required for the building (such as extraction units, air conditioning units), and from goods vehicles using the delivery yard and other activity within the yard itself.
225. The application is supported by a Noise Impact Assessment. The assessment, together with the submitted drawings, indicates that fixed plant and equipment would be sited on the roof of the main building, behind the “dummy roof”. The Council’s Environmental Health Officer has queried the level of information provided with regard to the predicted levels of plant noise in relation to surrounding receptors. However he does consider that his outstanding queries should be able to be addressed by planning conditions, to control the type of equipment installed on the roof or to provide mitigation against any fixed noisy equipment (such as acoustic housing).
226. With regard to the delivery area, it is noted that the scheme has been designed with an acoustic barrier to the top of the wall of the yard, and this has been incorporated into the scheme. The impact of the deliveries can be split into two parts, the impacts arising from the arrival and manoeuvring of a goods vehicle into the yard from London Road, and the impact of general noise and activity undertaken within the yard itself (loading, unloading etc.). The Environmental Health Officer has again raised a number of queries with regard to the predicted noise levels arising from the delivery yard, and the applicant is in the process of compiling this information at the time of writing this report. Members will be updated on this matter at a later date.
227. Some comments received from local residents state that the delivery area should be provided within the main car park and not from London Road. Due to the tight parameters of the site, such a scenario would require deliveries to be taken at the front of the store with result lorry parking and manoeuvring taking place in this location where high levels of pedestrian movement and vehicle movements over the wider car park facility would be envisaged. I do not consider this to be a realistic or particularly safe option.
228. In summing up the likely impacts on surrounding properties, I consider the proposed flats would be unlikely to cause any undue loss of light, privacy or outlook to surrounding properties. The retail store would have a greater impact upon surrounding properties, and I consider that there would be likely to be some loss of light and/or outlook to some surrounding residential properties at 73-77 London Road and 19 Pembroke Road. This would lead to some conflict with Policy EN1(3) of the local plan. The likely noise impacts arising from the delivery yard and associated vehicle noise is still subject to consideration.

### Air Quality

229. Policy SP2 of the Core Strategy states that the design and location of new development will take account of the need to improve air quality in accordance with the District’s Air Quality Action Plan, and that development in poor areas of air quality or that may have an adverse impact upon air quality will be required to incorporate mitigation measures to reduce impacts to acceptable levels.
230. The application includes the submission of an Air Quality Assessment. The assessment recognises the main impact on air quality is from vehicle emissions, and

uses traffic data from the Transport Assessment to predict impacts that would be likely to arise from the scheme within to establish the likely impact upon air quality. The Council's Environmental Health Officer is satisfied with the content of the assessment and that the impact on air quality would be small. In order to mitigate against this impact a contribution of £5,000 towards implementing measures in the Council's Air Quality Action Plan is required. The developer has agreed in principle to fund this, and this would be secured via a S106 agreement.

### Impact upon Trees

231. The applicant has submitted an Arboricultural Impact Assessment with the application. Policy EN1 of the local plan states that the layout of development should retain important features including trees, hedgerows and shrubs.
232. The existing site contains a number of trees, primarily on the south side of the site near the boundary with London Road and the London Road / Pembroke Road junction. When applying the relevant British Standard guidelines, these trees are predominantly graded in the report as Category C trees which mean they are of poor form with limited current or long term potential. However these trees do offer some current visual amenity value in terms of their "greening" effect on this part of the town centre. Three Category B (assessed as moderate quality and value with a minimum of 20 years potential) trees would be removed on site, whilst the assessment states that 5 category B trees around the existing Blighs car park and partly on the London Road frontage would be retained.
233. The report also identifies a number of trees sited close to the boundary of the site, which fall within the garden of 19 Pembroke Road and the rear of the neighbouring office unit at No. 17. The report states that a number of these trees will require removal or crown reduction works / pollarding as a consequence of the development, particularly due to excavation works that will be required close to these trees. These are generally greater in size than the trees on the site itself. However a number are again graded as Category C trees, although a Category A tree (assessed as high value with a minimum of 40 years potential) within the grounds of No. 17 would be lost.
234. The tree officer's comments on the amenity value of the current landscaping on site is set out in full in the Consultations section above. Members will note that concern has been raised over the loss of landscaping on the site and adjacent land, although recognition is made that the proposed scheme includes some new landscaping which would lessen the impact of the development.
235. It is clear that the development would have an urbanising effect on the site and surrounding area, due to the change from a relatively open site interspersed with landscaping to a site that would be largely development with buildings of substantial size and scale. In many respects, the Council's long-term aspirations to redevelop this site as would inevitably result in the loss of trees and open character of the site and more emphasis in visual terms on built form. It is also evident that, given the limited width of the plot and siting of existing trees, that the ability to secure the protection of surrounding trees from development of the site is restricted.
236. As advised, the majority of trees identified for removal are deemed to be of limited quality and long-term value. The proposal also makes provision for new planting in various locations along the Pembroke Road and London Road frontages. This includes provision of an area of between 3 and 5.5 metres depth to the front of the flats at the Pembroke Road / London Road junction to accommodate tree and shrub

## Agenda Item 4.1

planting, and tree planting further along the London Road frontage adjacent to the retail store. Whilst this clearly would not screen the development, it would offer the potential for some landscaped relief to the built form at pedestrian level.

237. Those trees proposed to be removed on land in neighbouring properties would need to be subject to agreement between the developer and the neighbouring landowners. The applicant has stated that they would be willing to plant replacement trees within adjoining properties. However this would be a matter between these two parties and the Council could not require such planting to take place through the planning application.
238. The application also proposes the installation of a green “living wall” This would be sited on the lower part of the retail unit fronting London Road, over a distance of around 35 metres in length and up to 8 metres in height. The literature submitted with the application includes a range of sites where such walls have been introduced and this facility has the potential to assist in breaking up the scale and urban form of the development. I consider that conditions could be applied to accommodate a suitable scheme of planting for the wall, and to satisfy the maintenance problems as identified by the tree officer, through a requirement for a long-term maintenance and management plan for the living wall.
239. Taking the above into account, whilst the part landscaped character of the site would be lost through this development, it is not considered that any of these trees are of such quality that they warrant a tree preservation order, and some replacement planting would take place as part of the development. The loss of trees on the site and particularly those in neighbouring properties would have some detrimental impact on the current visual amenities of the area, although they have largely been assessed as being of limited value and lifespan. On this basis I consider that the harm through loss of landscaping would be limited. These matters need to be weighed against the benefits of developing this urban site and accommodating a large single retail operator to the town.

### Ecology

240. Policy SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity.
241. An Ecological Scoping Survey report has been submitted with the application, and the report has been updated during the course of the application. The report states that there are some bat roosting opportunities within the existing site and buildings, but that these are likely to offer low bat roosting potential. The report recommends that, given the likely low potential, a condition can be used to require bat survey works to be undertaken in the next available season (anticipated to be in May of next year), together with any necessary mitigation measures.
242. It is normal practice that survey works are undertaken prior to a decision being made. In this instance, and following the submission of an updated scoping report, the County Ecologist is satisfied that the likelihood for roosting potential is low and that any such roosts would be “low status”. On this basis, the County Ecologist is content that conditions can be used to secure further survey work and mitigation / enhancement measures.

243. As such I consider the scheme would enable the conservation of biodiversity and enhancement measures can be secured via planning conditions, in accordance with Policy SP11 of the Core Strategy.

### Affordable Housing

244. The application seeks to provide 40% of the residential units as affordable housing. This equates to 9 units within this scheme. In accordance with Policy SP3 of the Council's Core Strategy, these units would be split to provide 6 units as affordable rented housing and 3 units as intermediate houses. The development would enhance the stock of affordable housing in the District where a significant need exists, and would comply with Policy SP3 of the Core Strategy.
245. The developer will be required to enter into a S106 agreement to secure the affordable housing a set out above.

### Other matters

246. Policy SP9 of the Core Strategy states that where new development creates a requirement for new or improved physical and social infrastructure and that developer will be expected to provide or contribute to the additional requirement.
247. Through the application process, Kent County Council has identified a requirement for a contribution towards the provision of key services that would be likely to be affected by the residential development. These are as follows –
- |                              |             |
|------------------------------|-------------|
| Secondary school provision – | £11, 209.05 |
| Libraries -                  | £4, 245.96  |
| Adult Social Services        | £6, 552.98  |
248. Likewise the NHS West Kent has identified that improvements to local surgery premises would be necessary to accommodate the increase in the local population through the flatted development. This would involve the extension, refurbishment or upgrading of local surgery practices within a 3 mile radius of the site. The contribution requested is £13, 608.
249. The applicant has agreed in principle to fund these contributions and this will be contained within the S106 agreement. I consider this would accord with Policy SP9 of the Core Strategy.
250. The pre-amble to Policy LO3 of the Core Strategy makes reference to the relocation of the market to the site, and this is also referred to in the Council's Draft Allocations DPD. However, it is not referred to in the actual policy itself. The developer does not propose, as part of the application, to relocate the market to the site. Ultimately this is not a matter that I consider the Council could insist upon, as it does not form part of the specific requirements of an adopted policy
251. A local resident has raised concern over possible structural damage to their property arising from the development. This falls outside of the remit of planning legislation and would normally be a civil matter if such damage were to occur.
252. The application includes space for a public art feature, to enhance the public realm. This is not currently defined. It is considered that public art would enhance the

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scheme, and that the best approach would be to secure a sum of money from the developer and undertake an exercise to identify an appropriate piece of artwork to place on the site. The sum of money is under negotiation and Members will be updated on this matter at Committee.

### Balancing of benefits and Impacts and Conclusion

253. The proposal provides an opportunity for an anchor store to be located within the town. This offers a substantial enhancement to existing shopping provision in the town, with consequential economic benefits. From the information submitted, the store would also be likely to increase spending in other shops within the town, and has the potential to draw shoppers from the High Street into London Road. These economic benefits are considered to be significant, and would accord with the objectives of policies LO1 and LO3 of the Core Strategy, and advice contained within the NPPF which places significant weight on maintaining the vitality and viability of town centres and upon strong economic growth. The application demonstrates that the development can be accommodated without a likelihood of causing congestion or parking problems within the town, subject to the installation of a VMS system which the applicant would be willing to fund and would assist with town centre parking management.
254. Balanced against this are the impacts identified in the sections above. There would be some harm to the character and appearance of the area, including the setting of the conservation area and the row of Grade II listed buildings through the scale and design of the building as a single retail unit, and through the loss of existing trees. However the harm to these heritage assets is not considered to be substantial as set out above and it is noted that many of the existing trees are of limited lifespan and of shorter term amenity value. There would, nonetheless, be a degree of conflict with Policies EN1 (1) and (2) and EN23 of the Local Plan, and policy SP1 of the Core strategy.
255. In addition it is considered that some adverse impacts on the amenities of surrounding buildings would be likely to occur – through loss of daylight to the residential units at 73-77 London Road, largely at first floor level, some loss of sunlight to the ground floor flat at 19 Pembroke Road, though these elements will be subject to submission of amended drawings to overcome concerns. The scheme would also result in some potential loss of outlook to the rear of 19 Pembroke Road facing onto the development. However it is noted that, in the case of daylight to the ground floor flat at No 19, that the impact on this property has been calculated to be at a low level, and that outlook to the flats could be made better if an appropriate planting scheme was agreed with the developer to replace trees that would need to be removed in the garden to this property. In the case of 73-77 London Road, it is noted that levels of sunlight would be largely unaffected by the proposal. There would however be a degree of conflict with Policy EN1 (3) of the local plan. Overall it is considered that this level of harm, whilst not immaterial, would not be substantial.
256. Therefore it is considered, on balance, that the economic benefits of the scheme, together with the public benefits of improving the town centre shopping choice within Sevenoaks town centre outweigh the adverse impacts specified above.
257. This is also dependant on the noise impact of the delivery yard being resolved. As advised earlier, this will be reported to Members prior to consideration of this application at committee.

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258. I am satisfied that detailed amendments can be made to overcome the issue of the loss of light. I would therefore conclude that, subject to the receipt of satisfactory amended drawings to address concerns over loss of light, the completion of a S106 agreement to secure the contributions and obligations referred to in the report, that planning permission should be granted for this development.

### Background Papers

Site and Block plans

Contact Officer(s): Mr A Byrne Extension: 7225

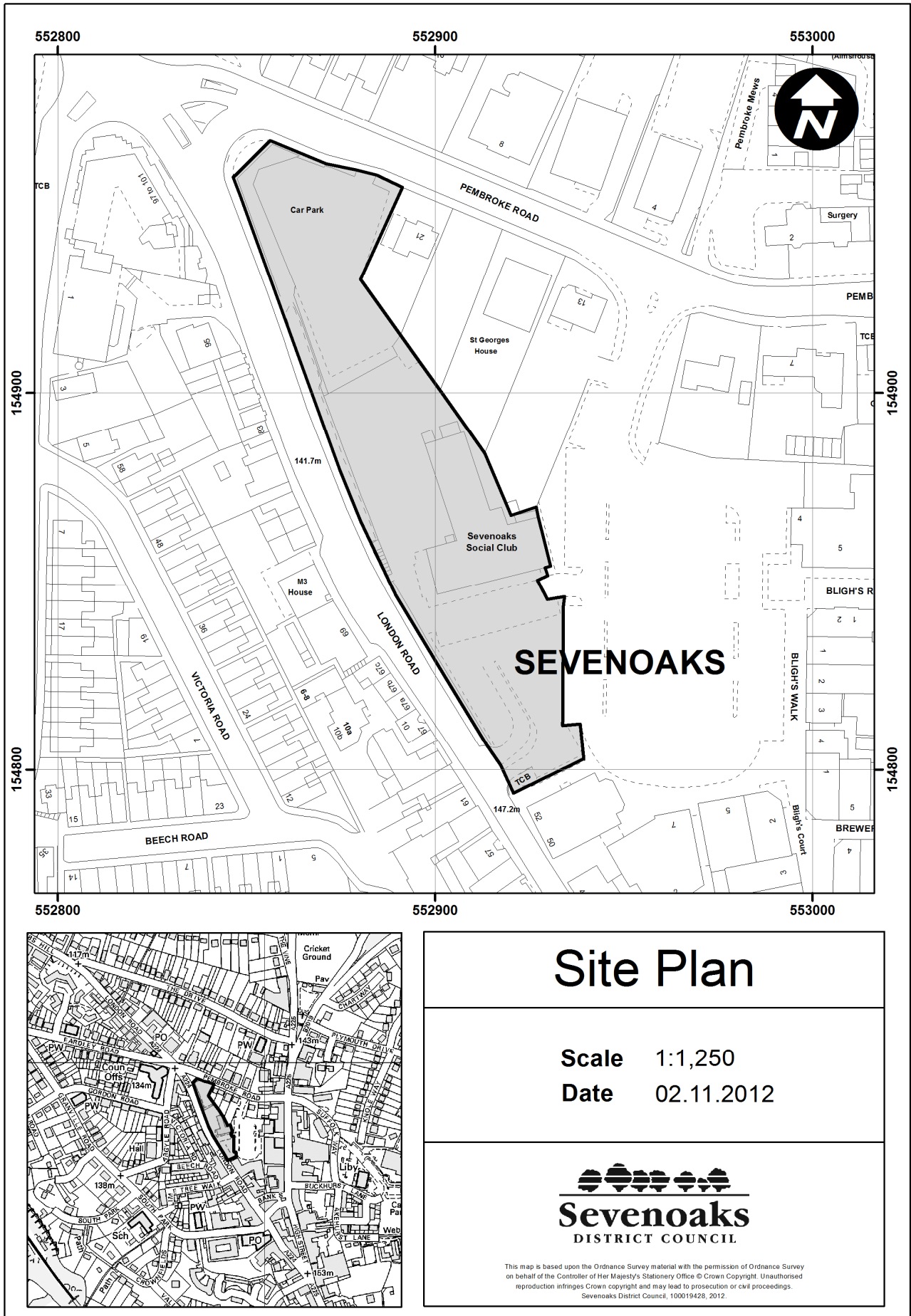
Kristen Paterson – Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=M5VONFBK0FZ00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=M5VONFBK0FZ00>



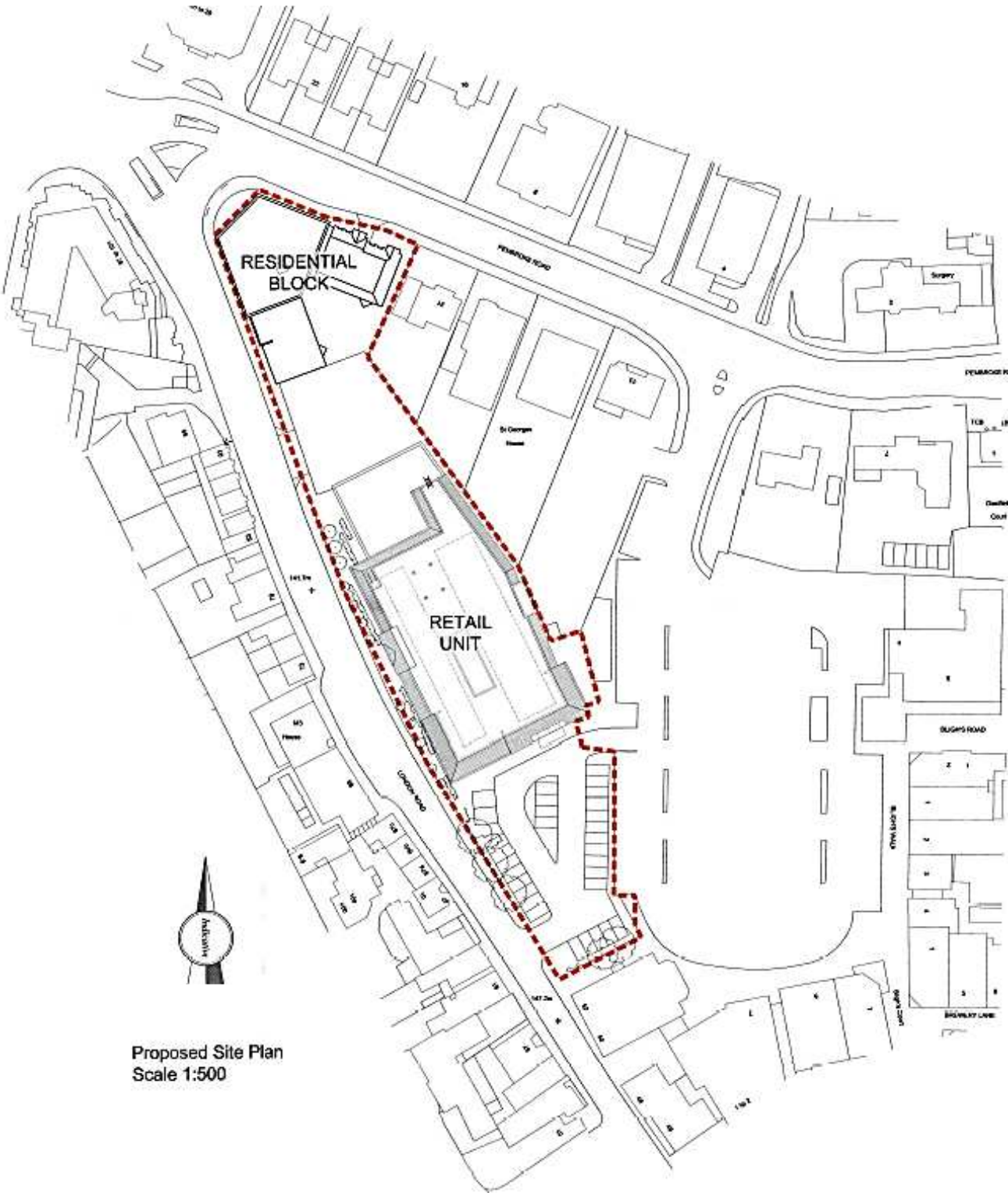
# Site Plan

Scale 1:1,250  
Date 02.11.2012



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Sevenoaks District Council, 100019428, 2012.





Proposed Site Plan  
Scale 1:500

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4.2 - SE/12/01530/CAC Date expired 13 August 2012

PROPOSAL: Demolition of the existing dwelling and attached garage.

LOCATION: Cavendish House, Clenches Farm Road, Sevenoaks  
TN13 2LU

WARD(S): Sevenoaks Kippington

**ITEM FOR DECISION**

Councillor Avril Hunter has referred the application to Development Control Committee as she believes the application is acceptable on the basis that the demolition of the existing property will not harm the character and appearance of the Conservation Area.

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

The demolition of a designated heritage asset will harm and detract from the character and appearance of the Conservation Area, contrary to the provisions of policies EN1 and EN23 of the Local Plan, SP1 of the Core Strategy and the National Planning Policy Framework.

- 1 The application was deferred at the meeting of the Development Control Committee on 20 September 2012 (see report in Appendix A) in order for the applicants to substantiate the claim that the existing dwelling has structural issues that were not economically viable to repair.
- 2 This applicant has submitted two separate structural surveys, one completed prior to the purchase of the property by the applicants in August 2012 (inspected by Wimshurst & Co Chartered Surveyors on 10 August 2012) and one dated 15 October 2012 by CTP Consulting Engineers.
- 3 The structural survey completed prior to the purchase by the applicants concluded that 'From a structural point of view we can see no reason why this property should not be purchased for residential purposes, provided you take into account items referenced in this report which are largely of a maintenance nature and typical of a property of this age which has not been upgraded.'
- 4 The report goes on to mention that the issues relate to possible underpinning to the detached garage and other outbuildings due to inadequate foundations, that the roof is generally in watertight condition but needing a tile overhaul, the steel central heating header tank needs replacing, the renewal of windows, overhaul of rainwater goods etc and goes on to re affirm in the conclusion that 'Items for your near future attention are typical of a property of this age and largely of a maintenance nature and upgrading requirements.'
- 5 The second structural survey, (or engineers report) provide a list of similar recommendations which include:
  - Re-roof the pitched roof

## Agenda Item 4.2

- Re-render all elevations
- Replace all down pipes
- Take up uneven paved surface and re-lay
- Some internal works such as remove all polystyrene ceiling tiles
- Underpin side wall of garage
- Repair cracks to junctions between utility room and main house/garage
- Obtain specialist damp and timber advice.

Therefore the only main structural works appear to relate to the detached garage, not the house.

- 6 Also submitted is a financial appraisal of the works, as well as independent valuations for the property.
- 7 It is stated by the agent that 'The structural report highlights the poor condition of the property and makes recommendations for rectifying the structural irregularities and to bring the property up to modern day standards sufficient for occupation by my client`s family. The cost of these works, compared to the two independent valuations, renders the renovation works financially unviable. '
- 8 The costs appraisal submitted for the 'upgrading of Cavendish House' give a figure of £1,002,000. This figure is for a complete overhaul of the property however, (and includes for instance a £50,000 figure for a 'high quality fitted kitchen') not for the works largely of a maintenance nature and upgrading requirements 'highlighted above in both submitted structural surveys.
- 9 The argument put forward that given the value of the property, given as (Knight Frank) £1.7m - £1.75m in its current condition and £2m once refurbished to a good standard, and (Savills) £1.75m in its current condition and £2m once refurbished (including 'new kitchens and bathrooms'), that the works are financially unviable.
- 10 It should be noted that both valuations included comments on the fact that the 'sealed envelope' bid process resulted in a 'competitive bid process 'which drove the eventual price upwards' resulting in an inflated price paid for the property by the applicants. This basis should not be used to justify the loss of a designated asset.
- 11 NPPF states that with regards to the potential loss of a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
  - the nature of the heritage asset prevents all reasonable uses of the site; and
  - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

## Agenda Item 4.2

- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
  - the harm or loss is outweighed by the benefit of bringing the site back into use.'
- 12 The applicants have not submitted any further information to address any of these specific points.
- 13 It is assumed that the argument put forward by the applicants relates to the first or second criteria above, and that the costs of the maintenance and upgrade works prevents all reasonable uses of the site; or no viable use of the heritage asset itself can be found in the medium term (certainly not all of the criteria above applies).
- 14 In this instance it is not considered that all reasonable uses of the site has been lost, nor that it is not possible to viably use the heritage asset itself in the medium term.
- 15 It is not considered that the above criteria allows for the complete loss of a designated heritage asset due to the financial viability of upgrading the living standards of the dwelling, when only maintenance and upgrading works are necessary, typical of the age of the building.
- 16 Therefore it is not considered that the submitted information provides an overriding justification which would meet with the criteria set out in NPPF.
- 17 The recommendation for refusal therefore remains unchanged.

Contact Officer(s): Ben Phillips Extension: 7387

**Kristen Paterson**  
Community and Planning Services Director

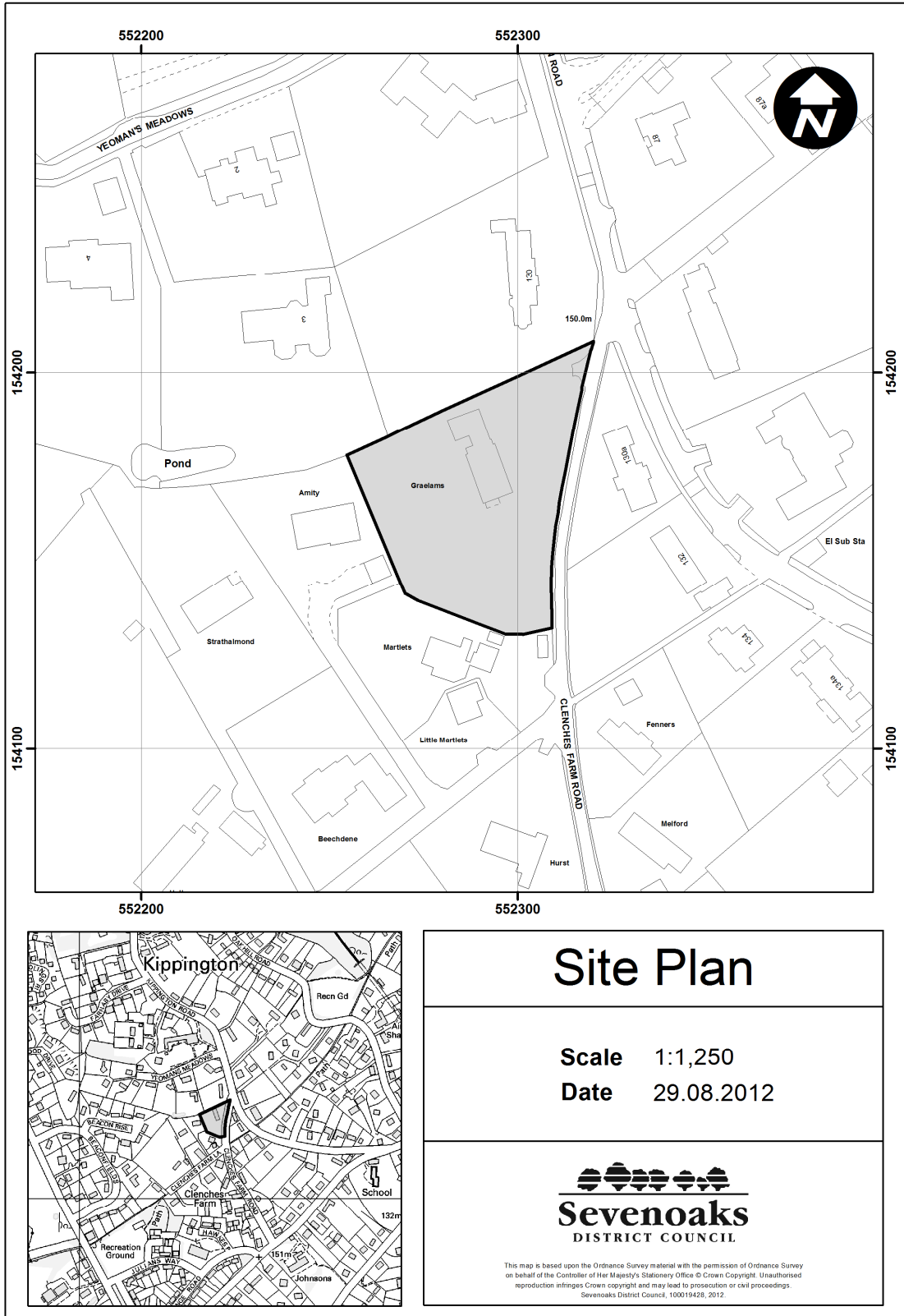
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Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=M5HSU6BK8V001>

Agenda Item 4.2





New House

New Garage

### Description of Proposal

- 1 It is proposed to demolish the existing dwelling and attached garage.

### Description of Site

- 2 The application site lies within Sevenoaks, within the Kippington Road Conservation Area (the boundary of the Conservation Area runs around the side and rear boundary of the site)
- 3 The existing detached two storey property (and detached garage) is set off Clenches Farm Road in a plot of approximately 0.3ha.

### Constraints

- 4 Conservation Area

### Policies

#### *Local Plan*

- 5 Policy - EN1

#### *Core Strategy*

- 6 Policy - SP1

#### *Other*

- 7 National Planning Policy Framework (NPPF)

### Planning history

- 8 12/001529/FUL Demolition of the existing dwelling and attached garage and erection of a detached house and garage. Currently being considered.

### Consultations

#### *Parish Council*

- 9 Sevenoaks Town Council recommended approval

#### *Conservation Officer*

- 10 As the DAS correctly states, the Kippington Road and Oakhill Road CAMP identifies Cavendish House as 'contributing to character'. A presumption against demolition follows from this. It is thus a heritage asset in the terms of NPPF section 12. The style of the house resembles 'Arts and Crafts' and is one of several houses of that era and type in the CA. No significant alterations appear to have been made over the years to detract from that character. There is a mix of house types in the CA and this mix is part of its character. Uniformity of style is thus neither desirable nor necessary. No evidence is submitted to indicate that



there is any structural issue with the house or the lack of any essential domestic provision which cannot be provided by means of additions or alterations. Thus I must object to the demolition and recommend refusal. I have not been consulted on the proposed replacement but having studied the drawings, I do not consider that the design is of any special merit. It thus would not 'preserve or enhance' the CA as required by the legislation and related advice and guidance.

08/08/2012 I have read the agent's letter of 17/07/2012. This does not offer any information or comment on the physical condition of the house such as to support an argument for demolition. The fact that it is identified in the CAMP as 'contributing to character' makes it 'significant' in the terms of the NPPF. Sections 74-76 of the 1990 Act protects unlisted buildings in CAs from demolition especially where they maintain the character and appearance of the CA. Contrary to statement made by the agent in her letter, it IS the architectural design of the building which is important. otherwise this would be an argument for replacing each and every building in a CA: clearly not a rational argument. I have not changed my opinion and recommendation for refusal.

### Representations

- 11 Neighbours – three letters of support have been received. Concern is also raised regarding possible disruption during the demolition/building works.

### **Group Manager - Planning Services Appraisal**

- 12 The main consideration of this application is:
- Impact upon character and appearance of the street scene and wider Conservation Area

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

- 13 Policy EN23 (from SDLP) states that 'proposals for development or redevelopment within or affecting Conservation Areas should be of positive architectural benefit by paying special attention to the desirability of preserving or enhancing the character or appearance of the area and of its setting.'
- 14 The supporting text adds 'Planning control is extended to unlisted buildings in Conservation Areas threatened by proposals for partial or total demolition. When considering unlisted buildings, emphasis is placed on group value rather than individual quality. However it is seldom necessary to propose the removal of such buildings, as conversion or renovation is often an acceptable alternative.'
- 15 Also relevant is policy SP1 from the Sevenoaks Core Strategy which states 'the Districts heritage assets and their settings, including conservation areas, will be protected and enhanced.'
- 16 Cavendish House is identified in the Kippington Road Conservation Area Appraisal and Management Plan as a building contributing to character.
- 17 The Conservation Officer describes the dwelling as resembling 'Arts and Crafts' and is one of several houses of that era and type in the CA. No significant alterations appear to have been made over the years to detract from that character. There is a mix of house types in the CA and this mix is part of its character. Uniformity of style is thus neither desirable nor necessary.

## Agenda Item 4.2

- 18 The submitted design and access statement states that the character of the site 'derives from its openness, dominant large house and surrounding garden, with relatively sparse planting', and not the design or architecture of the dwelling.
- 19 This is described as containing some Arts and Crafts features but 'lacking the detailing, ornamentation and asymmetrical form which typified this movement.'
- 20 It is therefore argued that, given the property was not built during the time period for the Arts and Crafts movement; it is the presence of the building rather than the design that contributes to the conservation area rather than the actual quality of the building.
- 21 As stated above, the property is identified as contributing to the character of the Conservation Area. As identified by the Conservation Area appraisal, there is a mix of house types in the vicinity and this, as stated by the Conservation Officer, is part of its character.
- 22 As stated by the supporting text to policy EN23 of the Local Plan, 'when considering unlisted buildings, emphasis is placed on group value rather than individual quality.
- 23 It is therefore considered that whilst the property is not an Arts and Crafts dwelling, its individual architectural quality is of a quality and importance which is considered worthy of protection.
- 24 The identification of the dwelling as making a positive contribution to the significance of the Conservation Area, means that, in respect of the NPPF:
- 'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site; and
  - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
  - conservation *by grant-funding or some form of charitable or public ownership* is demonstrably not possible; and
  - the *harm or loss is outweighed by the benefit of bringing the site back into use.*
- 25 As the Conservation Officer states, no argument has been put forward regarding any structural issue or that the dwelling is unfit for purpose.
- 26 Given the siting of the dwelling and the mature front boundary hedging, it is mostly obscured from view from the highway. However it does remain visible, particularly when passing the entrance and therefore it does have an impact on the conservation Area.
- 27 In conclusion therefore, as, by virtue of its design and appearance, the dwelling is designated as contributing to the character of the Conservation Area, its

demolition is considered contrary to the above policies, and no overriding justification has been put forward which would meet with the criteria set out in NPPF.

### Other matters

- 28 A full application for the demolition of the existing dwelling and the erection of a replacement dwelling and garage has also been submitted (12/001529/FUL). The merits of the replacement dwelling are considered fully under this application and the following committee papers.

### **Conclusion**

- 29 In summary, it is considered that the demolition of a designated heritage asset will detract from the character and appearance of the Conservation Area, contrary to the provisions of policies EN1 and EN23 of the Local Plan, SP1 of the Core Strategy and the NPPF.
- 30 Recommendation - Refuse.

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4.3 – SE/12/01529/FUL Date expired 22 August 2012

PROPOSAL: Demolition of the existing dwelling and attached garage and erection of a detached house and garage

LOCATION: Cavendish House, Clenches Farm Road, Sevenoaks  
TN13 2LU

WARD(S): Sevenoaks Kippington

### ITEM FOR DECISION

Councillor Avril Hunter has referred the application to Development Control Committee as she believes the application is acceptable on the basis that the demolition of the existing property will not harm the character and appearance of the Conservation Area.

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

The demolition of a designated heritage asset will harm and detract from the character and appearance of the Conservation Area, contrary to the provisions of policies EN1 and EN23 of the Local Plan, SP1 of the Core Strategy and the National Planning Policy Framework.

- 1 The application was deferred at the meeting of the Development Control Committee on 20 September 2012 (see report in Appendix A) in order for the applicants to substantiate the claim that the existing dwelling has structural issues that were not economically viable to repair.
- 2 The applicant has submitted two separate structural surveys, one completed prior to the purchase of the property by the applicants in August 2012 (inspected by Wimshurst & Co Chartered Surveyors on 10 August 2012) and one dated 15 October 2012 by CTP Consulting Engineers.
- 3 The structural survey completed prior to the purchase by the applicants concluded that 'From a structural point of view we can see no reason why this property should not be purchased for residential purposes, provided you take into account items referenced in this report which are largely of a maintenance nature and typical of a property of this age which has not been upgraded.'
- 4 The report goes on to mention that the issues relate to possible underpinning to the detached garage and other outbuildings due to inadequate foundations, that the roof is generally in watertight condition but needing a tile overhaul, the steel central heating header tank needs replacing, the renewal of windows, overhaul of rainwater goods etc and goes on to re-affirm in the conclusion that 'Items for your near future attention are typical of a property of this age and largely of a maintenance nature and upgrading requirements.'
- 5 The second structural survey (or engineers report) provide a list of similar recommendations which include:
  - Re-roof the pitched roof

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- Re-render all elevations
  - Replace all down pipes
  - Take up uneven paved surface and re-lay
  - Some internal works such as remove all polystyrene ceiling tiles
  - Underpin side wall of garage
  - Repair cracks to junctions between utility room and main house/garage
  - Obtain specialist damp and timber advice.
- 6 Therefore the only main structural works appear to relate to the detached garage, not the house.
- 7 Also submitted is a financial appraisal of the works, as well as independent valuations for the property.
- 8 It is stated by the agent that ‘The structural report highlights the poor condition of the property and makes recommendations for rectifying the structural irregularities and to bring the property up to modern day standards sufficient for occupation by my client’s family. The cost of these works, compared to the two independent valuations, renders the renovation works financially unviable. ‘
- 9 The costs appraisal submitted for the ‘upgrading of Cavendish House’ give a figure of £1,002,000. This figure is for a complete overhaul of the property however, (and includes for instance a £50,000 figure for a ‘high quality fitted kitchen’) not for the works largely of a maintenance nature and upgrading requirements’ highlighted above in both submitted structural surveys.
- 10 The argument put forward that given the value of the property, given as (Knight Frank) £1.7m - £1.75m in its current condition and £2m once refurbished to a good standard, and (Savills) £1.75m in its current condition and £2m once refurbished (inkling ‘new kitchens and bathrooms’), that the works are financially unviable.
- 11 It should be noted that both valuations included comments on the fact that the ‘sealed envelope’ bid process resulted in a ‘competitive bid process ‘which drove the eventual price upwards’ resulting in an inflated price paid for the property by the applicants. This basis should not be used to justify the loss of a designated asset.
- 12 NPPF states that with regards to the potential loss of a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site; and
  - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

## Agenda Item 4.3

- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
  - the harm or loss is outweighed by the benefit of bringing the site back into use.'
- 13 The applicants have not submitted any further information to address any of these specific points.
- 14 It is assumed that the argument put forward by the applicants relates to the first or second criteria above, and that the costs of the maintenance and upgrade works prevents all reasonable uses of the site; or no viable use of the heritage asset itself can be found in the medium term (certainly not all of the criteria above applies).
- 15 In this instance it is not considered that all reasonable uses of the site have been lost, nor that it is not possible viably to use the heritage asset itself in the medium term.
- 16 It is not considered that the above criteria allows for the complete loss of a designated heritage asset due to the financial viability of upgrading the living standards of the dwelling, when only maintenance and upgrading works are necessary, typical of the age of the building.
- 17 Therefore it is not considered that the submitted information provides an overriding justification which would meet with the criteria set out in NPPF.
- 18 The recommendation for refusal therefore remains unchanged.

Contact Officer(s): Ben Phillips Extension: 7387

**Kristen Paterson**  
Community and Planning Services Director

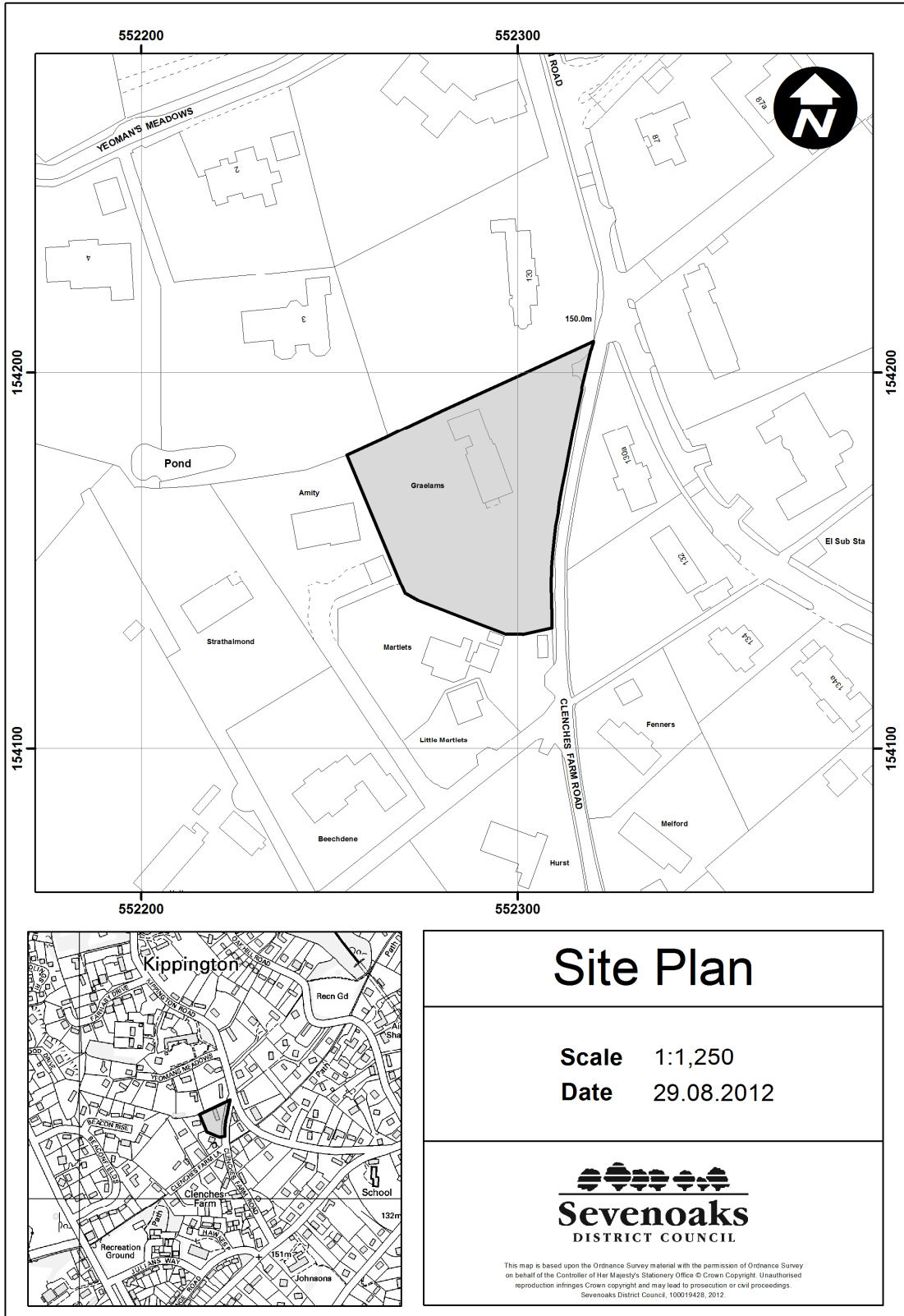
Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=M5HSU4BK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=M5HSU4BK8V000>

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New House

New Garage

### Description of Proposal

- 1 Demolition of the existing dwelling and attached garage and erection of a detached house and garage.

### Description of Site

- 2 The application site lies within Sevenoaks, within the Kippington Road Conservation Area (the boundary of the Conservation Area runs around the side and rear boundary of the site).
- 3 The existing detached two storey property (and detached garage) is set off Clenches Farm Road in a plot of approximately 0.3ha.

### Constraints

- 4 Conservation Area

### Policies

#### *Local Plan*

- 5 Policy - EN1

#### *Core Strategy*

- 6 Policy - SP1

#### *Other*

- 7 National Planning Policy Framework (NPPF)

#### Planning history

- 9 12/001530/CAC. Demolition of the existing dwelling and attached garage. Currently being considered.

### Consultations

#### *Sevenoaks Town Council*

- 10 Sevenoaks Town council recommended approval.

#### *Conservation Officer*

- 11 As the DAS correctly states, the Kippington Road and Oakhill Road CAMP identifies Cavendish House as 'contributing to character'. A presumption against demolition follows from this. It is thus a heritage asset in the terms of NPPF section 12. The style of the house resembles 'Arts and Crafts' and is one of several houses of that era and type in the CA. No significant alterations appear to have been made over the years to detract from that character. There is a mix of house types in the CA and this mix is part of its character. Uniformity of style is thus neither desirable nor necessary. No evidence is submitted to indicate that there is any structural issue with the house or the lack of any essential domestic

provision which cannot be provided by means of additions or alterations. Thus I must object to the demolition and recommend refusal. I have not been consulted on the proposed replacement but having studied the drawings, I do not consider that the design is of any special merit. It thus would not 'preserve or enhance' the CA as required by the legislation and related advice and guidance.

- 12 08/08/2012 I have read the agent's letter of 17/07/2012. This does not offer any information or comment on the physical condition of the house such as to support an argument for demolition. The fact that it is identified in the CAMP as 'contributing to character' makes it 'significant' in the terms of the NPPF. Sections 74-76 of the 1990 Act protects unlisted buildings in CAs from demolition especially where they maintain the character and appearance of the CA. Contrary to statement made by the agent in her letter, it is the architectural design of the building which is important. Otherwise this would be an argument for replacing each and every building in a CA: clearly not a rational argument. I have not changed my opinion and recommendation for refusal.

### Representations

- 13 Neighbours – three letters of support have been received. Concern is also raised regarding possible disruption during the demolition/building works.

### **Group Manager - Planning Services Appraisal**

- 14 The main considerations of this application are:

- Impact upon character and appearance of the street scene and wider Conservation Area
- Impact upon residential amenity.

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

- 15 Policy EN23 (from SDLP) states that 'proposals for development or redevelopment within or affecting Conservation Areas should be of positive architectural benefit by paying special attention to the desirability of preserving or enhancing the character or appearance of the area and of its setting.'
- 16 The supporting text adds 'Planning control is extended to unlisted buildings in Conservation Areas threatened by proposals for partial or total demolition. When considering unlisted buildings, emphasis is placed on group value rather than individual quality. However it is seldom necessary to propose the removal of such buildings, as conversion or renovation is often an acceptable alternative.'
- 17 Also relevant is policy SP1 from the Sevenoaks Core Strategy which states 'the Districts heritage assets and their settings, including conservation areas, will be protected and enhanced.'
- 18 Cavendish House is identified in the Kippington Road Conservation Area Appraisal and Management Plan as a building contributing to character.
- 19 The Conservation Officer describes the dwelling as resembling 'Arts and Crafts' and is one of several houses of that era and type in the CA. No significant alterations appear to have been made over the years to detract from that character. There is a mix of house types in the CA and this mix is part of its character. Uniformity of style is thus neither desirable nor necessary.

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- 20 The submitted design and access statement states that the character of the site 'derives from its openness, dominant large house and surrounding garden, with relatively sparse planting', and not the design or architecture of the dwelling.
- 21 This is described as containing some Arts and Crafts features but 'lacking the detailing, ornamentation and asymmetrical form which typified this movement.'
- 22 It is therefore argued that, given the property was not built during the time period for the Arts and Crafts movement; it is the presence of the building rather than the design that contributes to the conservation area rather than the actual quality of the building.
- 23 As stated above, the property is identified as contributing to the character of the Conservation Area. As identified by the Conservation Area appraisal, there is a mix of house types in the vicinity and this, as stated by the Conservation Officer, is part of its character.
- 24 As stated by the supporting text to policy EN23 of the Local Plan, 'when considering unlisted buildings, emphasis is placed on group value rather than individual quality.'
- 25 It is therefore considered that whilst the property is not an Arts and Crafts dwelling, its individual architectural quality is of a quality and importance which is considered worthy of protection.
- 26 The identification of the dwelling as making a positive contribution to the significance of the Conservation Area, means that, in respect of the NPPF:
- 'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site; and
  - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
  - conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
  - the harm or loss is outweighed by the benefit of bringing the site back into use.'
- 27 As the Conservation Officer states no argument has been put forward regarding any structural issue or that the dwelling is unfit for purpose.
- 28 Given the siting of the dwelling and the mature front boundary hedging, it is mostly obscured from view from the highway. However it does remain visible, particularly when passing the entrance and therefore it does have an impact on the Conservation Area.
- 29 In conclusion therefore, the property is a designated heritage asset as it is sited within the Conservation Area and actively identified in the local Management Plan as contributing to the character of the Conservation Area, due to the significance of its architecture and design, and the contribution it makes to its setting. As

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such, its demolition is considered contrary to the above policies, and no overriding justification has been put forward which would meet with the criteria set out in NPPF.

- 30 Turning to the replacement dwelling, NPPF states that ‘the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.’
- 31 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.
- 32 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’.
- 33 The replacement dwelling, including the large attached two storey triple garage is clearly much larger in footprint and in height than the existing property.
- 34 The existing property has a ridge height of approx 10m, and the replacement dwelling, sited in a similar location rises to a ridge height of approximately 10.8m.
- 35 The replacement dwelling is also sited slightly nearer to the front boundary than the existing dwelling.
- 36 The proposed dwelling, a Georgian style two storey property with dormers in the front, side and rear, is in keeping, both in scale and design with the other new dwellings in the vicinity and whilst the Conservation Officer does not consider that the ‘design is of any special merit’, on balance, it is not considered that the proposed design, scale and location are inappropriate or sufficiently harmful to the character and appearance of the conservation area to warrant a recommendation of refusal.

### *Impact upon residential amenity*

- 37 Policy EN1 from the Sevenoaks District Local Plan states that the proposed development does 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.
- 38 As stated above, the replacement dwelling, including the large attached two storey triple garage is clearly much larger in footprint and in height than the existing property.
- 39 The replacement dwelling is sited 4.4m from the northern boundary with No 130 Kippington Road. The existing main property is sited approximately 12m from this boundary, with the singles storey attached garage extending up to 2.8m from the boundary.
- 40 The massing and bulk along this boundary is therefore considerably increased.

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- 41 The boundary has numerous large mature trees adjacent to the dwelling which will be retained. There also remains a distance of approx. 24m to the side elevation of No 130, and therefore on balance, it is not considered that the proposed replacement dwelling will have an overbearing or overshadowing impact upon this neighbour.
- 42 There remains a distance of approximately 20m to the rear boundary, and 31m approx. to the southern side boundary, and therefore it is not considered that the proposed property, including the attached garage, will have a detrimental impact upon these neighbours, Amity and Martlets.
- 43 Turning to overlooking, again, due to the size of the plot and the separation distances to the rear (20m) and southern side (31m), it is not considered that the fenestration on these elevations of the proposed dwelling, including dormers (and including on the first floor of the attached garage), will have a detrimental impact upon either neighbour.
- 44 The northern side elevation of the property has two first floor windows and a further dormer window. It is considered that, given the proximity of this side elevation to the boundary, these windows should be conditioned as obscure glazed, as they serve either a bathroom or in the case of the dormer window, are a secondary window to a bedroom.
- 45 The proposed attached garage has dormer windows facing the northern boundary, however given the 25m approx. separation distance, it is not considered that these require a obscure glazing condition.
- 46 It is considered therefore that there would be little change from the existing situation in terms of amenity impact and the proposed replacement dwelling would comply with policy EN1 of the Local Plan in this regard.

### Access

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

### Landscaping

- 48 The proposed dwelling will not involve the removal of any existing trees, and three new small trees will be planted, along the front boundary. It is not therefore considered that the proposal will lead to the loss of any important trees or hedging. Given that the screening is considered necessary to protect the amenities of neighbours (No 160) a condition in this regard is considered appropriate.

### Other matters

- 49 A Conservation Area Consent application for the demolition of the existing dwelling and garage has also been submitted (12/001530/CAC) and forms part of the Committee papers.

### Conclusion

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50 In summary, it is considered that the demolition of a designated heritage asset will harm and detract from the character and appearance of the Conservation Area, contrary to the provisions of policies EN1 and E23 of the Local Plan, SP1 of the Core Strategy and the National Planning Policy Framework, March 2012.

51 Recommendation - Refuse

Contact Officer(s): Ben Phillips Extension: 7387

Kristen Paterson  
Community and Planning Services Director

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4.4 - SE/11/02722/CONVAR Date expired 26 December 2011

**PROPOSAL:** Application to vary conditions: 4 (hours of use of the building) to 'the use of the building hereby permitted for the training of individuals partaking in physical training shall occur from 08:30 to 21:30 on weekdays and Saturdays and from 10.00 to 12.00 on Sundays, and the use of the building as an office shall only occur from 08:00 to 17:30 on weekdays and Saturday. The buildings shall not be used at any other times, including public holidays'; 6 (use of the building) to 'training of individuals for boxing, or boxing related exercise classes (boxercise); and 9 (no amplified music) to 'removal of this condition' of SE/05/00972/FUL.

**LOCATION:** Sevenoaks Boxing Club, Unit 19, Gaza Trading Estate, Scabharbour Road, Hildenborough

**WARD(S):** Leigh & Chiddingstone Causeway

**ITEM FOR DECISION**

The application has been referred to Development Control Committee by Councillor Alison Cook, who has concerns regarding the possible detrimental impact of the proposal on the residential amenities of neighbouring properties.

**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) The following details previously approved under application 11/002874/DETAIL shall be maintained and retained hereafter: Windows: The glazing on the side facing south will be constructed as double glazed units with one pane of glass being at least 4 mm in thickness and the other being at least 6mm thick with an air gap of no less than 16 mm. Whilst the air gap can be air or Argon if the gap is filled with Krypton a further 5 dB reduction can be achieved. These windows will be fabricated so that they cannot be opened. For those windows facing north or west, conventional thermal double glazing will be used.

To preserve the residential amenity of the neighbouring dwellings, in accordance with Policy EN1 of the Local Plan.

3) The following details previously approved under application 11/002874/DETAIL shall be maintained and retained hereafter: Doors: The double doors on the rear elevation will be covered with a 20 mm thick block board or MDF that can be held tightly in place whilst the hall is being used but that can be removed when the doors are required. All other doors and windows should remain closed when the building is in use

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to prevent noise escape.

To preserve the residential amenity of the neighbouring dwellings, in accordance with Policy EN1 of the Local Plan.

4) No amplified music shall be played until details of a suitable noise level has been submitted to and approved in writing by the Council and then carried out in accordance with the approved scheme.

To preserve the residential amenity of the neighbouring dwellings, in accordance with Policy EN1 of the Local Plan.

5) The use of the building hereby permitted for the training of individuals partaking in physical training shall only occur from 08.30 to 21.30 hours on weekdays and Saturdays, and from 10.00 to 12.00 hours on Sunday, and the use of the building as an office shall only occur from 0800 to 1730 hours on weekdays and Saturday. The buildings shall not be used at any other times, including public holidays.

To safeguard the living conditions of neighbouring residential properties, as supported by Policy EN1 of the Sevenoaks District Local Plan.

6) The building shall only be used for office use (Use Class B1) and for the training of individuals for boxing or boxing related exercise classes (boxercise). The building shall not be used for any other Business (Use Class B1) or Assembly and Leisure Use (Use Class D2).

To safeguard the living conditions of neighbouring residential properties, as supported by Policy EN1 of the Sevenoaks District Local Plan.

7) No change in the use of the building other than as specified in condition 6 above is permitted.

To safeguard the living conditions of neighbouring properties, as supported by Policy EN1 of the Sevenoaks District Local Plan.

8) The details of the access ramp approved under 11/02905/DETAIL shall be maintained and retained hereafter.

To prevent inappropriate development in the Green Belt as supported by GB2 of the Sevenoaks District Local Plan

9) The development hereby permitted shall be carried out in accordance with the following approved plans: site plan dated 24th Oct 2011

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

### Informative

Notwithstanding the provision of any development order, any external equipment (e.g. air conditioning units) will require planning permission before installation which will allow consideration of the noise implications.

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, L08

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

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

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

Description of Proposal

- 1 Planning Permission (SE/05/00072/FUL) was granted for the use of a storage building to a boxing training facility, with administrative offices for a construction company.
- 2 Included as part of this permission were a number of conditions, (some of which were pre-commencement conditions which were discharged earlier this year).
- 3 This application is to vary three of these conditions, relating firstly to the opening hours of the business, secondly to the exact use permitted and finally to allow for amplified music. This will result in the grant of a new planning permission.

The relevant conditions are:

Condition 4 (hours of use), which restricts opening hours from 17:30 to 21:30 on weekdays and Saturdays, and the use of the building as an office from 08:00 to 17:30 on weekdays and Saturday.

It is proposed to vary this condition to allow for opening from 08:30 to 21:30 on weekdays and Saturdays and from 10.00 to 12.00 on Sundays, with the same opening hours for the office.

Condition 6 (use of building), which restricts the use to 'office use (Use Class B1) and for the training of individuals for boxing. The building shall not be used for any other Business (Use Class B1) or Assembly and Leisure Use (Use Class D2).

It is proposed to vary this condition to allow for the 'training of individuals for boxing, or boxing related exercise classes (boxercise)'.

Condition 9 (no amplified music). It is proposed to remove this condition to allow for amplified music.

- 4 Should the planning permission be granted, this would result in a new planning permission for the premises.

Description of Site

- 5 The application site relates to a detached wooden clad building set within the South- western side of the Gaza Trading Estate, which is set on the eastern side of

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Scabharbour Road, south of Sevenoaks Weald but within Leigh Parish boundaries.

- 6 The estate is located within the Green Belt and an Area of Outstanding Natural Beauty.
- 7 The nearest residential neighbour to the boxing club is St. Andrews Cottage, which is sited 68m from the club. There is a distance of over 100m to the property at the rear, 'Tanglewood', and approx. 130m to 'The Cottage' on the opposite side of the highway.

### Constraints

- 8 Green Belt
- 9 Area of Outstanding Natural Beauty

### Policies

#### *Sevenoaks District Local Plan*

- 10 Policies - EN1, VP1

#### *Sevenoaks Core Strategy*

- 11 Policies - SP1 SP2, L08

#### *Other*

- 12 National Planning Policy Framework (NPPF)

### Planning history

- 13 11/02905/DETAIL Details pursuant to condition 5 (access ramp) of SE/05/00072/FUL. Granted.

11/02874/DETAIL Details pursuant to condition 2 (noise control) of SE/05/00072/FUL. Granted

11/02004/CONVAR Application to vary condition 4-(The use of the building hereby permitted for training of individuals shall only occur from 17:00 to 21:30 hrs on weekdays and Saturdays and the use of the building as an office shall only occur from 08:00 to 17:30 hrs on weekdays and Saturday. The building shall not be used at any other times including public holidays) of SE/05/00072/FUL - For hours of operation to be extended to 0830 to 2130 on Mondays to Saturdays and 0930 to 1230 on Sundays. Withdrawn

SE/05/00072/FUL Change of use from storage building to boxing training facility, with administrative offices for construction company. Granted.

### Consultations

#### *Parish Council*

- 14 Leigh Parish Council objects to this application.

We understand that the Boxing Club has not yet adhered to the previously imposed conditions relating to the use of the property, as per the SDC Enforcement Notices. The Club has advised us that they will make every effort to comply with these conditions and it is also making an application to regulate what it does. We believe that, once the conditions have been fully complied with, SDC and the local residents must be given time to monitor the impact of the Club's activities, and on the satisfactory conclusion of the monitoring the Parish Council would be prepared to consider a further application perhaps to extend the opening hours, the use of amplified music and change of use to fitness training.

### 15 Following re-consultation

Leigh Parish Council believe that the Boxing Club has not fully complied with the conditions, so the Parish Council is submitting the same objection to the application as last time: We understand that the Boxing Club has not yet adhered to the previously imposed conditions relating to the use of the property, as per the SDC Enforcement Notices. The Club has advised us that they will make every effort to comply with these conditions and it is also making an application to regulate what it does. We believe that, once the conditions have been fully complied with, SDC and the local residents must be given time to monitor the impact of the Club's activities, and on the satisfactory conclusion of the monitoring the Parish Council would be prepared to consider a further application perhaps to extend the opening hours, the use of amplified music and change of use to fitness training.

### *KCC Highways*

- 16 I refer to the above application and have no objection to the proposals in respect of highway issues.

### *Environmental Health*

- 17 I have no adverse comments on this application although I do wish to raise the following points:

I am aware that the applicant's agent has already discussed the noise implications of this application with Environmental Health. The agent has provided a statement that includes recommendations for sound proofing the building and I am satisfied that these recommendations will upgrade the building's structure sufficiently to avoid Statutory Nuisance. I have listed these recommendations below:

*Windows:* The glazing on the side facing south will be constructed as double glazed units with one pane of glass being at least 4 mm in thickness and the other being at least 6mm thick with an air gap of no less than 16 mm. Whilst the air gap can be air or Argon if the gap is filled with Krypton a further 5 dB reduction can be achieved. These windows will be fabricated so that they cannot be opened.

For those windows facing north or west, conventional thermal double glazing will be used.

*Doors:* The double doors on the rear elevation will be covered with a 20 mm thick block board or MDF that can be held tightly in place whilst the hall is being used but that can be removed when the doors are required.

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All other doors and windows should remain closed when the building is in use to prevent noise escape.

*Amplified Music:* Provided the club continues to use amplified music at the present levels, the additional noise insulation measures, including keeping door(s) and windows shut at the appropriate times, should prove sufficient to avoid Statutory Nuisance.

*Hours of use:* Again, the hours requested, with the restrictions on weekend and public holidays should be sufficient to avoid Statutory Nuisance.

- 18 I would suggest that a condition requiring the work to be done is imposed if it has not already been undertaken by the applicant.

I have assumed that any external equipment (e.g. air conditioning units) will require planning permission before installation which will allow consideration of the noise implications

### Representations

- 19 Neighbours - letters of objection from 6 properties have been received, which are summarised as follows:

- The applicant has been disregarding conditions and has ignored many direct complaints regarding noise.
- The supporting statement exaggerates the separation distances between the gym and neighbouring residential properties.
- There are other inaccuracies in the statement relating to parking areas within the estate and previous uses.
- The residents should be able to enjoy their weekends.
- The parking along Scabharbour Road is unsightly and dangerous.
- This is an unsustainable site for such a business
- The lack of compliance with original conditions makes a mockery of planning law.

- 20 One letter of support has also been received, which is summarised as follows:

- The boxing club is a fantastic place which provides a great deal of pleasure for many people, including disabled people who I accompany to the club.

- 21 A letter of response (to a number of objections) from the agent was also submitted

### **Group Manager - Planning Services Appraisal**

- 22 The main considerations of this application are:

- Whether the amended use is acceptable in Green Belt terms.

- Impact of the proposed amendments/removal of condition upon the amenities of adjacent properties
- Impact on highway safety

### *Acceptability of the use in terms of Green Belt policy*

- 23 The use of the building as a Boxing Club has been established under the original application for the change of use. This original application (SE/05/00092) for the Boxing Club made reference to Policy GB3A of the Local Plan in allowing the re-use of existing structures within the Green Belt, provided that the proposed use had no greater impact upon the openness of the Green Belt than the original use.
- 24 The impact of the amended use (to allow for 'boxing related exercise classes' classes) upon the Green Belt compared to the previously approved use (training of individuals) is considered to be minimal. The only difference may be the additional demand for parking due to the extended popularity, and this is considered later in this report under impact upon highway safety.

### *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 nearest residential neighbour to the boxing club is St. Andrews Cottage, which is sited 68m from the club.
- 27 When this application was submitted (October 2011), the noise mitigation measures imposed under condition 2 (scheme for the control of noise) for the Boxing Club had not been discharged or the mitigation measures installed. This condition was imposed to safeguard the living conditions of neighbouring residential properties.
- 28 As stated by the Parish Council, at this point, it was not considered that it was possible to accurately assess the impact of the extension of hours, the widening of the use and the use of amplified music whilst these conditions, imposed to preserve and protect the amenities of neighbouring dwellings, had not been implemented.
- 29 Subsequently, an application for the discharge of this condition was submitted and the details approved. The works (involving the double glazing of all windows, with the southern side elevation windows filled with krypton and one pane at least 4mm thick, the other 16mm, and double doors to southern elevation covered in 20mm thick block board or MDF held in place whilst the hall is being used and can be removed when the doors are required) have been completed on site (June 2012).
- 30 The Environmental Health Officer has no objection to the application to discharge condition 2 and also has no objection to this current variation of conditions proposal now that works have been completed.
- 31 It is therefore considered, on balance, that the noise mitigation measures that have been implemented on site (in accordance with compliance with other

## Agenda Item 4.4

conditions such as (3) the southern elevation windows being fixed shut, all doors (8) in the southern elevation to be fixed shut) are acceptable and do indeed safeguard the living conditions of neighbouring properties.

- 32 In addition to these measures, the Boxing Club have erected a 2m (permitted development) close boarded screen adjacent to the southern side elevation of the unit.
- 33 Whilst it is unclear how successful this screen is at reducing the noise impact, it will potentially have some impact in further reducing the noise levels.
- 34 In this context then it is considered that the extension of the previously approved opening hours to include the day time hours from 8:30am rather than 5:30pm on weekdays and Saturdays (it is not proposed to extend the hours later in the evening than that previously approved) and two hours on a Sunday (10am-12pm), is not considered to, on balance, have a sufficiently increased detrimental impact upon the neighbours over that previously approved to warrant a recommendation of refusal.
- 35 The Environmental Health Officer has no objection to the proposal.
- 36 It is also not considered that the addition of 'boxercise' to the allowed use (and no other use within D2) nor the allowing of amplified music subject to control and given the noise mitigation measures completed on site, will have a sufficiently detrimental impact upon the neighbours over that previously approved to warrant a recommendation of refusal.
- 37 It is therefore considered that the proposed variations of conditions 4 and 6 and the removal of condition 9 would be contrary to the above policy.

### *Highways*

- 38 Policy VP1 of the Local Plan states that vehicle parking provision in new developments will be made in accordance with the KCC adopted vehicle parking standards.
- 39 Policy L08 of the Core Strategy states that the distinctive character of the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings, will be conserved and enhanced.
- 40 The Gaza Estate is open during normal working hours (there are no restrictions on its opening hours), and a certain amount of parking can take place within the site (along the access road) during these hours.
- 41 The Boxing Club has permission to open until 9:30pm during the weekdays and during these hours (along with Saturday) it is understood that the Boxing Club has a duty (under the terms of the lease) to ensure that the Estate is kept secure, which generally means that the gates are kept shut.
- 42 Parking is therefore located onto Scabharbour Road, however the applicant states that during the busy evening times for the Boxing Club, which is Wednesday and Fridays, the gates are kept open to allow for collection and delivering of people who use the Club. This is apparently possible however due to the amount of staff on site at these busy periods and is not possible at other quieter times.



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- 43 The parking along Scabharbour Road is raised by neighbours as being dangerous and detrimental visually.
- 44 There are no parking restrictions on Scabharbour Road and the KCC Highways Officer has no objection to the proposal.
- 45 The only period outside normal working hours (and opening hours for the estate which opens 7:30am – 6pm on weekdays) that the Boxing Club is looking to extend to (and has not previously been granted) is the additional Saturday hours (from 8:30am rather than 5:30pm) and Sunday 10am-12pm.
- 46 Whilst the KCC Highways Officer for the original application (SE/05/00092) stated that it was unlikely that parking along Scabharbour Road would occur and evidently it certainly does, given the lack of objection from KCC for this application, it is not considered that the proposal will lead to a significant highway safety problem.
- 47 In terms of the visual impact of the on road parking, whilst the site is located within the Green Belt and in an Area of Outstanding Natural Beauty, the cars are of course sited directly outside a Trading Estate and on balance, it is not considered that the transient nature of cars along the road that may occur on Saturday (from the additional 8 hours of opening) and Sunday (for the proposed two hours) in this location will have a detrimental effect on the wider landscape.
- 48 Whilst it is therefore considered that a formal arrangement between the Boxing Club and the Gaza Estate in terms of allowing the gates to be open would be preferable and is recommended to minimize the impact of on road parking, it is considered that the additional demand on parking for the proposed additional 2 hours opening on a Sunday and daytime opening hours during the week and Saturday will not lead to an unacceptable impact upon highway safety nor upon the visual amenity of the street scene or wider Area of Outstanding Natural Beauty.

### Other matters

- 49 Notwithstanding the above, 6 letters of objection have been received, and the material planning considerations have been addressed above.
- 50 With regards to the suitability of the use, this has been established by the original application and as this application is to vary conditions, (other than the additional parking demand, as addressed above) its suitability in NPPF terms is not under consideration.
- 51 With regards to the separation distances, the agent did write to accept that the distances originally submitted in the Design and Access statement were inaccurate, and revised this to the correct distance put forward by the neighbour.
- 52 It should also be noted that issue was raised with the legalities of the Councils consideration of the application and specifically with regards to conditions precedent (the pre-commencement conditions that were not - at the point of application - discharged).
- 53 Legal advice was taken and the Ombudsman has made it clear that the Council is within its remit to validate and consider this application, as this is a section 73 application which would result in the issuing of a fresh planning permission.

## Agenda Item 4.4

### Conclusion

- 54 In summary, it is considered that, on balance, the proposed variation of conditions 4, (hours of use of the building) to 'the use of the building hereby permitted for the training of individuals partaking in physical training shall occur from 08:30 to 21:30 on weekdays and Saturdays and from 10.00 to 12.00 on Sundays, and the use of the building as an office shall only occur from 08:00 to 17:30 on weekdays and Saturday. The buildings shall not be used at any other times, including public holidays', 6 (use of the building) to ' training of individuals for boxing, or boxing related exercise classes (boxercise)and 9 (no amplified music) to 'removal of this condition' of SE/05/00972/FUL will not, on balance, have a detrimental impact upon the amenities of the neighbouring properties, nor have a detrimental impact upon highway safety or the visual amenity of the street scene and wider Area of Outstanding Natural Beauty and will not detract from the openness of the Green Belt.
- 55 The proposal therefore complies with Policy EN1, GB3A of the Local Plan, SP1 and L08 of the Core Strategy and the National Planning Policy Framework.
- 56 Recommendation – Approve.

### Background Papers

#### Site and Block Plan

Contact Officer(s): Ben Phillips Extension: 7387

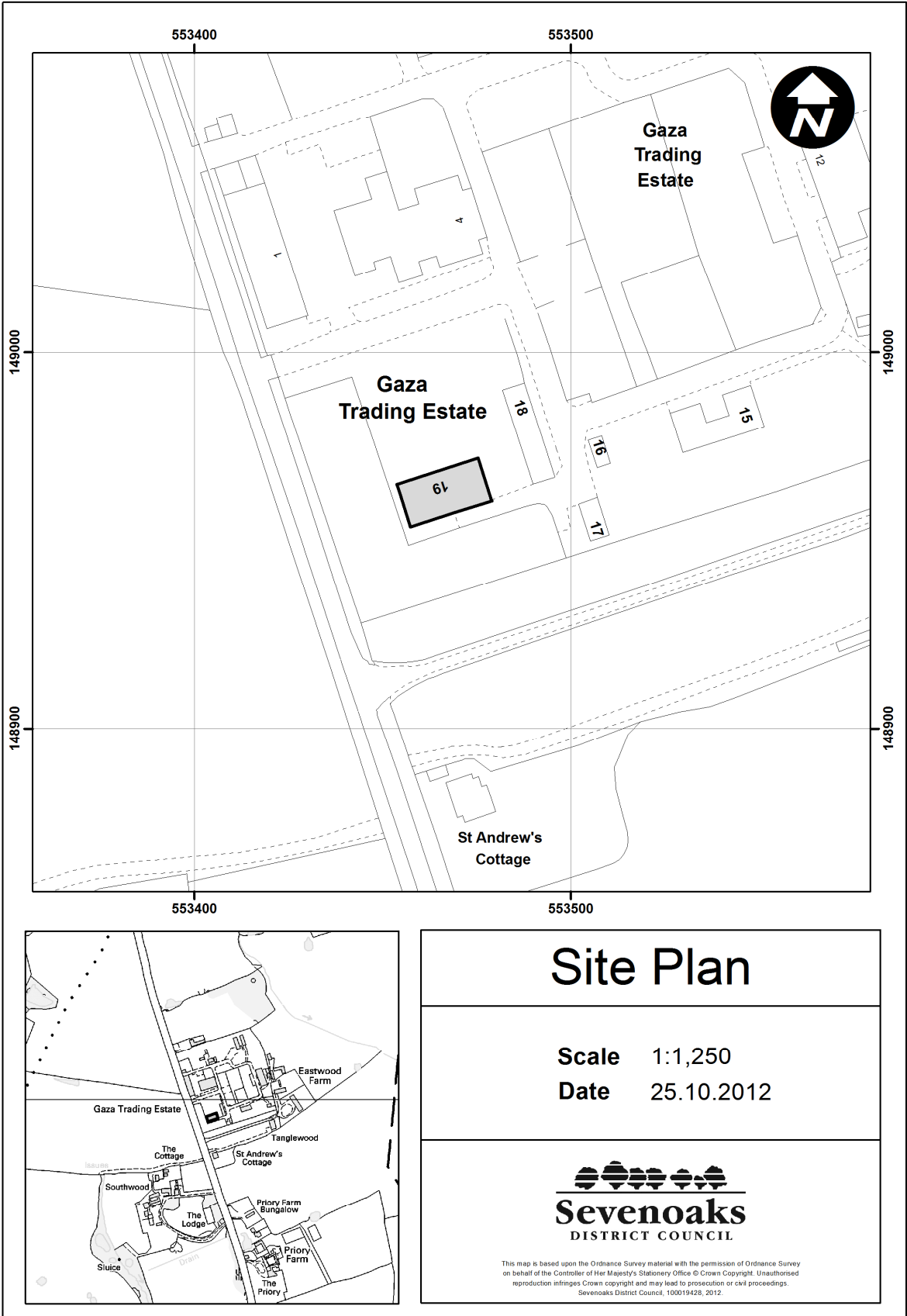
Kristen Paterson  
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LTEM77BK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LTEM77BK8V000>



# Site Plan

Scale 1:1,250  
Date 25.10.2012



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4.5 - SE/12/02389/HOUSE Date expired 5 November 2012

PROPOSAL: Erection of a single storey rear extension

LOCATION: 22 Longmeadow, Riverhead TN13 2QY

WARD(S): Dunton Green & Riverhead

**ITEM FOR DECISION**

The application has been referred to Development Control Committee by Councillors Kim Bailey and Cameron Brown, who have concerns regarding the possible detrimental impact of the extension on the character and appearance of the street scene.

**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) 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 dwelling 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: 12/1161/01, 12/01161/02

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

Sevenoaks District Core Strategy 2011 - Policies SP1

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

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

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

## Agenda Item 4.5

### Description of Proposal

- 1 It is proposed to erect a single storey rear extension.
- 2 The extension is to provide suitable ground floor accommodation for an elderly gentleman with a physical disability.
- 3 The extension has a flat roof with a lantern light and measures 4.05m in depth, 2.9m in height (to eaves, a further 0.55m for the lantern roof light) and will extend to the full width of the property (8.65m).

### Description of Site

- 4 The application site lies within the Long Meadow development in Riverhead, Sevenoaks. The application property is sited adjacent to Chipstead Lake.
- 5 The Long Meadow development was originally granted permission in 1994/5 (94/01593)
- 6 No 22 is a detached property sited adjacent to the lake.

### Constraints

- 7 None.

### Policies

#### *Sevenoaks District Local Plan*

- 8 Policies - EN1, VP1

#### *Sevenoaks Core Strategy*

- 9 Policy - SP1

#### *Other*

- 10 Supplementary Planning Guidance Document 'Residential Extensions'
- 11 National Planning Policy Framework (NPPF)

### Planning history

- 12 SE/11/00518/FUL Change of use from amenity open space to enclosed residential garden. Refused. Appeal dismissed.
- 13 98/01716/HIST (No 22) Bedroom extensions above garage. As amended by drawing received with letter dated 9.9.98. As amended by drawing received 9.10.98. Granted
- 14 95/01954 Details of siting, design, boundary treatment, levels, public open space, flood control measures and acoustic insulation of 212 dwellings pursuant to conditions 1(part), 4,5,8,11,12 and 13 of p.p.SE/94/1593 as per the plans in the schedule. Granted

- 15 94/01593 (Outline) Application for residential development for minimum of 205 dwellings & maximum of 225 dwellings. As amended by letter & plans dated 23.3.95. As amplified by letter dated 4.4.95. Also amended by letter & plan dated 5.4.95. Granted.

### Consultations

#### *Parish Council*

- 16 Riverhead Parish Council – *Objections: The flat roof extension is unacceptable as indicated in Planning Guidelines.*

### Representations

- 17 None received.

#### **Group Manager - Planning Services Appraisal**

- 18 The main considerations of this proposal are:

- The impact upon the character and appearance of the existing property and area
- Impact upon residential amenity;
- Highways/rights of way issues.

#### *Impact upon the character and appearance of the area*

- 19 Policies 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.
- 20 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’.
- 21 NPPF states that ‘the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.’
- 22 The application property benefits from full permitted development rights and so the proposed extension requires planning permission due to the additional 5cm of depth (over the permitted 4m). The extension complies with permitted development rights criteria in all other respects.
- 23 Given the matching materials and limited scale, it is not considered that the proposed extension detracts from the character and appearance of the existing dwelling.

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- 24 The Supplementary Planning Guidance Document 'Residential Extensions' states that on rear extensions, '*Flat roofs should also be avoided on prominent and large single storey extensions.*'
- 25 It also states that '*on detached houses situated close to a neighbouring property, extensions should generally extend no more than 4 metres from a rear elevation.*'
- 26 As stated above, it is not considered that the extension is large (given its similarity to a permitted development extension), and given the site characteristics (and scale), it is not considered that the proposal conflicts with this advice.
- 27 In terms of the wider street scene, it should be noted that other properties in the vicinity have extended to the rear, indeed a similar flat roofed (with lantern roof light) 4.2m depth extension was approved at No 34 (08/01013/FUL).
- 28 The application site is more prominent than No 34, given the footpath that runs along the property and separate it from its northern neighbour, no 20. The extension will therefore be visible from this footpath.
- 29 However, given the limited scale of the extension and the fact that it does not detract from the visual amenity of the existing dwelling, it is also not considered that the proposed extension detract from the wider street scene.

### *Impact upon residential amenity*

- 30 Policy EN1 from the Sevenoaks District Local Plan states that the proposed development does 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.
- 31 The proposed extension extends up to the boundary with the adjacent neighbour no 24.
- 32 However this neighbour is set slightly back of the application property (by approximately 500m) and the extension does not conflict with the 45 degree line when drawn from the nearest ground floor habitable room window.
- 33 It is not therefore considered that the proposed extension will have a detrimental overbearing or overshadowing impact upon this property therefore the proposal would comply with policy EN1 of the Local Plan in this regard.

### Other matters

- 34 Notwithstanding the above, the Parish Council has objected on the grounds of the flat roof being contrary to guidelines. It is unclear which guidelines exactly this refers to however as stated above, given that the extension is considered to be sympathetic to the existing property and limited in scale, it would not conflict with the general design guidance in the 'Residential Extensions SPD.

### Conclusion

- 35 In summary, it is considered that, on balance, the proposed single storey rear extension will not detract from the character and appearance of the street scene, or have a detrimental impact upon the amenities of the neighbouring properties.



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The proposal therefore complies with Policy EN1 of the Local Plan and SP1 of the Core Strategy.

36 Recommendation – Approve.

### Background Papers

Site and Block Plans

Contact Officer(s): Ben Phillips Extension: 7387

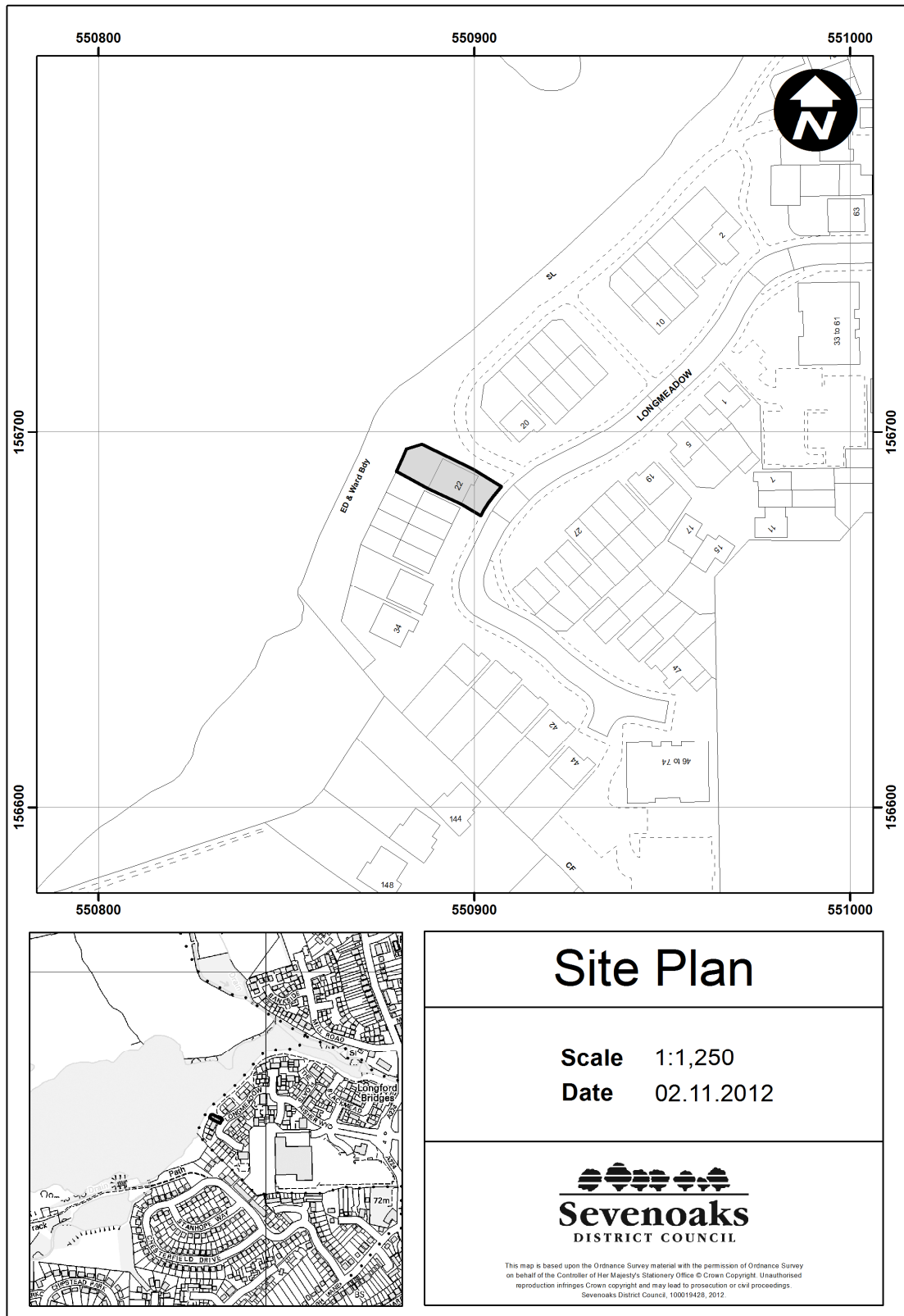
**Kristen Paterson**  
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MA505VBK0L000>

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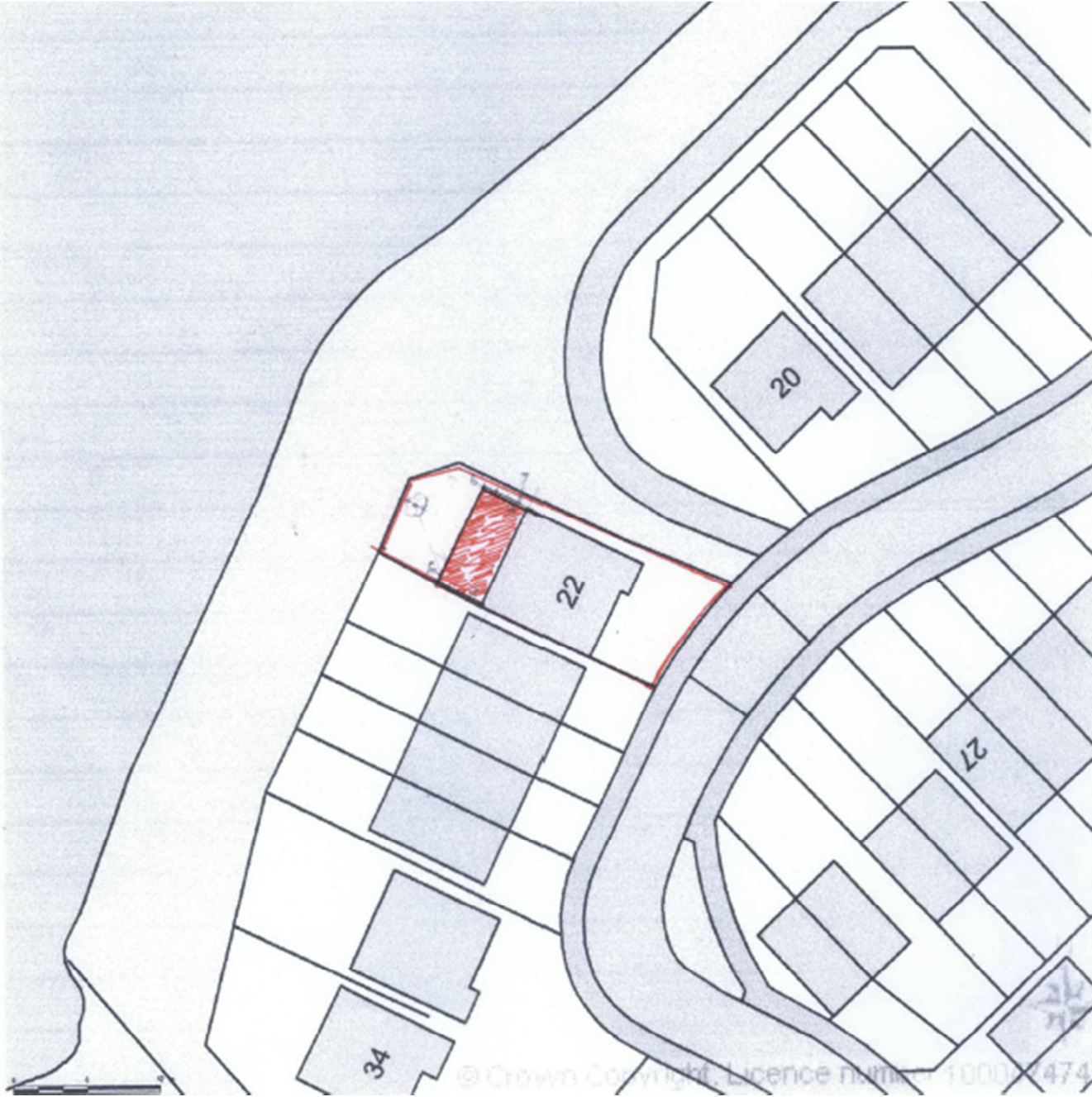


# Site Plan

**Scale** 1:1,250  
**Date** 02.11.2012



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4.6 - SE/12/02106/FUL Date expired 17 October 2012

PROPOSAL: Erection of wooden shed on existing concrete base for the storage of straw bedding, animal feed and mowing equipment, on agricultural land. (Retrospective).

LOCATION: Land East Of The White House, Blakes Green Road, Seal

WARD(S): Seal & Weald

**ITEM FOR DECISION**

This application has been reported to Development Control Committee at the request of Councillor Thornton on the grounds that the wooden structure is prominent in the landscape and detracts from the openness of the surrounding countryside and also that the location of the construction is not sensitive to the field in which it stands.

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

1) The development hereby permitted shall be carried out in accordance with the following approved plans:- Block Plan, dated July 2012, stamped 22 August 2012;- Drawing Number EL01, dated 07/08/2012, stamped 9 August 2012;- Drawing Number EL02, dated 03/09/2012, stamped 4 September 2012;- Drawing Number SK03, dated 17/08/2012, stamped 20 August 2012;

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

2) No external lighting shall be installed on the application site or on the wooden shed.

To protect the amenity of the area and the residential amenities of nearby dwellings as supported by policy EN1 of the Sevenoaks District Local Plan, policies SP1 and LO8 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

3) The wooden structure hereby approved shall be used for agricultural purposes only.

To prevent inappropriate development in the Green Belt as supported by the National Planning Policy Framework.

4) Within one month of the permission hereby approved, full details of soft landscape works shall be 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 ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy LO8 of the Sevenoaks District Core Strategy.

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

## Agenda Item 4.6

Sevenoaks District Core Strategy: LO8, SP1

Sevenoaks District Local Plan: EN1

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

The wooden shed (to be used for agricultural purposes) is appropriate development within the Green Belt and is in accordance with Section 9 (paragraph 89) of the National Planning Policy Framework.

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

### Description of Proposal

- 1 Permission is sought retrospectively for the erection of a wooden shed which will be used for the storage of straw bedding, animal feed and mowing equipment. The shed is approximately 7.4m long (plus a 1.8m roof overhang at each end) and is approximately 2.6m tall to its ridge.
- 2 The shed is positioned on an existing concrete base. A water tank was previously situated on the concrete base. This was 1.82 metres high and 4.57 metres wide.

### Description of Site

- 3 The site is situated within the Seal and Weald Ward, within Seal Parish. The site comprises a triangular shaped piece of land north of Stone Street Cricket Ground. The site is approximately 1ha in size and is bordered by mature trees along the eastern and western boundaries.
- 4 The closest residential dwellings are located approximately 70 metres to the west of the site. The site is rural in nature with the surrounding land-uses being agricultural. Bitchet Farm is situated immediately to the north of the land.

### Constraints

- 5 Kent Downs Area of Outstanding Natural Beauty (AONB)
- 6 Area of Special Control of Advertisement
- 7 Metropolitan Green Belt

### Policies

#### *Sevenoaks District Local Plan*

- 8 Policy - EN1

#### *Sevenoaks District Core Strategy*

- 9 Policies - SP1, LO8

#### *Other*

- 10 National Planning Policy Framework (NPPF)

### 11 Sevenoaks Countryside Assessment Supplementary Planning Document (SPD)

#### Planning History

12 SE/80/01711/HIST – Renewal of limited period permission SE/76/01402 for the retention of solar dome plastic tunnels, storage building and water tank for horticultural use (refused 7 January 1981).

SE/77/01459/HIST – Erection of detached garage for use as a horticultural store (refused 11 May 1978).

SE/76/01402/HIST – Erection of solar dome plastic tunnels, storage building and water tank for horticultural use (granted 17 March 1977).

#### Planning History Background

13 Temporary planning permission SE/76/01402/HIST was approved for the erection of solar dome plastic tunnels (six in all), storage building and water tank. The water tank was 1.82 metres high and 4.57 metres wide and the storage building approved was 3 metres wide, 6.1 metres long and 2.5 metres high. This storage building was timber framed building finished externally in weatherboarding and felt clad. The six approved solar dome plastic tunnels were 4.57 metres wide and 17.6 metres long.

14 Planning permission SE/77/01459/HIST sought approval for the erection of a concrete prefabricated garage building (with ‘Sparlite’ aggregate external finish), which for the reasons of security and fire risk, was to replace the approved timber framed storage building under previous planning reference SE/76/01402/HIST. It was noted by the Planning Officer of the time (within the delegated report) that the approved storage building had not been erected on the site. Ultimately this amendment (i.e. replacing the approved timber shed with a concrete garage) was refused as the proposal would have been detrimental to the visual amenities of the area.

15 Finally permission was sought in 1980 to renew the limited period permission SE/76/01402/HIST. This was subsequently refused. The Officers report stated that the site had fallen into a derelict state and there was no evidence of any horticultural activity taking place on the site. It was noted that the plastic coverings on the solar dome and tunnels were in tatters and there was a considerable growth of weeds. It was concluded that the applicant had had a sufficient time in which to establish a horticultural enterprise on the site but had failed to do so.

#### Consultations

##### *Seal Parish Council*

16 The wooden structure is prominent in the landscape and detracts from the openness of the surrounding countryside, which is designated to be conserved and reinforced in the SPD Sevenoaks Countryside Assessment, which has been adopted.

17 The location of the construction is not sensitive to the field in which it stands, and makes no use of the natural lie of the land or hedgerows, which would reduce the

## Agenda Item 4.6

prominent form of the building in the landscape. The Parish Council would strongly object to any excessive forms of lighting in this sensitive area.

### *Rural Planning Limited*

- 18 I note that the application relates to a triangular parcel of grassland, extending to about 1ha, which was in use for grazing of horses until more recently purchased by the applicant. His intention is to use the site as a smallholding for fattening a small number of pigs, keeping some free range hens for eggs, planting a small orchard, and possibly growing a small area of root vegetables (as supplementary pig feed).
- 19 The shed applied for is of modest extent, approximately 7.4m long (plus a 1.8m roof overhang at each end) x 3.7m wide, and about 2.6m tall to its ridge. I would agree with the applicant that it is no bigger than necessary, and is suitably designed, for the stated agricultural purposes.

### *Ward Councillors*

- 20 Councillor Hogarth: No comments received.
- 21 Councillor Thornton: Requested that the application be heard at Development Control Committee. Agreed with Seal Parish comments.

### Representations

#### *5 No. letters of objection received from 3 local residents*

- 22 A number of points were raised, a summary of the letters are enclosed below:
- It is an undesirable construction in an Area of Outstanding Natural Beauty;
  - The so called concrete base was used for a water tank and not a shed;
  - What is the purpose of the development involving animal feeds and is this the start of further applications?
  - Object to any possibility of the farming of pigs which could give rise to unpleasant odours. This might well have an adverse effect on the values of our own and other neighbouring residential properties;
  - In the coming winter months when the boundary trees are not in leaf the shed will be in full view and visible from not only all surrounding roads but also from the properties to the West;
  - If permission were to be granted, we would ask whether some shrub planting could be incorporated to the west of the building;
  - Steps might be taken in the future either to alter the building to form a holiday chalet or permanent dwelling or to replace it with a new dwelling. Such proposals would be inconsistent with the tight-knit character of the hamlet of The Coppice and harmful to its rural setting. Written assurance should be given by the applicant that it is not his intention to apply in the future for any residential use of the site.



- 23 A number of concerns were raised by neighbours that the wooden shed was not built on an existing concrete base. The Planning Agent confirmed via letter (dated 26 September 2012) that the concrete base was pre-existing. This was supported by a letter from Ibbett Mosely (dated 25 September 2012) which stated:

*I have inspected the area where you have erected the timber outbuilding and can confirm that the concrete pad is the same as it was when we sold it to you. This is quite evident from the colour of the concrete and there is no evidence of any extension work having been carried out.*

### Group Manager - Planning Services Appraisal

#### Principal Issues

##### *Design, Scale and Bulk*

- 24 Policy SP1 of the Sevenoaks District Core Strategy states that 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.
- 25 Policy EN1 of the SDLP states that the form of the proposed development including buildings should be compatible in terms of scale and height with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials of a high standard.
- 26 It is considered that the wooden shed is acceptable in terms of design and scale. The timber panelling is considered to be an appropriate material in the location. The Agricultural Consultant has agreed with the applicant that the shed is no bigger than necessary and is suitably designed for the stated agricultural purposes.
- 27 It is therefore considered that the proposal is acceptable in terms of design, scale and bulk and is in accordance with Policy SP1 of the Sevenoaks District Core Strategy and Policy EN1 of the SDLP.

##### *Green Belt*

- 28 Section 9, paragraph 87 of the NPPF states that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 29 Notwithstanding this, paragraph 89 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:
- Buildings for agriculture and forestry;
- 30 It is therefore recognised that the wooden shed, which is to be used for the storage of straw bedding, animal feed and mowing equipment is considered to be appropriate development within the Green Belt with the intention to use the land as an agricultural small holding. Such a building and use is entirely common given the rural nature of the site. There are number of examples of comparable buildings in the area.

## Agenda Item 4.6

- 31 As documented in the Planning History section, the permission has been previously approved on the land to be used for horticultural purposes. The wooden shed has been built on an existing concrete pad, which previously had a water tank on it and originally was constructed for the approved timber storage building in 1977. The water tank was of a modest scale and whilst it is recognised that the wooden shed is larger, it is considered that the building is not significantly materially larger than this water tank. It is also noted that large scale solar domes have been previously erected on the site (albeit for a temporary period) which far exceed the scale of the wooden shed under consideration. Although planning permission was refused under reference SE/80/01711/HIST, the reason for refusal was more related to the derelict state of the site, as opposed to the scale of the water tank / solar domes on the site.
- 32 In addition it is considered that by re-using the concrete pad, the requirement to develop the land further has been prevented.
- 33 A condition will be attached to any granted permission restricting the use of the shed for agricultural purposes only.
- 34 It is therefore considered that the wooden shed (to be used for agricultural purposes) is appropriate development within the Green Belt and is in accordance with Section 9 (paragraph 89) of the NPPF.

### *Character and Openness*

- 35 Policy L08 of the Sevenoaks District Core Strategy states that the extent of the Green Belt will be maintained. In addition the policy states that the countryside will be conserved and the distinctive features that contribute to the special character of its landscape and its biodiversity will be protected and enhanced where possible. The distinctive character of the Kent Downs AONB and their settings will be conserved and enhanced.
- 36 The Sevenoaks Countryside Assessment SPD states that the Seal Chart landscape has a strong distinct nature and ensures that the landscape is visually unified. Within this strong framework, the location of roads, farms and villages corresponds to the landform. The landscape is considered to be in a very good condition.
- 37 It has been established above that the proposal is acceptable in terms of design, scale and bulk and the use of such a shed in such a location is appropriate in the Green Belt. It is considered that the wooden shed is a typical agricultural structure one might expect to see in a field. It has already been ascertained that it is of a modest scale and design (appropriate materials). Concern has however been raised as to the positioning of the shed and its visibility and prominence at the site. Whilst it is accepted that the shed will be visible from certain viewpoints along the highway bordering the piece of land, there is a mature tree line along the eastern and western edge of the plot of land. It must also be recognised that the land has been used previously for horticulture purposes (as documented in the Planning History section) and that a modest sized water tank was situated on the concrete base until relatively recently. Notwithstanding this, despite the appropriate scale and agricultural appearance of the wooden shed it seems reasonable to attach a planning condition to any approved consent requiring the submission of a landscaping scheme to further soften the appearance of the building.

- 38 Therefore based on the principle that the design, scale and use of the building is appropriate in its location, it is considered that the development will not cause a detrimental impact on the AONB or Seal Chart landscape.

### Other Issues

#### *Residential Amenity*

- 39 The wooden shed is approximately 70 metres from the closest residential dwelling. Given the scale of the wooden shed, it is not considered that the development will result in a loss of residential amenity to the closest residents.
- 40 Concerns have been raised in relation to lighting at the site. A condition can be secured to ensure that no external lighting is used on the site or on the wooden shed.

#### *Environmental Concerns*

- 41 Some neighbours have raised concerns in regards to the smell of pigs at the site. Whilst it is accepted that the agricultural holding may create an odour which was not previously present, the site was used as a field for grazing horses for a number of years. Importantly no planning application is actually required to use the land for pig farming. It is also recognised the rural nature of the site and the nearby farm at Bitchet Farm.

### **Conclusion**

- 42 It is considered that the proposal is in accordance with paragraph 89 of the NPPF, Policies L08 and SP1 of the Sevenoaks District Core Strategy, Policy EN1 of the SDLP and the Sevenoaks Countryside Assessment SPD.

### **Background Papers**

#### Site and Block Plans

Contact Officer(s): Neal Thompson Extension: 7463

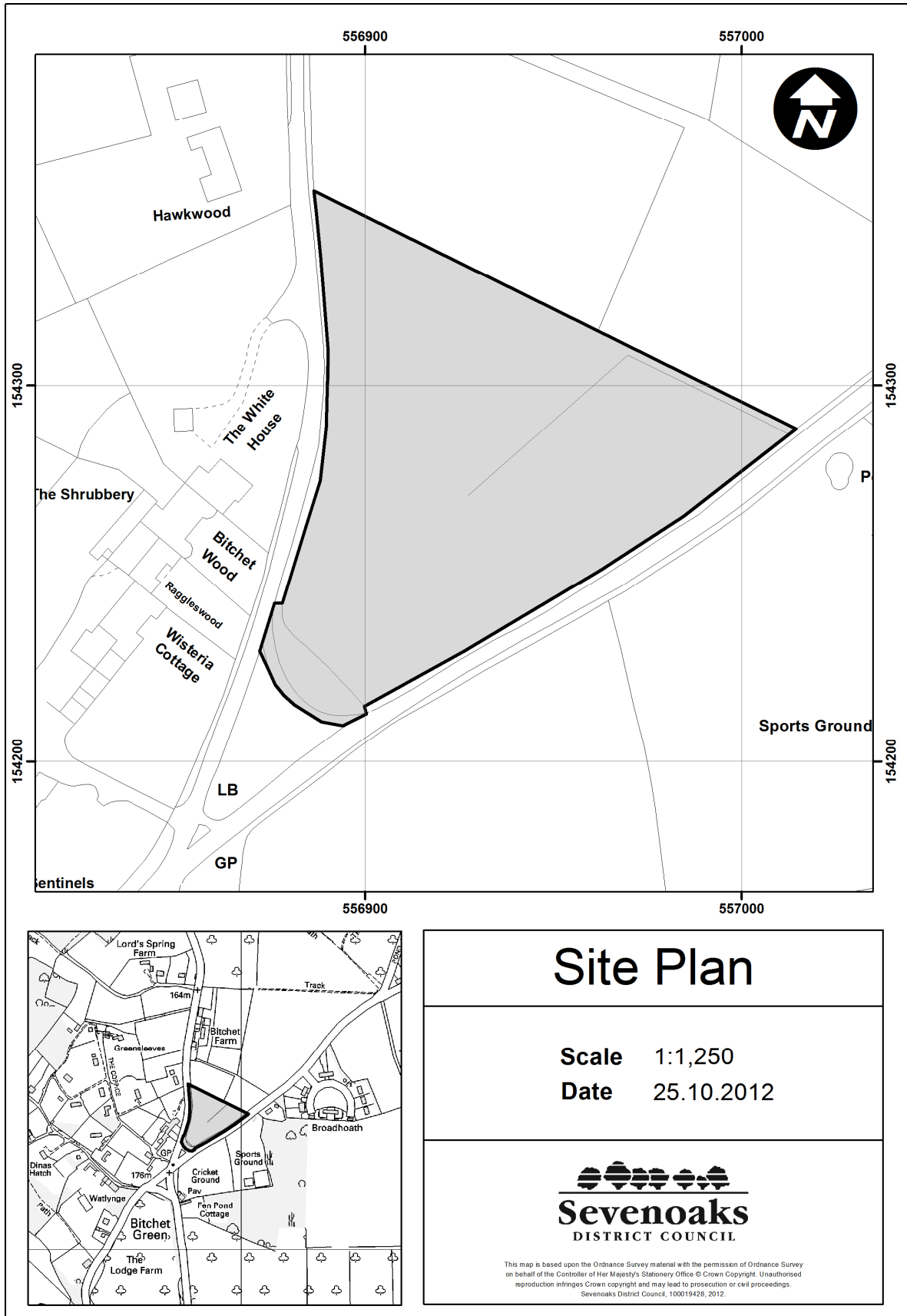
**Kristen Paterson**  
**Community and Planning Services Director**

Link to application details:

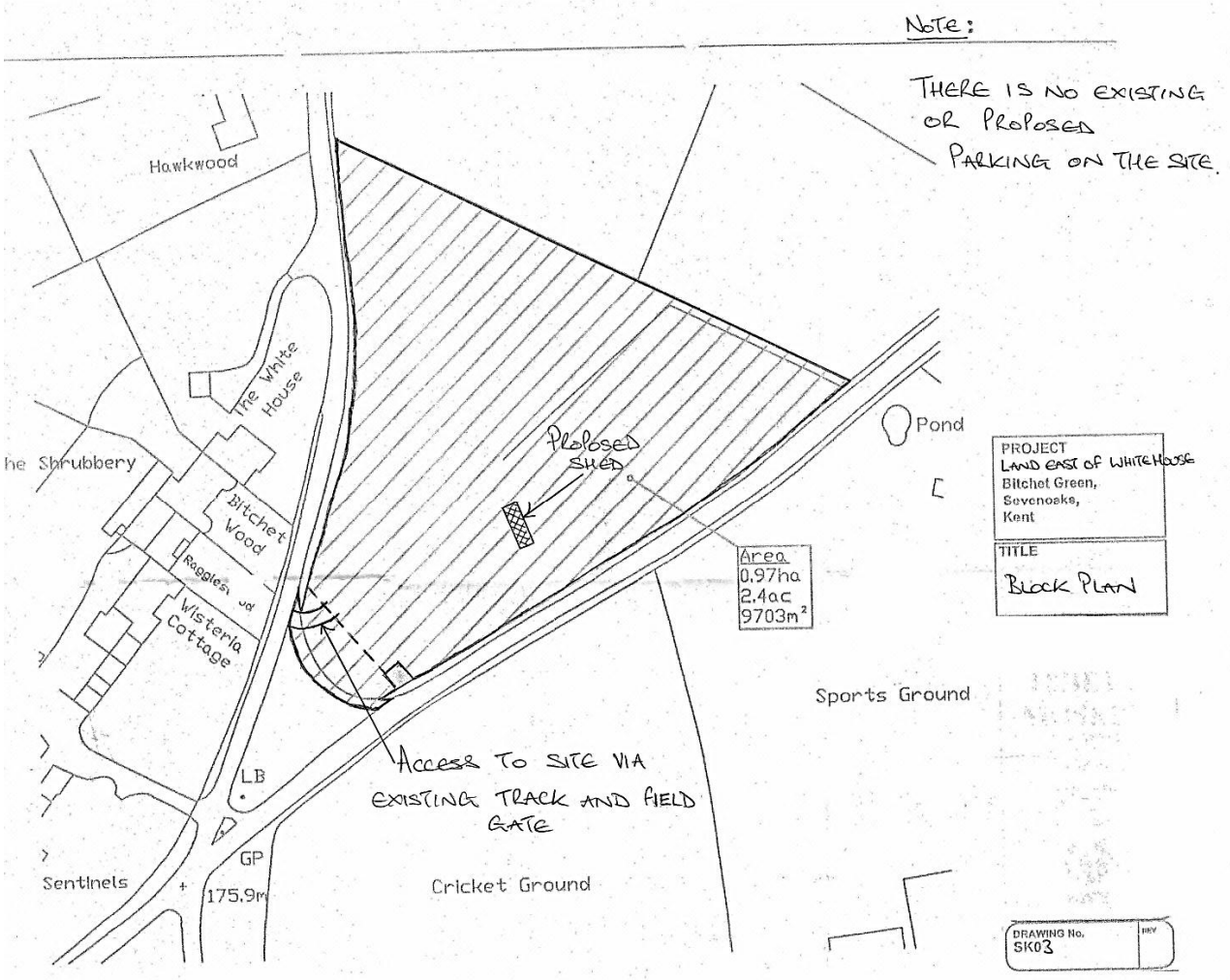
<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=M8HJSOBK0L000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=M8HJSOBK0L000>



BLOCK PLAN



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5.1 - **Objection to Tree Preservation Order number 16 of 2012**

**Located at West Cottage, High Street, Leigh**

**ITEM FOR DECISION**

This report sets out details of objections received to this order.

**RECOMMENDATION:**

That the Tree Preservation Order No 16 of 2012 be confirmed without amendments.

The Site and Background

- 1 Tree Preservation Order (TPO) No. 16 of 2012 relates to a Maple tree situated at West Cottage, High Street, Leigh.
- 2 This tree was protected following a Conservation Area notification (SE/12/02018/WTCA) to remove it. Although situated within the rear garden of the property, this tree is very prominent in this part of Leigh and can clearly be seen from the High Street and the footpath to the burial ground and Village Hall. The removal of this tree would have a negative impact on the amenity of the local area. TPO 16 was served in order to afford it continued protection.

Representations

- 3 An objection to the TPO has been received from Mrs Wood, the owner of the property. Mrs Wood objects on the grounds that the Maple is of low amenity value due to its location within the rear garden of their property and its restricted view. Mrs Wood also objects on the grounds that this tree has a negative impact on her property due to the shade cast by the Maple.
- 4 Another objection has been received from Mrs McDowall of Pump Cottage, High Street, Leigh, a neighbouring property. Mrs McDowall objects on the grounds it will become too large for its location and may damage the boundary fence as it increases in girth. Mrs McDowall also claims that this tree prevents the sunshine reaching her property and obstructs views from Pump Cottage. Mrs McDowall states that this tree is not a native species and is not an amenity to the local area.
- 5 In response to the objection, this tree can clearly be seen from the public footpath and main highway. Its loss would be detrimental to the local amenity. The issue of light obstruction, obstruction of views or the tree becoming too large, could be overcome by carrying out pruning works such as crown thinning or a crown reduction. Although this species is not native, it still offers visual amenity to the local area.

In conclusion

- 5 Given the aforementioned information. It is suggested that the details as provided within the objection to this TPO are not strong enough reasoning to leave this

## Agenda Item 5.1

prominent tree without any formal protection. It is my recommendation therefore that TPO 16 of 2012 be confirmed without amendments. Please find attached TPO/16/2012 (Appendix 1).

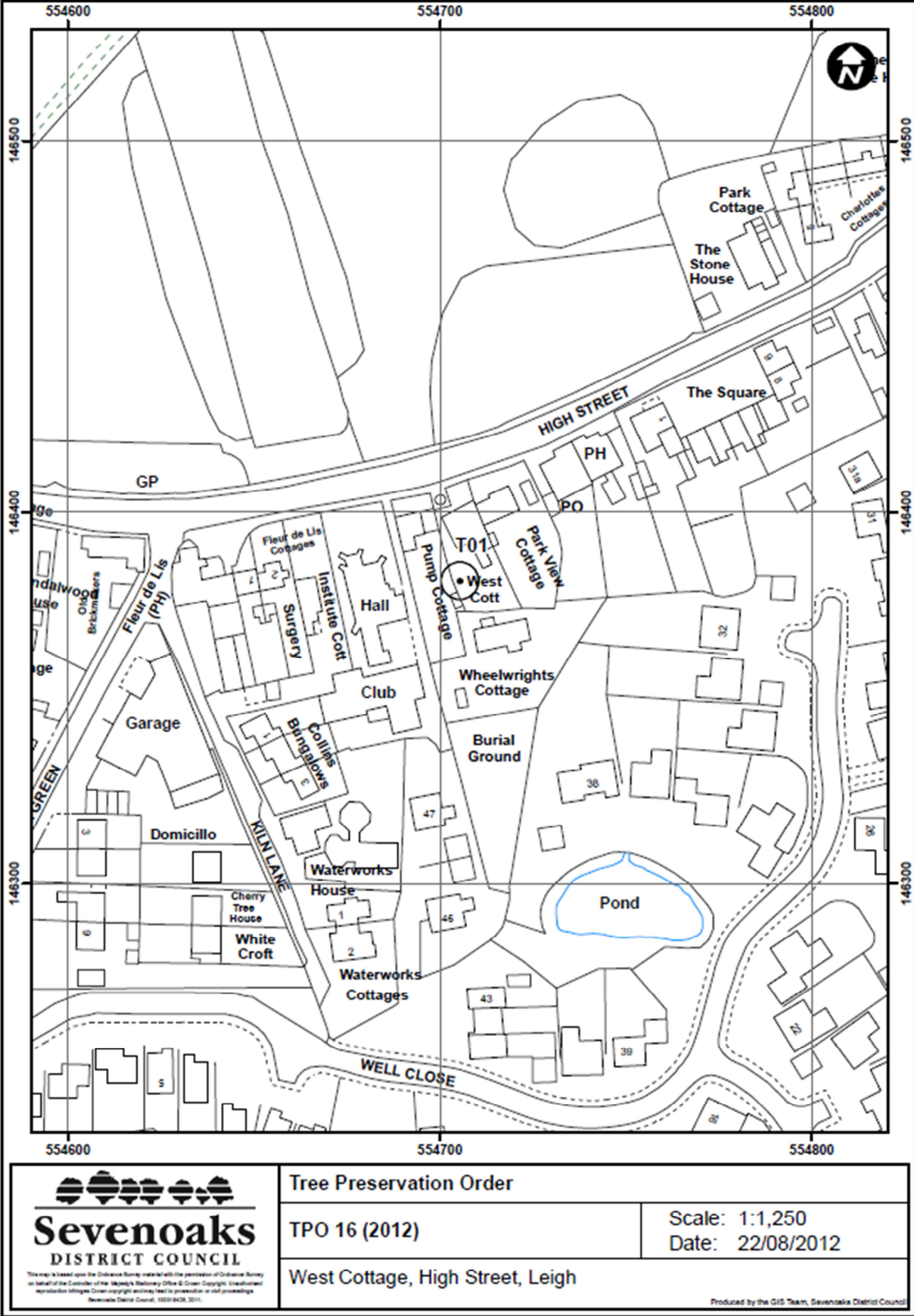
Contact Officer(s):

Mr L Jones Arboricultural & Landscape Officer

Extension 7289

**Kristen Paterson**  
**Community and Planning Services Director**





**Sevenoaks**  
DISTRICT COUNCIL

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**Tree Preservation Order**

TPO 16 (2012)

West Cottage, High Street, Leigh

Scale: 1:1,250  
Date: 22/08/2012

Produced by the GIS Team, Sevenoaks District Council

# Agenda Item 5.1

## SCHEDULE 1

### SPECIFICATION OF TREES

#### Trees specified individually (encircled in black on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
T1	Maple	Situated on the western boundary of West Cottage, High Street, Leigh.

#### Trees specified by reference to an area (within a dotted black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
	None	

#### Groups of trees (within a broken black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
	None	

#### Woodlands (within a continuous black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
	None	

\* complete if necessary to specify more precisely the position of the trees.