

4.3. SE/12/03119/FUL - 94 - 96 London Road, Sevenoaks TN13 1BB (Pages 43 - 62)

Demolition of existing building; erection of a four storey building providing office space (use class B1) and parking (14 spaces) with 14 two-bedroom flats. Creation of new vehicular access. (Alteration of planning permission SE/10/02968/FUL).

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.)

Public Access Links

Late Observations

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

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

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

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

Any Member who wishes to request the Chairman to agree a pre-meeting site inspection is asked to email democratic.services@sevenoaks.gov.uk or speak to a member of the Democratic Services Team on 01732 227350 by 5pm on Monday, 18 March 2013.

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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4.1 – SE/12/00881/FUL Date expired 17 July 2012

PROPOSAL: Redevelopment of the mixed-use site to provide 29 dwellings; 22 new houses and flats in three separate blocks and 7 houses and flats by way of converting and/or partial rebuilding the existing Mill House, Mill Cottage and Mill Building with 45 associated car parking spaces and new centrally located access road.

LOCATION: Mill House, Mill Lane, Sevenoaks TN14 5BX

WARD(S): Sevenoaks Northern

ITEM FOR DECISION

This application has been referred to Development Control Committee by Councillor Dickins to consider the bulk, scale and density of the proposal and whether parking provision is adequate.

RECOMMENDATION: That delegated powers be given to officers to GRANT planning permission, subject to the following:

- That officers further consider the merit of financial input into the scheme to increase the level of affordable housing on site, notwithstanding that the development can only viably provide 6 units as affordable housing. If it is deemed “good value” to make a contribution to increase affordable housing within the development, then this shall be secured, otherwise the development shall be approved on the basis that 6 units would be secured for affordable housing.
- That a S106 agreement is completed within two months from the date of this committee, which secures the affordable housing and financial contributions set out in the main report.

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

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

- 3) No development shall commence until large scale (1:20) construction drawings for the mill building (Block D) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the

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approved drawings.

To ensure, so far as is possible, that the detail of the building as rebuilt matches the existing mill building, to safeguard the distinctive character of this landmark building, in accordance with Policy SP1 of the Sevenoaks District Local Plan.

4) The existing ground floor stone and brick walls to the mill building (Block D) shall not be demolished and shall be retained as existing as shown on the approved drawings, unless agreed otherwise by the Local Planning Authority.

To preserve the oldest part of the building with historic value dating back to the 18th Century, to safeguard the historic character of the building and site in general, in accordance with Policy SP1 of the Sevenoaks Core strategy.

5) The developer shall give the Local Planning Authority at least 7 days notice prior to demolition of the buildings and structures connected to the mill, and shall afford access to the local planning authority to inspect any features connected to the historic use of the mill that are uncovered during such works. Any features considered by the Local Planning Authority to warrant preservation shall be retained on site as part of the development in accordance with a scheme of restoration that shall be submitted to and approved in writing by the Local Planning Authority prior to the rebuilding of the upper floors of the mill or any alternative timetable as agreed in writing.

To preserve any historic features on site that may be uncovered as part of the proposed development and which add to the local value of the mill building and site, in accordance with Policy SP1 of the Sevenoaks District Local Plan.

6) The development shall achieve Level 3 of the Code for Sustainable Homes. No dwelling or flat shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved

In the interests of environmental sustainability and reducing the risk of climate change as supported by Policy SP1 of the Sevenoaks District Local Plan.

7) No development shall commence until details of hard and soft landscaping proposals have been submitted to and approved in writing by the local planning authority, and shall include the following - details of the surface finishes of access roads, parking areas, pavements, and any paths or patios around the proposed buildings- details of any walls, fences and retaining structures within the site- 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 hard and soft landscaping shall be carried out in accordance with the approved details. If within a period of 5 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 safeguard the visual appearance of the area as supported by Policy EN1 of the Sevenoaks District Local Plan and SP1 of the Sevenoaks Core Strategy.

8) No development shall commence until protective fencing is installed on site in accordance with Section 10.2 of the Sylvan Arb Arboricultural Report dated 29th March 2012. The development shall be carried out in full accordance with the Tree Protection Measures specified under Section 10 of the above report, and as amended by the email

and tree protection plan submitted on 24/07/12 unless agreed otherwise in writing by the Local Planning Authority.

To safeguard the visual appearance of the area as supported by Policy EN1 of the Sevenoaks District Local Plan and SP1 of the Sevenoaks Core Strategy.

9) Notwithstanding the information contained within Section 11 of the Sylvan Arb Arboricultural Report dated 29th March 2012, no tree works shall take place to T8 until a site meeting has been arranged with the Local Planning Authority to discuss and agree specific pruning works to raise the canopy of T8. No development shall take place until such works have been agreed and a height clearance barrier no greater than 4.5 metres in height (or as otherwise agreed) has been installed on site, in a position to be agreed in writing with the Local Planning Authority.

To protect this visually important tree, and to safeguard the visual appearance of the area as supported by Policy EN1 of the Sevenoaks District Local Plan and SP1 of the Sevenoaks Core Strategy.

10) No dwelling or flat shall be occupied until the car parking spaces as shown on the approved plans have been completed and made available for parking. Notwithstanding the designation of the spaces as shown on the layout drawing, the space shown allocated to unit 30 shall instead be allocated as a second parking space to unit 5. Prior to first occupation of the development, the visitor parking spaces shall be clearly marked for such use and maintained as visitor parking spaces thereafter.

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

11) Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved in writing by the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

To ensure that sufficient capacity or mitigation is made available to accommodate the increase in discharge arising from the new development, in accordance with Policy EN1 of the Sevenoaks District Local Plan.

12) No unit shall be occupied until the cycle and bin storage facilities as shown on the approved drawings have been completed and made available for such use. These facilities shall be maintained for such use thereafter.

To ensure the provision of appropriate facilities to serve the development in accordance with Policy EN1 of the Sevenoaks District Local Plan and SP1 of the Sevenoaks Core Strategy.

13) The development shall not be occupied until the access works have been completed in accordance with the approved plans.

In the interest of highway safety as supported by Policy EN1 of the Sevenoaks District Local Plan.

14) No development shall commence until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage scheme should demonstrate that the surface water generated up

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to and including the 100 year critical storm will not exceed the run off from the existing site following the corresponding critical rainfall event, so as not to increase the risk of flooding both on or off site. The strategy shall also include details and responsibility for maintenance of the surface water drainage infrastructure.

To reduce the risk of flooding both on site and in the surrounding area, in accordance with Policy EN1 of the Sevenoaks District Local Plan and the National Planning Policy Framework.

15) No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

To protect groundwater within the underlying Principle Aquifers within Source Protection Zone 1 of a public water supply, in accordance with Policy EN1 of the Sevenoaks District Local Plan and the National Planning Policy Framework.

16) No development shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority.

1) A preliminary risk assessment which has identified:- All previous uses;- Potential contaminants associated with those uses; and- A conceptual model of the site indicating sources, pathways and receptors of potentially unacceptable risks arising from contamination of the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

To ensure development is carried out in line with sustainable development principles of the NPPF, to address any contamination risks to public health and ground-waters.

17) Prior to first occupation of units 6 and 9, the first floor windows in the side elevations of these units shall be obscure glazed and fixed shut, and maintained as such thereafter.

To protect the privacy of the occupants of neighbouring dwellings, in accordance with Policy EN1 of the Sevenoaks District Local Plan.

18) Prior to the commencement of development of unit 9, a scheme to prevent overlooking from the ground floor side facing window of this unit into the garden of 25 Weavers lane shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme

prior to first occupation of this property and maintained as such thereafter.

To protect the privacy of the occupants of the neighbouring dwelling, in accordance with Policy EN1 of the Sevenoaks District Local Plan.

19) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no satellite dishes shall be installed on the mill building (Block D) unless approved under a separate planning application by the Local Planning Authority.

To preserve the appearance of the building, in accordance with Policies EN1 of the Sevenoaks District Local Plan and SP1 of the Sevenoaks Core Strategy.

20) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no rear extensions or outbuildings shall be erected to units 1 or 2 unless approved under a separate planning application by the Local Planning Authority.

To safeguard the Lime Tree in the rear garden of Unit 1 which is protected by a Tree Preservation Order, in order to safeguard the visual amenities of the area in accordance with Policies EN1 of the Sevenoaks District Local Plan and SP1 of the Sevenoaks Core Strategy.

21) The development shall be carried out in accordance with the Mitigation and Enhancement Plan submitted by Arbtech and dated 5th July 2012. Prior to first occupation of any unit hereby permitted, full details of ecological enhancement measures to be undertaken on site based on the above plan shall be submitted to and approved in writing by the Local Planning Authority, and provided on site.

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

22) No development shall commence until a detailed bat mitigation strategy, incorporating the enhancement measures in table 5 of the Bat Emergence Survey by Arbtech Consulting Ltd, has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

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

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

The South East Plan 2009 - Policies SP3, CC1, H1, H3, H4, H5, T4, NRM9, BE4, LF1, LF3, LF4, LF5,

Sevenoaks District Local Plan - Policies LO1, LO2, SP1, SP2, SP3, SP5, SP7, SP9, SP11

Sevenoaks District Core Strategy 2011 - Policies EN1, VP1

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

The development would not cause undue harm to the living conditions of surrounding residential properties

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The development would respect the local character of the area

The development would include the provision of affordable housing and would make a contribution towards local public services.

Any other impacts arising from the development can be suitably controlled by planning conditions.

The traffic generated by the development can be accommodated on the local highway network without harm to highways safety, and the parking to be provided within the development is considered to be at an acceptable level.

It is not considered that the loss of employment use on this site should preclude residential development

The site is within the built confines of the settlement where there is no objection to the principle of the proposed development.

The significance of the mill building as a local landmark would be maintained through re-building of the upper floors of the building to a very similar design

Description of Proposal

- 1 This application seeks planning permission for the redevelopment of the Greatness Mill site in Mill Lane, Sevenoaks. The proposal is for residential development of the site to provide 29 residential units in total and would consist of the following –
 - Demolition and re-building of the mill building to provide 4 residential units (Block D)
 - Retention of Mill House and conversion of Mill Cottage into two flats (Block C)
 - Erection of a part three, part four storey building next to the existing Mill and fronting Mill Lane, containing 13 x 1 and 2 bed units. (Block E)
 - Erection of a terrace of 5 x 3 bed dwellings fronting Mill Lane (Block A)
 - Erection of a terrace of 4 x 3 bed dwellings at the rear of the site. (Block B)
 - A total of 45 parking spaces to serve the development.
 - Creation of a new access road into the site, between Blocks A and E, and creation of a pavement on Mill Lane for most of the length of the site.
 - 6 units within the proposal are to be affordable units.

Description of Site

- 2 The site is located within the built confines of Sevenoaks within an established and primarily residential area. The site is L shaped and 0.4 hectares in area. The land levels change dramatically on site, and rise from road level in excess of 3 metres to the rear of the site.

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- 3 The existing site consists of the existing 5 storey mill building with attached workshop / industrial units of lower height. These buildings are in use for commercial purposes – an upholstery cabinet making business operates from the Mill building and a tyre fitting company from the workshop / industrial unit. The site also contains a builders/scaffold yard, as well as 2 dwellings (Mill House and Mill Cottage) and associated gardens to these properties.
- 4 The main mill building was a Grade II listed building, but was de-listed March 2011. The main reason for this was because the mill, although originating on this site in the 18th century as a corn mill, had been subject to a major fire in the late 1920s and was extensively re-built (with a further storey added) using modern building materials and methods such as steel supports and concrete walls. As such, only a fragment of the original mill building remains (the ragstone on the ground floor of the building). The Secretary of State considered that the building was not of special architectural interest and had no special constructional, technological or historical interest to warrant retention of the listing, but did comment that the mill was clearly of local historical interest.
- 5 The site is surrounded primarily by residential properties – consisting of largely 2 storey semi-detached dwellings on Mill Lane to the north and east, by two storey modern terraces at Silk Mills Close to the south, and a mix of two storey semi detached and terraced dwellings to the west. The southern extreme of the site borders the access road to Silk Mills Close and beyond this a residential bungalow fronts onto Mill Lane. The playing fields and park at Greatness Mill lie opposite the southern part of the site. Further afield, 3 and four storey blocks of flats are sited at each end of Mill Lane.

Constraints

- 6 Trees protected by a TPO partially within and partially adjacent to the site.
- 7 Former listed mill building on site that has been de-listed but remains of local interest and considered an “undesigned heritage asset”

Policies

South East Plan

- 8 Policies – SP3, CC1, H1, H3, H4, H5, T4, NRM9, BE4, LF1, LF3, LF4, LF5, LF10

Sevenoaks Core Strategy

- 9 Policies – L01, L02, SP1, SP2, SP3, SP5, SP7. SP9, SP11

Sevenoaks District Local Plan

- 10 Policies – EN1, VP1

Other

- 11 Guidance within the National Planning Policy Framework (NPPF) is relevant
- 12 Guidance within the Sevenoaks Residential Character Area Assessment SPD is relevant

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Planning History

- 13 SE/08/01175 - Redevelopment of site to provide 22 dwellings. 8 to be provided within the existing Listed Mill building and Mill Owner's house and cottage. The remaining 14 to be new builds within the site - Withdrawn
- 14 SE/07/00726 - Demolition of outbuildings, conversion of Mill House, construction of 16 No new dwellings – Withdrawn

Consultations

Sevenoaks Town Council

- 15 Original Comments - Sevenoaks Town Council unanimously recommended refusal on the following grounds:

- The proposal constitutes overdevelopment of the site.
- The excessive scale and density is out of keeping with the local area.
- The parking provision is insufficient for the number of proposed dwellings.
- The proposal is contrary to the Sevenoaks Residential Character Area assessment in that:
- The repeated design and building line would not been respected.
- The character of the Mill House would not been preserved due to the excessive height of some of the proposed buildings.
- Loss of light and overlooking to properties in Silk Mill Close.
- Loss of employment though the loss of several small businesses.

Informative:

The Town Council had the following additional reservations.

- Concerns over the Highway safety of the proposed access and egress arrangements as a result of the increase traffic generated.
 - The Town Council would like to draw the inadequate drainage infrastructure for the current number of dwellings in the immediate local area to the attention of SDC's environmental health officer, as any further development of this scale would increase strain on this infrastructure. The Town Council would ask that this matter is resolved prior to any permission being granted.
 - CIL funding has not been allocated to any projects within the immediate Greatness area. The Town Council would request that in future a proportion of funding be allocated to local infrastructure
- 16 Further comments - Sevenoaks Town Council noted the amendments made the scheme, but considered they did not address previously raised objections, and therefore unanimously recommended refusal on the following grounds:

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- The proposal constitutes overdevelopment of the site.
- The excessive scale and density is out of keeping with the local area.
- The parking provision remains insufficient for the number of proposed dwellings.
- The nearby bus stop would be rendered unusable due to the increase of on street parking resulting from the lack of allocated parking for new residents.
- Loss of employment though the loss of several small businesses.
- Loss of light and overlooking to properties in Silk Mill Close.
- The proposal is contrary to the Sevenoaks Residential Character Area assessment in that
- The repeated design and building line would not been respected
- The character of the Mill House would not been preserved due to the excessive height of some of the proposed buildings especially block E.

Informative

Sevenoaks Town Council remained concerned that the waste water infrastructure in the area is currently insufficient to serve the existing dwellings, and that any increase would exacerbate this situation.

Kent Highways

- 17 Original Comments - The proposal includes 45 car parking spaces for 30 units. Whilst no information is given regarding bus services, the site location is near to a major route which will support bus services and the site is near to railway services and the adjacent footpath is of some help in this regard. It is considered therefore that the car parking provision at this location is adequate and appropriate to its location. As a safeguard however, should this application be approved, it is considered that it may be prudent for a refundable sum to be provided for the provision of traffic management orders (parking restraints) should they subsequently prove necessary. The provision of cycle storage is welcomed. It would be better still if cycles, or vouchers for cycle purchase could also be provided with occupation and perhaps this is something the applicant could consider.
- 18 A study of KCC's injury crash database shows that there have been no injury crashes on Mill Lane in the last three years. Whilst the car parking spaces, obscured by buildings, adjacent to the right of way seem undesirable, evidence, from use of the existing forecourt here, does not indicate that this is a particular problem. The access visibility splay is now also considered to be adequate, particularly in comparison to earlier drawings which retained trees and unsatisfactorily limited junction inter-visibility. If the application is approved the proposed new access will be subject to a S278 agreement and safety auditing will be part of this process. The idea of footways marked by change of material without kerbing is interesting and not necessarily unwelcomed (it is not expected

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that these roads would be adopted) however careful consideration will be required to surface water drainage both within the site and at the interface of the site with Mill Lane.

The junction of Mill Lane with the A25 is of a good standard in terms of its inter-visibility, proportions and thereby capacity. It is not considered that the traffic generated from this proposal is of a scale to cause a severe impact as now specified in the new NPPF (Paragraph 32 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.')

I confirm therefore that I would not wish to raise objection to this proposal. If however you have any further queries or I can be of any further assistance, please do not hesitate to contact me.

- 19 Further comments - I understand that this proposal has now been amended comprising 45 car parking spaces for 29 units. For clarity it would be helpful if the Design and Access statement could be updated accordingly, particularly section 5.5, and a new overall or layout site plan is provided.
- 20 Whilst no information is given regarding bus services, the site location is near to a major route which will support bus services and the site is near to railway services and the adjacent footpath is of some help in this regard. It is considered therefore that the car parking provision at this location is appropriate to its location. Should this application be approved, the Districts own parking services may as a safeguard, want to request that a refundable sum be provided for the provision of traffic management orders and it is considered that their views and perceptions should be sought. The provision of cycle storage is welcomed. It would be better still if cycles, or vouchers for cycle purchase could also be provided with occupation and perhaps this is something the applicant could consider.
- 21 A study of KCC's injury crash database shows that there have been no injury crashes on Mill Lane in the last three years. Whilst the car parking spaces, obscured by buildings, adjacent to the right of way seem undesirable, evidence, from use of the existing forecourt here, does not indicate that this is a particular problem. The access visibility splay is now also considered to be adequate, particularly in comparison to earlier drawings which retained trees and unsatisfactorily limited junction inter-visibility. If the application is approved the proposed new access will be subject to a S278 agreement and safety auditing will be part of this process. The idea of footways marked by change of material without kerbing is interesting and not necessarily unwelcomed (it is not expected that these roads would be adopted) however careful consideration will be required to surface water drainage both within the site and at the interface of the site with Mill Lane. Surface water from private areas is not to discharge onto the highway.
- 22 The junction of Mill Lane with the A25 is of a good standard in terms of its inter-visibility, proportions and thereby capacity. It is not considered that the traffic generated from this proposal is of a scale to cause a severe impact as now specified in the new NPPF (Paragraph 32 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.')

- 23 I would not wish to raise objection to this proposal although a new up to date layout plan and design and access statement would be helpful for me to confirm this position.

Conservation Officer

- 24 The Mill building, which is an integral part of this scheme, was delisted in 2011 because the majority of the structure is in fact fairly modern. The base is the only original part c. 18th century. The structure is a significant feature in the area and gives it its special identity. Thus I am pleased that it is to be re-created within the development, retaining the original base, as a conversion has proven not to be technically feasible. A good space has been left on the south side to give the building a suitable setting and the rest of the elevation to the road frontage in part mirrors the form of the other unlisted but historically interesting commercial structures adjoining. I therefore support the scheme from a conservation point of view.

Tree Officer

- 25 The existing site currently occupied by light industrial/commercial enterprises, has a number of trees throughout that appear to be self set. They provide a green screen for this section of the site but most are shown to be removed as part of the proposed development. Given their current locations growing mostly against buildings, it is not a viable option to protect and retain the trees. The loss of this green screen is regrettable but unfortunately its retention is not defensible. I do not therefore have any objection to their proposed removal. The tree that dominates the site is a mature Horse Chestnut, which is located upon adjacent property but a large percentage of the canopy of this tree overhangs this site. This tree is currently protected by TPO 12 of 1989. This proposal shows the main access drive to be located directly to the north east of it. Height clearance may be an issue here as any new residents may have a need to allow access to trades such as skip lorries or removal vans etc. The current clearance is in the region of 3 metres, which is not adequate for the additional traffic that this development will create. In order to raise this canopy to an acceptable height an amount of limbs will need to be removed to gain the additional height clearance. Horse Chestnut trees are soft wooded trees and do not react well to larger pruning wounds, which often rot into the wound. This can clearly be seen from previous pruning to this tree.
- 26 The Arb. report has intimated that this tree should be managed as an eventual pollard, which would resolve the aforementioned issue. This Chestnut is under the management of the neighbour and not the applicant. Such a management proposal therefore needs to be discussed with all parties involved inclusive of myself. I consider that this aspect of this proposal needs to be discussed at greater length in order to ensure that this tree is managed correctly rather than cut out of the way to accommodate it. The tree protection plan that accompanies the Arb. report shows a root protection area with a radii of 11.5 metres when the diameter of the trunk depicts a minimum requirement of 15.2 metres. The possible existence of the two additional parking bays and the required levels also needs clarification.
- 27 Whereas I consider the bulk of the project is achievable, I need greater clarification on the areas adjacent to the Horse Chestnut tree. Full details of the permeable surfaces, full details of replacement planting and hard landscaping will

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also be required. It may also be necessary to install a height limiter during demolition and construction works.

- 28 Further Comments – In response to your request to comment on this specific aspect of the development around the Horse Chestnut (T8). I have again visited the site. The claim is that the applicant proposes to remove branches up to 5 metres to allow traffic. Specifically, it is stated that secondary branches only are to be removed. If all branches are to be removed up to 5 metres then it is clear that more than secondary branches will be removed. Should such limbs be removed then long term harm to this tree will be the result inclusive of visual harm. The pruning back of secondary branches is acceptable but the remaining larger limbs should remain. The latter are no lower than 4.5 metres, is this sufficient height clearance? If this is sufficient height clearance then all will be well. I suggest that a condition requiring the developer to insert a height clearance barrier in front of the tree.
- 29 The ground works are fully detailed and acceptable. I suggest that this aspect of the works should be conditioned and attached to any consent provided.

Thames Water

- 30 Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like the following 'Grampian Style' condition imposed. "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

Environment Agency

- 31 Original Comments - We have no objection to the principle of redevelopment of this site for residential purposes but do object to the provision of a ground floor flat in Block D (unit 13) because of the increased risk of flooding.
- 32 We acknowledge that the application does not require a Flood Risk Assessment (FRA) but Mill Lane itself is at risk of flooding from excess surface runoff, and records suggest the site was affected by flooding in 1968. The depth of flooding during this event is unknown, but it is likely flood flow was restricted to Mill Lane and the eastern boundary of the site. The risk of surface water flooding is also confirmed in the Sevenoaks Strategic Flood Risk Assessment dated April 2008. Our surface water flood map suggests the area is at risk of flooding following the critical 30yr rainfall return period event.

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- 33 We are therefore concerned with the proposed re-profiling of site levels in certain areas, particularly where ground floor flats are proposed. Lowering the ground level increases the risk of internal flooding and occupiers of ground floor flats will be at increased risk, as they will be unable to seek refuge either for themselves or possessions, at a higher level.
- 34 For example, DWG. 4249-PD-010 shows the northern end of the existing Mill Building (Block D) to be lowered from approximately 72.94metres Ordnance Datum (mOD) to 72.55mOD. The external road surface is 73.09mOD and DWG 4249-PD-051 shows Unit 13 to be a ground floor flat with external doorways on the north and south elevation set at 72.55mOD. If excess surface runoff does flow down Mill Lane, it would likely flow into Unit 13 and result in internal flooding. We therefore object to this detail of the proposal, and recommend the floor level be raised to be above the level of Mill Lane.
- 35 We also note concerns from Thames Water regarding capacity of foul sewage infrastructure. Any additional runoff from the site onto Mill Lane could potentially discharge into the foul sewer network and exacerbate an existing problem. Section 5.4 of Design Access Statement dated 30th March 2012, suggests measures will be put in place to control discharge of surface runoff from the site. We recommend the rate of surface water disposal should be reduced from the existing rate.
- 36 If you are minded to grant permission against our advice, we request to be re consulted in order to recommend conditions and provide further guidance relating to surface water drainage, groundwater protection and land contamination.
- 37 Further Comments – Further to the letter from the applicant dated 21st August 2012, we note the proposals to remove the ground floor dwelling from Block D and instead use the ground area as communal access to the garden area and for bin storage. As such we remove our objection subject to the imposition of conditions.

Mouchel (summarised)

- 38 The application would generate a requirement for the following contributions to mitigate the impact of the development on the delivery of community services by Kent County Council –
- A contribution towards secondary school provision totalling £32,447.25
 - A contribution towards library provision of £6,065.70
 - A contribution towards community learning of £997.50
 - A contribution towards adult social services of £9,361.40

NHS Trust

- 39 In terms of this development, and at this stage, a health care need has been identified for contributions for Winterton surgery and/or Brasted surgery and/or Sundridge surgery. This contribution will be directly related to this development and it will help towards upgrade and/or refurbishment.

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- 40 NHS West Kent wishes to work with our local partners on healthcare issues to assure healthcare provisions to improve the health and well being of our population. A healthcare contribution (section 106) is therefore requested in accordance with the recognised Planning Obligations Guidance for Communities and Local Government.
- 41 NHS West Kent seeks a contribution of £21,492.00, plus our legal costs in connection with securing this contribution.

Environmental Health

- 42 Noise – No objection
- 43 Contaminated land – further investigations should be carried out in line with the recommendations in section 10 of the Phase I study report, and that a remediation strategy be provided if necessary.
- 44 Air Quality – Traffic from the development will join the busy A25 - Seal Road - and pass through either, the Bat and Ball junction or through Seal High Street, or may access the town centre via Seal Hollow Road. Bat & Ball, Seal High Street, and the Town Centre are all designated Air Quality Management Areas due to traffic pollution. Whilst the additional traffic from this site would on its own not significantly worsen air quality it does not assist the traffic reduction sought by the Council's developing 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 toward the cost of local air quality monitoring at Greatness and at Bat & Ball, and/or towards measures within our Air Quality Action Plan. I suggest £10,000.
- 45 Local sewer problems – the Environmental Health department has previously had numerous complaints of sewage overflowing from inspection chambers during storm events. I understand this is due to a lack of capacity in Thames Water sewers.

Natural England (summarised)

- 46 The application is in close proximity to Sevenoaks Gravel Pits SSSI and the Kent Downs AONB. However given the nature and scale of this proposal, Natural England raises no objection to the proposal being carried out according to the terms and conditions of the application and submitted plans on account of the impact on designated sites.
- 47 On the basis of the information supplied, Natural England is broadly satisfied that the mitigation proposals, if implemented, are sufficient to avoid adverse impacts upon the local population of Bats and Great Crested Newts.

KCC Ecology

- 48 Original Comments – we have reviewed the information submitted and we require further information to be submitted prior to determination of the application.
- 49 We are concerned that insufficient information has been provided within the submitted documents to assess the impact the proposed development will have on roosting bats.

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We have the following concerns:

-the bat scoping survey identified 4 buildings which had a high or moderate potential to be suitable for roosting bats – The Mill, The Cottage, the house and the outbuilding with the tiled roof. However the emergence surveys were only carried out on the mill, the cottage and the outbuilding with a metal roof. There is obviously some disparity between the two surveys. Further information must be provided detailing why emergence surveys were not carried out on all buildings, identified within the bat scoping survey, as having a high or moderate potential to be suitable for roosting bats.

- Only two surveyors carried out the emergence surveys and as they were surveying three buildings we are concerned that the numbers were too low to accurately survey all the buildings. Please provide additional information detailing why the number of surveyors was sufficient to carry out the surveys.

If the information submitted is not sufficient, there will be a need to carry out further emergence surveys on the site prior to determination of the planning application.

The ecological scoping survey identified brown long-eared bat droppings within the mill building. It is disappointing to note that the emergence survey did not re-assess the mill building to establish if there had been and fresh droppings since the scoping survey was carried out.

- 50 Great Crested Newts – we are satisfied with the results of the updated HIS survey. The survey has identified that the pond has a below average potential to contain Great Crested Newts. We are satisfied with the conclusion that there is limited potential for GCN to be present on site.
- 51 Mitigation and Enhancement Strategy – we are satisfied with the majority of the information provided within the strategy. However a map must be submitted showing where the ecological enhancements will be located within the site. We are aware that a map has been included showing the location of the log piles. However we would also like details of the locations of bird and bat boxes, bat tiles and hedgehog homes to be included.
- 52 Further Comments – we have spoken to the ecologist in detail about our comments and he was able to resolve our queries. Our main concern was that there were not sufficient surveyors when the bat surveys were carried out. However the ecologist stated that when the surveys were carried out they were able to observe all the features which they had assessed as being suitable for roosting bats. As a result we are satisfied that the bat surveys are sufficient.
- 53 A detailed mitigation strategy for bats must be submitted for comment as a condition of planning permission. It must incorporate the enhancements detailed within table 5 of the bat emergence survey.
- 54 Mitigation and Enhancement Strategy – we are satisfied with the information detailed within the updated mitigation and enhancement strategy.

Representations

- 55 42 letters of objection received, raising the following concerns

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- Overdevelopment of site through height of buildings and number of units
- Enclosing impact upon Silk Mills Close
- Loss of privacy to existing properties
- Impact / pressure on drainage and water supply
- Increase in number of cars using Mill Lane
- Impact upon Mill Lane / A25 junction
- The existing sewage / storm water pipe in Mill Lane causes flooding, including the discharge of sewage
- Inadequate parking
- Impact of building E on properties on Mill Lane
- The proposal would impact upon the landmark status of the mill building
- Harm to character of Mill lane through the scale of development proposed
- The development would result in the loss of views of the North Downs
- Lack of parking
- Parking should be unallocated
- Shortfall of parking spaces for Block A
- The development would significantly reduce the availability of parking on Mill Lane
- The development is too dense and should be reduced and adhere to targets set for Sevenoaks urban area
- The mill has been identified as an important feature in the Sevenoaks Residential Character Area Assessment and it should be protected
- More detail is required on the rebuilding of the mill to ensure it is of suitably high quality
- The designs do not maintain current building or roof lines and make no attempt to preserve existing character. The Sevenoaks Residential Character Area Appraisal states that “repeated designs and building lines in Mill lane should be respected”
- The use of stone and brick on the ground floor should be preserved.
- Loss of business uses within site
- Loss of trees

- Additional noise and disturbance
- Mill lane is used for overspill parking by the football club and church, and this will make matters worse
- Why has the mill been de-listed?
- Impact of cars driving out of development on properties opposite on Mill Lane
- Concern over parking during construction
- The road width is limited and used by buses. Further traffic will be detrimental.
- A bat roost may still exist in the mill building
- The black cladding proposed on the mill would be inappropriate
- Concern regarding hours of construction and the deposit of mud on the highway
- Loss of wildlife
- Loss of light
- Loss of trees
- Why does the mill building need to be replaced rather than converted?

Group Manager Planning Services Appraisal

- 56 With regards to the relevant policies of the Development Plan and the NPPF, the main considerations in this case are considered to be:
- The principle of a residential development
 - The impact of the proposal on the character and appearance of the area
 - The impact of the proposal upon surrounding neighbouring amenities
 - The impact of the proposal upon highways safety, including parking provision
 - The provision of affordable housing
 - Other matters, including flooding, drainage, ecology, and other infrastructure requirements.

Principle of development

- 57 The site is located within the built confines of Sevenoaks and policies LO1 and LO2 of the Sevenoaks Core Strategy reinforce the Sevenoaks urban area as a principal focal point for development in the town.

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- 58 The site is also identified for housing within the Council's Allocations and Development Management Plan DPD (ADMP), which has been agreed by Cabinet and Full Council, and will be subject to public consultation prior to an Examination in Public later this year. The ADMP identifies the site as suitable for a mix of dwellings and flats, with a net capacity of approximately 20 units.
- 59 Notwithstanding the content of policies LO2 and SP8 of the Core Strategy relating to the retention of business premises, given the allocation of the site in the ADMP for housing development within a sustainable urban location, I consider the principle of development to be acceptable.
- 60 The site would largely fall under the definition of previously developed land, being primarily in commercial use. The NPPF encourages the effective re-use of such land. Although the NPPF also allows a local authority to consider policies to resist the inappropriate development of residential gardens where, for example, development would cause harm to the local area, it does not preclude development on garden land as a matter of principle. Whilst policies EN1 of the Local Plan and SP1 of the Core Strategy seek to protect local character, neither policy seeks to prevent garden development. Nor do policies LO1 and LO2 of the Core Strategy which focus development and growth into major towns within the District such as Sevenoaks. On this basis, I consider residential development of the site to be acceptable, subject to detailed local impact upon the site and surroundings.

Impact upon the character and appearance of the area

- 61 Policy SP1 of the Sevenoaks Core Strategy states that all new development should be designed to a high quality and respond to local distinctiveness. Policy SP7 states that new housing should be developed at a density consistent with achieving good design, and should not compromise the distinctive character of the surrounding area. Subject to this, the policy states that new development is expected to achieve a density of 40 dwellings per hectare.
- 62 A good starting point to define the existing area is the Sevenoaks Residential Character Area Assessment. This document defines the form, design and materials of residential properties in Mill Lane as varied. It recognises that all residential properties are set back from the road, with houses on the east side slightly elevated. It also recognises the existing Mill building as a positive landmark in the street scene due to its height, materials and the unusual nature and appearance of the structure (including lofts, eaves and tiled roof). The assessment goes on to state that in proposing new development in this area, individual buildings should be of a high quality design standard, that repeated designs and building lines in Mill Lane should be respected, the character of the landmark mill building should be retained, and the view of the North Downs should be protected.
- 63 With regard to the above, it is clear that the mill building and the adjoining buildings on the site are very much different in scale, siting, appearance and historical context than surrounding residential properties. The buildings are of industrial character and appearance, and are sited hard against the road edge. Whilst the other buildings on site are in a poorer state of repair and of more utilitarian form, the assessment rightly acknowledges the status of the mill as a positive landmark feature.

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- 64 The application proposes to demolish the upper floors of the mill building, which are not of historical interest or construction, and to rebuild the building to essentially the same form and scale as existing, the purposes of this being to maintain a landmark building in the area. Some changes would be made to the replacement mill building, including the provision of some additional windows, and the installation of a lift shaft at the rear of the building. However the form and appearance of the building has been designed to closely represent the existing building.
- 65 Whilst the building is no longer a designated heritage asset, having been de-listed, it is nonetheless of local historical interest and as such is a non-designated asset. The NPPF states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will need to be made having regard to the scale of any harm or loss and the significance of the heritage asset. Policy SP1 of the Core Strategy states that heritage assets within the district should be protected and enhanced.
- 66 In this instance, the applicant has submitted a statement to justify why the building is not suitable for conversion. This explains that the upper floors of the existing mill building were designed for storage space, and that the steel and blockwork construction would render conversion of the building very difficult and unlikely to conform to basic housing design guidance, let alone current building regulations requirements. Internal layouts would be seriously compromised and unable to align with housing design guidance such as “lifetime homes”. The solution put forward by the applicant is to rebuild the upper floors of the mill, but to retain externally the design, scale and mill form of the building.
- 67 The application includes a heritage statement which recognises the significance of the building as a notable and characterful building in the local townscape. It also recognises that the historical remnants of the building are limited to the ground floor stone work. The application seeks to retain this stonework on the ground floor, and to rebuild the remainder of the mill, to imitate the existing structure and provide the visual continuity of a mill building on the site. As part of the development, there is also potential for other original features to be exposed, such as the wheel pit and chute, and conditions can be used to appropriate mechanisms to deal with such features during the course of the development. The Council’s conservation officer supports the proposal, and I consider that the significance of the mill has been properly considered and would be preserved through this scheme, in accordance with the NPPF and Policy SP1 of the Core strategy.
- 68 The smaller industrial units next to the mill would be removed and replaced by a part three, part four storey block of flats (Block E). This building would be detached from the mill building, thus exposing the side elevation of the replacement mill, and would be stepped slightly further back into the site than the existing buildings. The building would be around 11.5 metres in height at four storeys, dropping to around 9.7 metres at three storeys at its closest point to the mill building. Although the flats would be taller than the existing buildings to be demolished on site, the mill building would still clearly dominate the local townscape, and the stepping back of block E would reinforce the dominance of the mill building. I consider this to be an appropriate relationship. The block would be constructed in a mix of bricks, tile hanging and cladding, with barn hips, front facing gables and attic windows which have been designed to complement

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the setting of the mill building. Whilst the flats would be greater in height and mass than the residential properties opposite, they would be between 3.5 and 5.5 metres lower in height than the existing and proposed mill building, and would add to other blocks of flats on the lane which contrast in scale with conventional dwellings.

- 69 Whilst the mill and Block E would be sited against or close to the pavement, this reflects the position and scale of the existing buildings on site close to the road. The slight set back of Block E does provide an opportunity to install a pavement at the front which currently does not exist, although this would stop at the mill building which remains hard against the road.
- 70 The terrace of dwellings in Block A would be of two storey design with some accommodation in the roof space, and generally around 9 metres in height. The dwellings would front onto Mill Lane and have been designed with a mixture of barn hips and front gables. This design approach has again been purposefully taken to link the units with elements of the mill building. These buildings would face Greatness Park. The buildings would be set back from the lane and of similar scale to established dwellings in the road. In fronting Mill Lane, the design adopts a positive streetscape approach.
- 71 The works to Block C relates to the existing house and attached cottage on site. The form of this building remains essentially the same, with some excavation works around the lower ground floor of Mill Cottage, and new brickwork / cladding / tiling to the building. This block would provide a dwelling and 2 x flats. Given the position of this building to the rear of the mill and the limited alterations proposed, this would be unlikely to cause any discernible impact upon local character.
- 72 The dwellings to the rear of the site in Block B would be 8.8 metres in height. Being within the rear of the site, the buildings would have little impact upon the character / appearance of Mill Lane or Silk Mills Close. They would be most visible from the public footpath immediately next to the site leading from Mill Lane to Greatness Lane. However this path leads past a number of other dwellings and the proposal would be little different to the existing presence of dwellings when viewed from the footpath.
- 73 Taking the above into account, I am satisfied that the locally distinctive character of the area would be maintained through the provision of a (largely) replacement building to imitate the existing mill as a landmark feature. The new buildings fronting Mill Lane would reflect in part the presence of flatted blocks and dwellings in the area, whilst being designed to complement the mill building. The building line for the flats in Block E would be on the site of existing buildings which are hard against the road, whilst the smaller scale dwellings in Block A would be set further from the road, to reflect the prevailing position of other surrounding small scale domestic properties. Overall I consider this design strikes the right balance on Mill Lane between retention of the distinctive character and building lines of existing large scale buildings on site, and the more conventional layout of domestic properties elsewhere.
- 74 The impact of the development on the character of Silk Mills Close is more contained, given the small number of units in the close and its backland position as a no-through route. The rear of the units in blocks A and E would face towards the close and towards the road and parking areas serving the existing dwellings. It

is important to note that the Close is at a much higher land level than Mill Lane, and as a result the perception of the height of the proposed development would be much less when viewed from Silk Mills Close – the height of blocks A and E from the close would be in the region of 6.5 and 8.5 metres respectively. The units facing Silk Mills Close in Blocks A and E would be at a distance of 7-10 metres from the Close and a minimum of 23 metres from the existing dwellings themselves.

- 75 A line of trees exist along the boundary between the site and Silk Mills Close and these are protected by a TPO. Subject to conditions, the Tree Officer is generally satisfied that the development would not cause any harm to these trees. However a query has been raised over the relationship between the Horse Chestnut tree and the proposed access road, and whether suitable clearance for this tree can be achieved, particularly in relation to service vehicles using the access. The tree officer is satisfied that the tree would not be harmed provided that any crown lifting was limited to 4.5 metres in height. Having checked typical heights for a refuse vehicle and heavy goods vehicle, these would be able to pass under the tree at a height of 4.5 metres without causing damage to the tree.
- 76 Given the difference in levels, the distance between the proposed buildings and Silk Mills Close, and the preservation of existing trees on site, I am satisfied that it would not have a harmful impact upon the character and appearance of the close.
- 77 The Residential Character Area Assessment seeks to preserve views of the North Downs from the area. These views can be attained from views down Mill Lane and partially across the site from Silk Mills Close. The current mill building does obstruct such views at present and the flatted block, sited next to the mill building, would only have a marginal impact on these views. From Silk Mills Close, views across the site to the north would be maintained through retention of the mill house and cottage. As such I do not consider the views of the Downs to be materially interrupted through this development.
- 78 Overall, I consider that the development would not harm the existing character of the area, and includes measures to complement local distinctiveness, in accordance with policy SP1 of the Core Strategy and guidance contained within the Sevenoaks Residential Character Area Appraisal.
- 79 Whilst it is recognised that the density of development exceeds the 40 dph set out under Policy SP7 of the Core Strategy, this is not a maximum density and I have found the scale and layout of the development to be acceptable in this location. On this basis, I am of the view that the density proposed (72 dph) can be supported on this site without any material harm to the surrounding area.

Impact upon surrounding neighbouring amenities

- 80 The proposals for Blocks C and D seek to utilise or imitate existing buildings on site. Whilst this involves some minor adjustments and addition of windows, particularly to Block D, these do not materially change the relationship between these buildings and neighbouring properties. As such, in terms of mass, scale and impact, I do not consider that the proposals for Blocks C and D would cause any undue impact on neighbouring properties in comparison with the existing buildings. Although a new residential use would be introduced to Block D, the associated activity and outlook from this building would be unlikely to cause harm

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to neighbouring properties on the opposite side of Mill Lane or at No. 20, given the distance involved, the intervening highways and public footpath, and the outlook from the Mill building which would be towards the front of these properties.

- 81 The proposed dwellings in Block A would face Greatness Park and would be sited some 27 metres and 24 metres from the front of the existing property at 1 Mill Lane and the flank wall 1 Silk Mills Close respectively. Given these distances and, in the case of Silk Mills Close, the changes in land levels, I am content that this block would not cause any unacceptable loss of light, privacy or outlook to these properties. The flank wall of unit 1 in Block A would face across the road access to Silk Mills Close towards a bungalow on Mill Lane named "Camion". This building is orientated so it has no main windows or aspect facing towards the application site and the relationship would be quite typical of neighbouring properties either side of an access road. Overall, I do not consider that the development would lead to unacceptable living conditions for the occupants of Camion.
- 82 Block B consists of the terrace of 4 units proposed at the rear of the site. The block would be sited adjacent to dwellings on Weavers Lane, with a distance marginally under 5 metres between the flank wall of Block B and No. 25. This existing property is sited on a lower land level than the application site, and separated from it by the intervening public footpath. Block B would be orientated in a similar line to No 25, but would project beyond the building line of No. 25 by around 5 metres. It would maintain a 45° light angle from windows in the rear elevation of No 45, as recommended in BRE light guidelines, and the two small windows in the flank wall of Block B can be restricted through the use of obscure glazing. Whilst windows in the front elevation of Block B would allow some angled views into the rear garden of 25, these would be limited, over the existing public footpath, and would not overlook the garden area near to the rear of 25. This relationship is typical of most conventional houses in urban areas.
- 83 Block B would also be sited adjacent to 14 Silk Mills Close, and would be set behind the building line of this property. Block B would be sited due north of this property with a distance of 12 metres between flank walls. Whilst the flank wall of Block B would be visible to the occupants of No. 14, given this distance and orientation of the block, I do not consider it would be likely to cause any undue loss of outlook or light to No. 14. The first floor window in the flank wall of Block B is a secondary bedroom window and can be conditioned to be obscure glazed to prevent overlooking.
- 84 The rear elevation of Block B would face towards the rear gardens of properties on Grove Road, with a distance of around 26 metres between the respective buildings. The current boundary hedge provides some screening and at this distance, I consider this relationship to be acceptable.
- 85 Block E consists of the flatted block fronting Mill Lane. At part three, part four storeys in height, this building would be taller and greater in scale than the existing residential properties on the opposite side of Mill Lane. A distance of approximately 18 metres would be maintained between the block and the existing residential properties on the opposite side, which are on a slightly raised land levels to the application site. The applicant has submitted section drawings to demonstrate that Block E would not obstruct the passage of light to the front windows of houses on Mill Lane, and that a 25° light angle would be maintained

to these windows, in accordance with BRE guidelines. The distance between the block and these properties across Mill Lane is a typical arrangement between buildings that face one another across a highway. Whilst the Block would be visible to the occupants of these properties, and more noticeable than the existing buildings on site due to its additional scale and height, I do not consider this would cause an unacceptable loss of outlook or dominating impact, given the distance and intervening road. Nor do I consider that any privacy would be compromised given that existing windows face onto the public highway.

- 86 Policy EN1(3) of the Local Plan seeks to ensure that new development does not have an adverse impact upon the privacy and amenities of an area. In my opinion and for the reasons given above, I consider the development to be in accordance with this policy.

Impact upon highways safety

- 87 The proposal would utilise two access points – the main access to the site would be created between Blocks A and E, and an existing access point to the north of the existing mill building would be retained to provide access and parking for three vehicles.
- 88 The highways officer is satisfied with the layout and visibility for the main access road. Whilst it is acknowledged that the other access has limited visibility, this is an existing access and would only be used to access three parking spaces. Given this existing situation, the Highways Officer does not object to this element of the scheme.
- 89 Similarly, the highways officer is satisfied that Mill Lane and the junction with the A25 are suitable to accommodate any additional traffic.
- 90 In terms of parking, 45 spaces have been proposed to serve 29 units in total. When these are broken down, 2 spaces can be allocated to each dwelling on site (based on reallocating the space for unit 30 which no longer exists to the dwelling at unit 5), 1 space per flat and 6 visitor spaces. This would accord numerically with the guidance from Kent Highways on parking. The only departure from the guidelines would be the allocation of spaces to each flat, however in this instance the Highways Officer does not object to this, and I also consider that allocation would be necessary in part to define spaces allocated to affordable housing units from those allocated to the open market units.
- 91 Kent Highways also advise that, as a safeguard, a refundable sum should be provided by the developer for the provision of traffic management orders (parking restraints) should they subsequently prove necessary following the development. This would, for example, allow for the provision of yellow lines near road junctions if deemed necessary. Having discussed this with the Council's Parking and Amenity team, a sum of £3,000 has been agreed in principle. This would be secured via a S106 agreement.
- 92 The NPPF states that developments should be well located to maximise the use of sustainable transport modes. In this instance, Mill Lane is on a bus route, and the site is around 700 metres from the Bat and Ball station, and a similar distance from shops and facilities on St. Johns Hill. I consider this site offers sustainable transport choices and services, in accordance with the NPPF. Policy EN1 (6) and (10) of the local plan seeks to ensure that suitable parking is provided and that

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developments would not cause unacceptable highways impacts. Taking the advice from Kent Highways into account, I would take the view that the development would accord with this policy.

Affordable housing

- 93 Policy SP3 of the Core Strategy requires housing developments to make provision for affordable housing. In this instance, the policy would normally seek a requirement for 40% of the units to be affordable, which numerically would amount to 12 units.
- 94 The applicant has submitted a viability statement which sets out that the development would not be viable if 12 affordable units were provided. The statement has been examined by the Council's viability consultant and following this exercise, it has been established that the development can support 6 affordable units. The applicant proposes to allocate the proposed mill building and two units within Block C as the affordable units, and has reached an agreement with the West Kent Housing Association to take these units.
- 95 Policy SP3 does allow lower levels of affordable housing provision on sites where viability is proven to be an issue, and I am satisfied that this is the case on this site. On this basis, the reduced level of provision would accord with Policy SP3.
- 96 Notwithstanding this, officers have entered into dialogue with the applicant to establish whether more affordable units on site could be provided if further money was injected into the development. If the sum required was reasonable, your officers consider that it may be possible to use some of the affordable housing contributions accumulated from other developments to make up the difference and secure more affordable housing on the site. The applicant is willing to consider this, and discussions are ongoing with the applicant and affordable housing provider over the likely sums necessary.

Other matters

- 97 Flooding – the Environment Agency originally objected to the application, on the basis that the site historically flooded in 1968, and that the area is identified as at risk from surface water flooding. This objection was specifically to the ground floor unit proposed within the mill building, and this has since been deleted from the scheme, resulting in a reduction of units from 30 as originally proposed to 29 units. Following this, the Environment Agency has raised no objection to the development, subject to conditions.
- 98 Drainage – a number of local residents have raised concern that the existing sewer connection in Mill Lane is inadequate, and that flooding can occur which brings sewage into the road, often occurring following bouts of heavy rainfall. Having investigated this further, it appears that a shared sewage and storm water pipe takes waste and surface water from Mill Lane, and that problems can occur when excessive volumes of surface water enter the pipe, leading to overflow problems.
- 99 This facility is operated by Thames Water, who have provided comments on the application. Thames Water recognise that the waste water infrastructure is insufficient to accommodate the additional demand generated from the development, and have requested that a condition is imposed on any permission

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to require a drainage strategy to be agreed with the developer to ensure that it would not make conditions any worse. This would be secured by condition. Policy EN1 (9) of the Local Plan requires developments to meet the requirements of statutory undertakers and service providers. Subject to imposition of the condition as requested by Thames Water, I am satisfied that the development would accord with this policy.

- 100 Air Quality – The Environmental Health Officer has commented that whilst the site is not within an AQMA, most traffic from the development will join the A25 and pass through either, the Bat and Ball junction or, through Seal High Street, or access the town centre via Seal Hollow Road. Bat & Ball, Seal High Street, and the Town Centre are all designated Air Quality Management Areas due to traffic pollution. Whilst the additional traffic from this site in isolation is not considered to significantly worsen air quality, it would add to creeping traffic growth and the EHO considers that a sum of £10,000 should be secured to contribute towards measures within the Council's Air Quality Action Plan and for monitoring purposes. This has been agreed by the developer, and would assist to mitigate against impacts on air quality, in accordance with Policy SP2 of the Sevenoaks Core Strategy.
- 101 Ecology – an ecology report has been submitted with the application. It identifies the potential presence of bats in existing buildings, and mitigation measures include the provision of bat lofts within the development, in addition to other ecological enhancements. These are to the satisfaction of the County Ecologist. On this basis I am satisfied that the development would maintain and contribute towards biodiversity, in accordance with Policy SP11 of the Core Strategy.
- 102 Other S106 requirements – the development would generate a need towards contributions towards KCC and NHS Trust services, as specified earlier in the report. The payment of these is agreed in principle by the applicant. On this basis, the development would contribute towards infrastructure provision, in accordance with Policy SP9 of the Core Strategy.

Conclusion

- 103 The principle of residential development is accepted on this site, as evidenced by its inclusion in the Council's ADMP. The development seeks to rebuild a large part of the mill building, but to essentially replicate the form and design of the existing building, to maintain the historical connection and landmark status of the building – and it is considered that this would be an appropriate way forward for this undesignated heritage asset. The layout, design and scale of the remainder of the proposal is considered to complement the context of the site and mill building, whilst respecting the character of the wider residential area and the amenities of existing neighbouring properties. Sufficient parking would be provided and the traffic generated would not lead to unacceptable highways conditions. Matters relating to drainage can be addressed via a planning condition. The scheme would secure the redevelopment of a largely brownfield site in a sustainable location, would secure on site affordable housing and other contributions towards local infrastructure.
- 104 Taking the above factors into account, I would conclude that the development accords with national and local development plan policies and would recommend that delegated powers be given to officers to grant planning permission, subject to the following –

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- That officers further consider the merit of financial input into the scheme to increase the level of affordable housing on site, notwithstanding that the development can only viably provide 6 units as affordable housing. If it is deemed “good value” to make a contribution to increase affordable housing within the development, then this shall be secured, otherwise the development shall be approved on the basis that 6 units would be secured for affordable housing.
- That a S106 agreement is completed within two months from the date of this committee, which secures the provision of affordable housing and financial contributions towards KCC and NHS Trust services, the provision of traffic management orders, and measures set out in the Council’s Air Quality Action Plan.

Background Papers

Site and Block plans

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

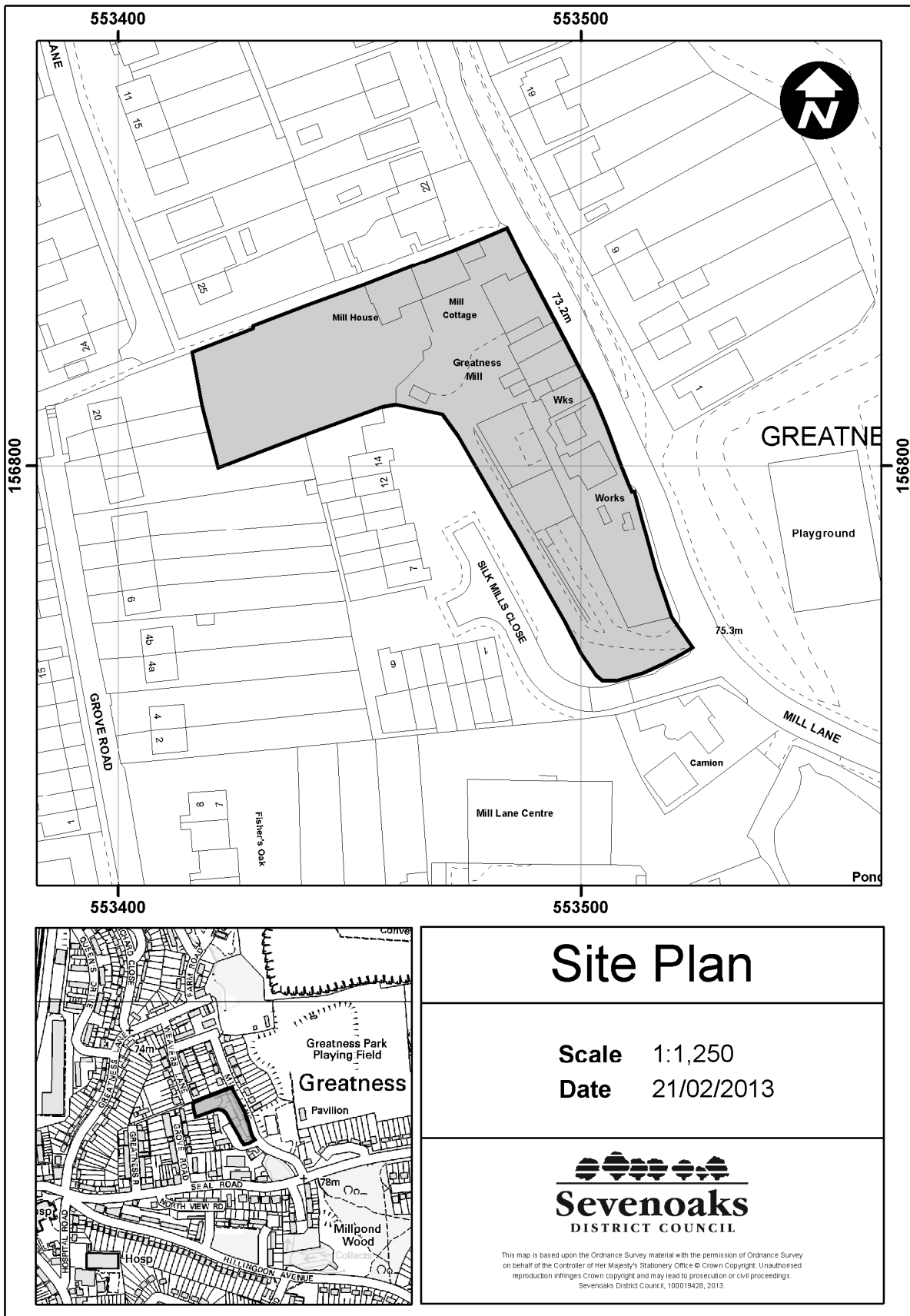
Kristen Paterson
Community and Planning Services Director

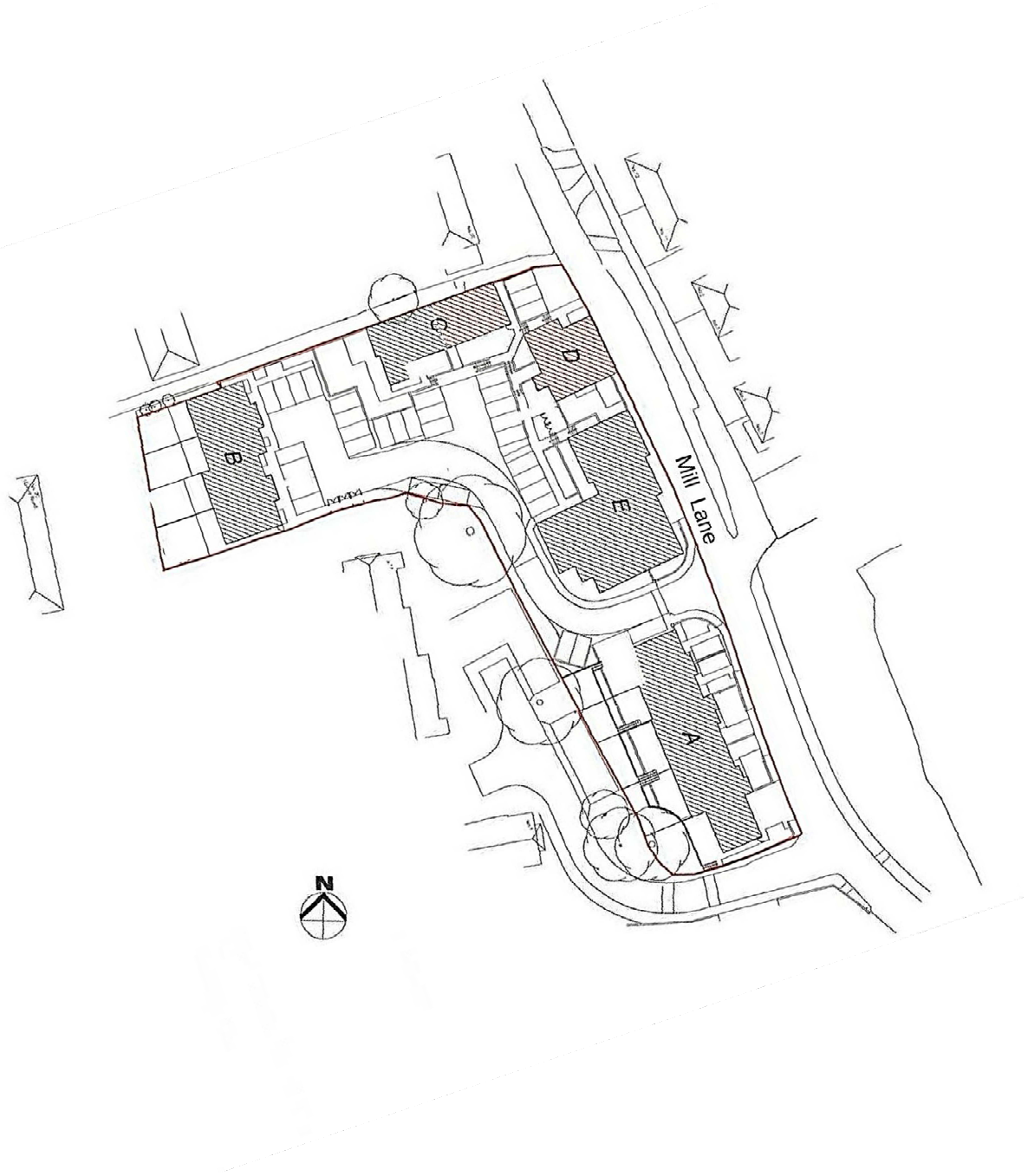
Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=M1W683BK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=M1W683BK8V000>





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- 3 The application also seeks to form 3 additional parking spaces on land to each side of the existing visitor parking spaces to Holyoake Terrace, which are within a communal parking area to the front of the existing terrace. These works also propose to increase the size of the turning head at the end of the parking area.
- 4 This application follows the refusal of an application last year under SE/12/01429 for a terrace of four units on site. The application is currently subject to an appeal. The grounds of refusal for this application were as follows –
 - 1) The proposed dwellings, as a result of their cramped arrangement, uncharacteristically close relationship with Oakhill Road and through the loss of a large amount of the existing open landscaped area, would be overbearing and visually detrimental to the character of the immediate area and the street scene. To permit the development would therefore be contrary to policies EN1 of the Sevenoaks Local Plan and SP1 of the Sevenoaks Core Strategy.
 - 2) The proposed parking area, as a result of the required excavations and works to the adjacent embankment, would likely result in the removal or demise of trees of significant amenity value and quality to the detriment of the character and appearance of the surrounding area. To permit the development would therefore be contrary to policies EN1 of the Sevenoaks Local Plan and SP1 of the Sevenoaks Core Strategy.
 - 3) The proposal conflicts with Policy SP3 of the Sevenoaks Core Strategy in that a financial contribution towards off-site affordable housing has not been secured.

Description of Site

- 5 The main body of the application site consists of a roughly triangular portion of land to the north of Holyoake Terrace. The site is bounded to the west by Oakhill Road and to the east by the embankment adjacent to the Sevenoaks Station car park. The site has a steep gradient from the higher level of Oakhill Road to the lower level of the site to the south and east. The site was formerly covered with trees and vegetation, though much of this has now been removed and the site has an essentially open character and aspect. Metal railings mark the boundary of the site with Oakhill Road.
- 6 The existing building on site is a single storey structure with a pitched roof of part brick, part timber and part corrugated metal. The building is sited at the same level as the existing terrace. It is understood that this building was previously used on an irregular basis as the residents' association meeting place.
- 7 Holyoake Terrace itself consists of short rows of dwellings characterised by their good level of detail and regular articulation, including gable features. The terrace is distinctively different to the remainder of Oakhill Road, being of higher density terraced units, set on a much lower land level to Oakhill Road. This is in contrast to the lower density character of Oakhill Road, consisting of large dwellings set within fairly spacious plots with a large amount of tree and boundary planting giving the area a well landscaped character. The application site currently acts to separate these two distinct character areas.
- 8 Some listed gas lights (converted to electric street lights) are located along Oakhill Road and one is located to the northern corner of the site.

Constraints

- 9 The application is within the Sevenoaks Urban Area and is not located within or adjacent to any Conservation Areas. The lamppost to the north corner of the site (on the highway) is a grade II listed structure. The site is within an area of archaeological potential.
- 10 Whilst the trees on the site subject to the proposed housing development are not protected, the two parking areas in connection with the development would be constructed adjacent to a landscaped bank containing numerous trees protected by Tree Preservation Order 09 of 1972

Policies

Sevenoaks District Local Plan 2000

- 11 Policies – EN1, EN25

South-East Plan 2009

- 12 Policies – CC6, BE6, H4, H5, LF1

Sevenoaks Core Strategy 2011

- 13 Policies – LO1, LO2, SP1, SP2, SP3, SP5, SP7, SP8

Other

- 14 Sevenoaks Residential Character Area Assessment SPD
- 15 Affordable Housing SPD
- 16 National Planning Policy Framework

Planning History

- 17 SE/12/01429 - Demolition of existing building and construction of a terrace of 4 dwellings with off site parking area – Refused. Currently at appeal.

Consultations

Sevenoaks Town Council

- 18 Sevenoaks Town Council– recommends approval

Kent Highways – I confirm that at this location the car parking provision proposed would be acceptable to Kent Highway standards. I also confirm that it is not considered that the level of traffic generated could lead to any measurable detriment to road safety or highway capacity.

The application is within a private area and it would appear that these proposals will require appropriate approvals from management companies and / or residents associations. Notably it is considered that a management plan will be required regarding the methods to establish construction without undue disruption to other road users.

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Thames Water

- 19 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.

Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

Environmental Health

- 20 Having viewed this application I have no objections, however a specification for the close boarded fence must be agreed in advance with the district council to ensure it will provide significant acoustic protection.

No comments have been received from Network Rail or South East Water.

Representations

- 21 15 letters of objection received (some duplicated), raising the following concerns
- Lack of car parking
 - Further loss of privacy through people using parking facilities
 - Impact upon trees protected by a TPO
 - Mature trees on site were deliberately removed prior to the previous application
 - The buildings would be uncharacteristically close to Oakhill Road
 - The significant ground works are an indication that too much is being squeezed onto the site.
 - The removal of trees has detracted from the sense of enclosure on Oakhill Road
 - The proposal would be contrary to the Sevenoaks Residential Character Area Appraisal which refers to the verdant landscape framework of the road where “the feeling of enclosure is strong”.
 - The scheme would cause a significant and unacceptable loss of visual amenity for residents and users of Oakhill Road
 - The design and appearance is unacceptable
 - Layout and density of buildings is inappropriate
 - Loss of privacy through overlooking
 - The proposal only makes limited changes to the previous scheme

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- A higher quality design is needed to bridge Oakhill Road and Holyoake Terrace
- Lack of ability to screen development from Oakhill Road
- Density remains too high
- Likely loss of trees through parking proposals
- Impact of construction traffic
- Access to the site is controlled by the road owners. Any changes to access will not be agreed.
- The development would be out of keeping with the 1900 terrace
- The development could damage non-adopted private utilities

22 2 letters in support raising the following (one from an individual who appears to have an interest in the application)

- The site is becoming derelict and an eyesore
- The proposals are sympathetic and in keeping with the existing terrace
- Intended landscaping will enhance the plot
- Any decision to refuse would be inconsistent with the decision to approve a dwelling at 1 Oakhill Road
- The dwellings would be set down and back from Oakhill Road
- The proposal would improve the outlook of the area by screening the railway station
- The development would be in keeping with the scale and appearance of Holyoake Terrace.
- A letter has also been received from Oakhill Road Ltd (ORSL), who own and manage the road, raising the following matters –
- The site has no access rights onto Oakhill Road, only Holyoake Terrace
- No right of way over Oakhill Road has been requested or granted for any new dwellings in Holyoake Terrace
- All site traffic must be accommodated on site and not on the road.
- ORSL objects to the application if i) it is dependant on delivery / removal of building material from Oakhill Road, ii) it is dependant on any temporary or permanent access from Oakhill Road, iii) there is insufficient parking within Holyoake Terrace, iv) if the development threatens the structural integrity of Oakhill Rd, v) if the development affects access to existing residents of Oakhill Rd and Holyoake Terrace.

Local Ward Member

23 Councillor Eyre has referred the application to committee on the basis of the following –

You characterised this part of the street scene previously as sylvan and that significant trees were lost. I would disagree. Arguably one mature tree was lost but the rest was bush, self-seeding and small scale because it was not tended.

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However whether right or wrong, the greenery that was there is now gone and the gap now looks through to the industrial setting of the rail station.

The proposal is (now) for three town houses where the design is in line with the type of new build present (indeed becoming prevalent) along the whole length of Oakhill Road. The spacing in relation to the road is again very similar to elsewhere - a gap of circa 8m from the road at one end reducing to circa 4-5m at the other. Most of the houses on the frontage of Oakhill Road have front gardens bordered by hedge and/or low wall combinations of about this size so the gap to the actual building is very similar to elsewhere on the road. As you will know there have been many side roads created by the extensive backland and re-build development along here which along its length have had the effect of breaking Oakhill Road up from its original (relatively) smaller scale and domestic setting.

The ridge height is similar to Holyoake Terrace, the bulk is broadly similar (although I accept that the roof ridge height is lower creating a roof about three feet deeper than those of the older Holyoake Terrace and of course this design allows the master bedroom living space to have the views across the valley to Sevenoaks without any neighbour overlooking issues.

The effect of this new building at the northern end of the road will be to provide smaller scale housing in the area (although as with most housing in Kippington it clearly won't be in the affordable end of the range). It has multiple advantages in that it doesn't require extensive parking provision because of the easy access to the rail station and also easy walking distance to the Town Centre as well as access to shops at Tubs Hill Parade, the thriving shopping centre at Riverhead and the new Lidl development. The development is a short walk from both Kippington Meadow and the Vine, dedicated and maintained green spaces.

The development fills this industrial gap with new, modern housing in common with places along the whole length of Oakhill Road. It provides a broadly similar front garden area and, again perhaps disappointingly but in common with many new builds especially with a town house design, a small back garden/terrace area. In this case the town houses are overlooking the railway but this is in common with the houses of Holyoake Terrace and there is a deep cutting down the embankment. As the plans show a timber fence at the rear therefore the amenity space would not overlook the railway but have a panoramic view upwards into the town centre.

In conclusion I think it is wrong to refuse this planning application because of the bulk and location. I think we agreed in our conversation the design was acceptable but I would also contend that the setting, the placement and bulk are not detrimental to the street scene and in adding three and four bedroom accommodation to this part of Sevenoaks adds to the Town's flexibility and development. I think it would be useful for this case to have an airing at DCC as I feel the advantages to the location and the Town outweigh any disadvantages in design.

Group Manager Planning Services Appraisal

- 24 With regards to the relevant policies of the Development Plan, the main considerations in this case are considered to be:

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- The principle of residential development of this site.
 - The impact of the development upon the character and appearance of the surroundings.
 - The impact of the development upon the amenities enjoyed by neighbouring occupiers and future occupants.
 - The adequacy of parking and access arrangements
 - Impact upon the listed gas lamp
 - Other issues
- 25 The decision of the Council to refuse planning permission for a 4 unit scheme is also a material consideration in the assessment of this application.

The principle of residential development

- 26 The existing building on the site is a small 48.5sq m (approx.) single storey meeting room previously used for meetings of a tenants association. It is likely that this use falls within Class D1 of the Use Classes Order. It has been indicated that the buildings are no longer required for this purpose as a result in the change in operations of the residents' association. It is also understood that the building was used on an *ad hoc* basis only and nobody was permanently employed at the site. For these reasons, I do not consider that the premises could be considered as a site 'used for business purposes'. As such, Policy SP8 of the Core Strategy, which seeks to retain business premises, would not apply. Similarly, the premises were used for a private tenants association and not as a facility available to the wider community, and as such there is no presumption under planning policy to retain such use.
- 27 Para 17 of the NPPF relates to core planning principles that should underpin both plan-making and decision-taking. These include to encourage the effective use of land by re-using land that has been previously developed (brownfield land). The land can be considered 'previously developed' in accordance with the definition included within the NPPF (p.55) as it is occupied by a permanent structure and includes the limited curtilage around this structure.
- 28 Policy LO1 of the Core Strategy indicates that development will be focused within the confines of built settlements and the Sevenoaks Area is the principal focus for development in the District. Policy LO2 deals specifically with the Sevenoaks urban area and indicates that emphasis will be placed upon housing development in suitable locations within the town, particularly within walking distance of the town centre and the railway stations. The application site is almost directly adjacent to the Sevenoaks Railway Station and within 1km of the Town Centre.
- 29 Policy SP7 indicates that new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. The impact of the development upon the character and appearance of the area is discussed at (b) below. The development of three dwellings on the 0.06ha site would result in a density of approximately 50 dwellings per hectare.
- 30 With reference to the above, the residential development of the site is acceptable in principle, although the detailed impact of the development in terms of

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character and appearance, impact on neighbours and other considerations must be taken into account and are discussed below.

Impact upon the Character and Appearance of the Area

- 31 The application site is a triangular portion of land located to the north of the Holyoake Terrace and adjacent to Oakhill Road which is at a higher level than the terrace and the south and east of the site. Until recently the site contained a good number of trees which whilst unprotected were of some landscape value and contributed to the well greened and treed character of Oakhill Road and its surrounds. However, these were removed during or prior to submission of the previous planning application. This has exposed the existing building on site and railway station beyond. In terms of the potential impact of the development, the whole site is now clearly visible from Oakhill Road, particularly when approaching from the north, and is also closely related to the adjacent terrace of dwellings.
- 32 Policy EN1 of the Local Plan states that all development should relate well in scale, height, density and coverage to its surroundings, that it should respect the topography of a site and retain important features including trees and hedgerows, and development should not result in the loss of important buildings or spaces. Policy SP1 of the Core Strategy states that development should be high quality, should respond to distinctive local character, and account should be taken of guidance adopted by the Council such as local Character Area Assessments. Policy SP7 of the Core Strategy states that housing should be developed at a density consistent with achieving good design and should not compromise the distinctive character of an area.
- 33 The Sevenoaks Residential Character Area Assessment is adopted guidance that supports the above policies. The site is included within the Holyoake Terrace character area (A12), although it also borders the Oakhill Road character area (H05)
- 34 The assessment defines Holyoake Terrace as consisting of a row of well detailed and modestly scaled dwellings and that because of the topography of the site, the main view is of the roof form set within the landscaped embankment. Continuous hedging and the common building line of the dwellings reinforces the regularity and rhythm of the terrace and surrounding trees give a sense of enclosure.
- 35 The assessment defines Oakhill Road as having a strong sense of enclosure, consisting of individually designed detached houses set back from the road and behind landscaped front gardens. Buildings are generally well screened with minimal impact upon the street scene, although the appraisal recognises that some buildings in the middle section of the road are closer to the road and more prominent. The appraisal states that there is a need to ensure that development does not appear cramped on a site or within the street scene by virtue of its scale, mass and location, that in judging proposals the fragile balance in favour of the landscape dominating the built form should be retained, and that buildings should be well screened and set back from the front boundary.
- 36 The proposed terrace is sited so as to continue the regular building line of Holyoake Terrace and it is noted that the building has been designed to include some building features that are common with the terrace, such as the use of a gable on the front elevation. The building would be similar in height to the terrace, although the roof would be bulkier than the existing neighbouring block. The

terrace largely consists of blocks of four or more units, although a semi detached unit forms part of the terrace. In my opinion, a block containing three units of similar width would not be inconsistent with the existing terrace. The proposed density, at 50 dph, would be consistent with the existing terrace.

- 37 Despite this, it is noted that this site is highly constrained in terms of its physical shape and size and because of its topography. In addition, the land acts as a visual break between the existing higher density terrace and the very different low-density character area of Oakhill Road. Only the roof of the existing single storey building is visible from Oakhill Road given the drop in land levels across the site. The proposal would bring built form much closer to the edge of Oakhill Road, and the end dwelling would be approximately 5m from the edge of the Oakhill Road. The dwellings would be sunk down from the level of Oakhill Road, with only the upper floors visible and the height of the building would be approximately 5.4 metres from the level of this road. Nonetheless, I am concerned that the building would appear prominent from Oakhill Road in this position so close to the road edge. Whilst some landscaping is shown to the front of the site, this area is limited in size due to the necessary hard landscaping works to provide access to the units. In addition, given the sunken position of the dwellings, I consider that any landscaping at such close proximity to the units would have the future potential to cause loss of light to occupants of these units, with pressure to retain any landscaping on the front boundary at a low level only. The effect of this would be that the development would remain open in views from Oakhill Road. This siting, lack of space and lack of meaningful landscaping would be contrary to the prevailing character of Oakhill Road, as defined in the Residential Character Area Assessment, and in contrast to the existing relationship between Holyoake Terrace and Oakhill Road.
- 38 Whilst the proposal is an improvement to the previous application for 4 units, I do not consider the improvement to be so great that it overcomes the harm identified to the character of the area. In that instance, the 4 unit scheme would have left a gap of 4 metres to the site boundary with Oakhill Road, whereas this scheme only slightly increases this distance to 5 metres.
- 39 Therefore I would take the view that the impact of the development would be harmful to the local surrounding area, and contrary to Policy EN1 of the Sevenoaks District Local Plan and SP1 of the Sevenoaks Core Strategy. In taking this decision I am mindful that the NPPF places a presumption in favour of sustainable development, and that this site is in a sustainable and accessible location. However the NPPF also qualifies this in stating that the impacts of developments must be mitigated through good design – and in this instance I have concluded that the design approach taken would cause an unacceptable impact upon the established character of Oakhill Road.
- 40 It has also been brought to my attention that permission has been granted for a new dwelling at 1 Oakhill Road, which is in close proximity to the road. However this would replace an existing building which is in even closer proximity to the road, and the Council has determined that the proposal, in this context to be acceptable. The site at Holyoake Terrace is very different and as such I do not consider that No. 1 could be used as a precedent.
- 41 The proposal includes the creation of three car parking spaces within two separate areas adjacent to existing parking facilities for Holyoake Terrace. To achieve this, areas of the treed embankment would have to be excavated and

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levelled. The area is covered by Tree Preservation Order 09 of 1972 and contains a good number of mature trees and trees of high amenity value around the area of development. The trees contribute to both the semi-rural character of Oakhill Road and provide a visual separation between Oakhill Road and Holyoake Terrace.

- 42 The previous application included a similar proposal for the parking layout. However it did not satisfy the Council that such works could be undertaken without harm to existing trees. During the course of the current appeal, further information has been submitted to the Council to demonstrate, to the tree officer's satisfaction, that the development could be carried out without harm to trees. As such this ground, which forms one of the reasons of refusal for SE/12/01429, is no longer being pursued by the Council in the appeal proceedings.
- 43 Some changes have been made to the proposed parking arrangements during the course of the application, and a new layout has only recently been produced at the time of writing this report. The tree officer has been asked to comment on this, and his views will be reported to committee in the late observations.

Amenities of neighbours and future occupants

- 44 The nearest dwelling to the site is no.1 Holyoake Terrace. This dwelling would be located approximately 2.4m from the southern flank of plot 1. Within the facing flank of no.1 Holyoake Terrace there exists windows to the ground, first and second floors which appear to consist of secondary windows at the ground floor level (to the kitchen / dining area), a landing window at first floor and a fairly small window at second floor level (it is unclear whether this is a secondary bedroom window or a bathroom window). The main windows to the dwelling face to the front and rear and as such the dwelling would continue to benefit from a reasonable amount of daylight. The relationship would be otherwise similar to the spacing between the blocks of terraces along Holyoake Terrace. No windows are proposed in the facing flank of plot 1 and as such there would be no direct overlooking of this property. A condition could be used to control this if necessary.
- 45 Concern has been raised over potential overlooking of properties to the west of Oakhill Road. The nearest of these, no.8 Oakhill Road, would however be in excess of 50m from the nearest of the dwellings and is located at a higher land level. The impact upon this property would not be significantly harmful.
- 46 Concern has been raised over the position of the proposed parking areas in front of existing properties in Holyoake Terrace. These dwellings are set at a lower level than the parking area. The spaces are approximately 15m from the nearest point of the dwellings. The parking areas would effectively be an extension of the existing parking facilities for the wider terrace and would have a similar relationship to the dwellings as currently exists along most of the row of the dwellings. Whilst there might be some limited impact in terms of car lights and noise from manoeuvring this is unlikely to be so harmful in comparison to the existing situation as to warrant refusal for this reason.
- 47 The proposed dwellings all appear to provide a reasonable internal living environment and all habitable rooms have access to natural light. Whilst the size and shape of the site significantly restricts the area available as garden / amenity space, each dwelling would benefit from its own dedicated external space.

- 48 The site is close to the railway line and station approximately 33m to the east (down the adjacent embankment). The proposal has been submitted with an accompanying noise assessment which includes detail of a survey of noise and vibration. The report indicates that the noise impact would be within normally acceptable levels for residential development. The report suggests mitigation measures to improve the living environment including the positioning of a solid fence to the rear garden, using double glazing and acoustic grade plaster boarding. The report indicates that no measures are required as a result of ground vibration. The Council's Environmental Health Officer has indicated that the report is acceptable and that, subject to the mitigation measures set out in the report, there would not be an unacceptable noise impact as a result of the development.
- 49 Policy EN1(3) of the Local Plan states that new development should not cause adverse impacts upon surrounding properties. I am satisfied that the proposed development would not create any undue harm to existing properties.

The adequacy of parking and access arrangements

- 50 Oakhill Road. Whilst the County Interim Parking Standards indicate a minimum of 1.5 / 2 spaces for 3 / 4 bedroom houses in suburban locations (this is reduced to a maximum standard if considered 'edge of centre'), the Highways Officer has indicated that the parking provision is appropriate. Because of its very close proximity to the station and reasonably close proximity to the Town Centre, the site is considered to be in a location where there need not be excessive dependence upon the private motor car. Oakhill Road is a private road and as such parking restrictions on this road can be enforced privately if necessary.
- 51 The parking spaces are accessed by the existing access road to Holyoake Terrace and the relatively small additional number of car movements is unlikely to have significant impact upon safety or congestion within the surrounding area.
- 52 The number and arrangement of parking spaces is considered to be acceptable, and in accordance with Policy EN1 of the Local Plan

Impact upon the Listed Gas lamp

- 53 Oakhill Road contains a number of Grade II listed 19th Century gas lamp standards in cast iron. The NPPF states that heritage assets are an irreplaceable resource and should be conserved in a manner relative to their significance. In this instance, a lamp is sited adjacent to the northern boundary of the site. At this point, the proposed dwellings would be sited approximately 12 metres from the standard, with intervening space shown as an open / landscaped area. Due to this distance and the curvature of Oakhill Road, I am satisfied that the setting of this lamp would be preserved. This would comply with Policy SP1 of the Core Strategy.

Other Issues

Construction

- 54 Whilst some concerns have been raised over the impact of construction operations, these matters are not normally a material consideration in the determination of planning applications. Control is exercised over construction hours, highways impact and other matters under separate legislation.

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- 55 Network Rail has not commented on this application but did comment on the previous scheme, and suggested a number of conditions and informatives relating to construction operations and lighting. These generally relate to the safeguarding of the operation of the railway and whilst conditions relating to lighting might be reasonable, many of the matters raised could be put to the applicant by way of informatives only.

Affordable Housing –

- 56 Policy SP3 of the Sevenoaks Core Strategy requires (for developments of less than 5 units) that a contribution is made towards off-site affordable housing based on the equivalent of 10% affordable housing. The method for calculating this is set out within the Affordable Housing SPD and is based on the likely open market value of the dwellings once completed for sale.
- 57 The applicant has not submitted this information, or a draft S106 agreement. On this basis the development would be contrary to Policy SP3 of the Local Plan.

Conclusion

- 58 For the reasons stated above, the proposal is not in accordance with the Development Plan and would cause harm to the character and appearance of the area. In addition, an off-site affordable housing contribution has not been secured.
- 59 The parking layout has been amended during the course of the application and a re-consultation exercise undertaken, which expires on the 15th March. Given that the parking proposals have been considered in the main report, it is unlikely that any new issues would be raised in respect of the amendments undertaken. As such I would recommend that delegated powers be given to officers to refuse the application following the expiration of this re-consultation period.

Background Papers

Site and Block plans

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

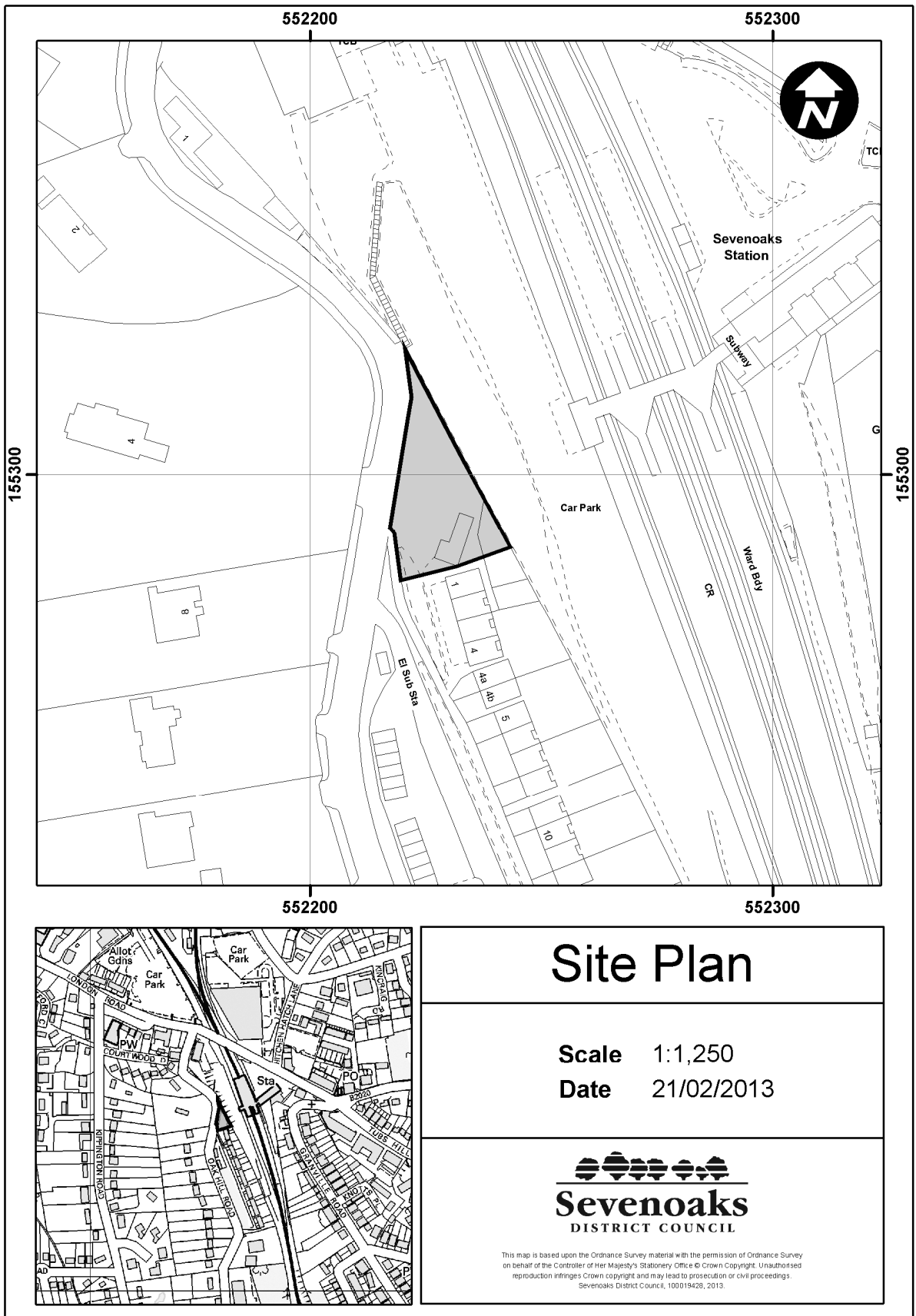
Kristen Paterson
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MEJSWQBK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MEJSWQBK8V000>

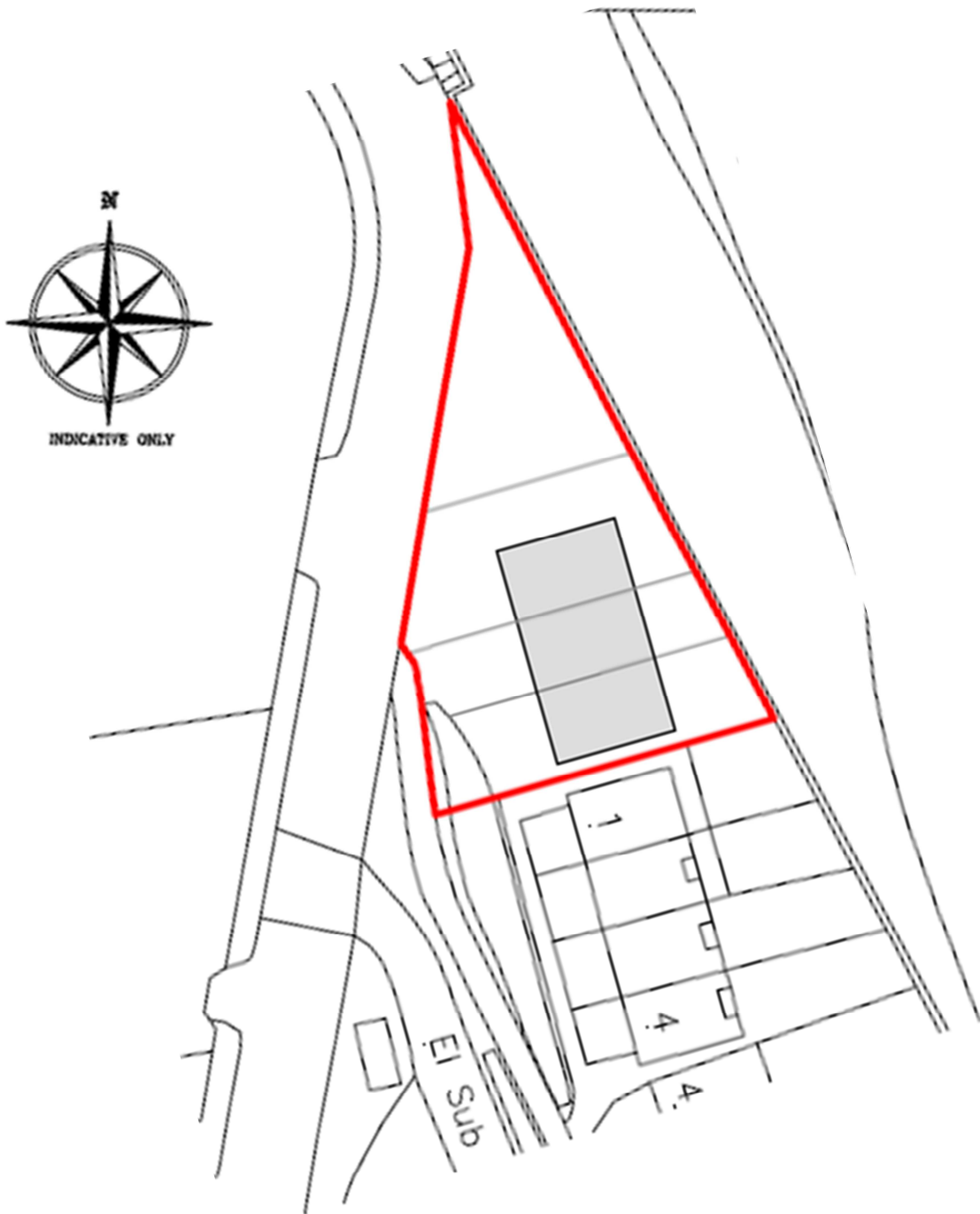


Site Plan

Scale 1:1,250
 Date 21/02/2013



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4.3 - SE/12/03119/FUL Date expired 19 February 2013

PROPOSAL: Demolition of existing building; erection of a four storey building providing office space (use class B1) and parking (14 spaces) with 14 two-bedroom flats. Creation of new vehicular access. (Alteration of planning permission SE/10/02968/FUL).

LOCATION: 94 - 96 London Road, Sevenoaks TN13 1BB

WARD(S): Sevenoaks Town & St Johns

ITEM FOR DECISION

The application has been referred to Development Control Planning Committee by Councillor Fleming for the following reason:

Overdevelopment of the site and out of keeping in terms of size and scale.

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

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

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

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

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

3) No development shall be carried out on the land until full details of soft landscape works and boundary treatments 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); -details including height and appearance of all new boundary treatments; and-a programme of implementation. Landscaping and boundary treatment shall be carried out prior to the first occupation of any part of the building hereby approved unless otherwise agreed in a timetable submitted as part of the programme of implementation required above.

To safeguard the visual appearance of the area and to maintain an acceptable outlook for neighbours as supported by EN1 of the Sevenoaks District Local Plan.

4) 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

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next planting season with others of similar size and species.

To safeguard the visual appearance of the area and to maintain an acceptable outlook for neighbours as supported by EN1 of the Sevenoaks District Local Plan.

5) The development shall be carried out in complete accordance with the recommendations included within the submitted Broad Oak Tree Consultants' 'Report on Potential Impact of Proposed Development on a Lime Tree in Adjoining Land' dated 9th December 2010.

To safeguard the visual appearance of the area and to maintain an acceptable outlook for neighbours as supported by EN1 of the Sevenoaks District Local Plan.

6) Prior to the commencement of the development, details of acoustic insulation measures to demonstrate an acceptable living environment for the occupants of the dwellings, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details and none of the residential units shall be occupied until the approved details have been fully implemented.

To ensure a satisfactory living environment for future occupants in accordance with Policy EN1 of the Sevenoaks Local Plan

7) Prior to the commencement of the development, details of an appropriate acoustically screened mechanical ventilation system drawing air from the rear of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details and none of the residential units shall be occupied until the approved details have been fully implemented.

To ensure a satisfactory living environment for future occupants in accordance with Policy EN1 of the Sevenoaks Local Plan

8) Prior to the commencement of the development and notwithstanding the details shown in the application, details of pedestrian visibility splays including, where necessary, a revised treatment of the retaining wall and railings adjacent to the entrance of the building, shall be provided to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details and no permanent development above a height of 0.6m above the level of the access shall be carried out within the area so shown despite the provisions of any development order.

In the interest of highway safety as supported by EN1 of the Sevenoaks District Local Plan.

9) The parking area and pedestrian and vehicular access shall be laid out in complete accordance with the details hereby approved and shall be made available for such use prior to the first occupation of any part of the building. No permanent development shall be carried out thereafter on the area so shown despite the provisions of any Development Order.

In the interest of highway safety as supported by EN1 of the Sevenoaks District Local Plan.

10) No development shall be commenced until:

- a) a site investigation has been undertaken to determine the nature and extent of any land contamination, and
- b) the results of the investigation, together with an assessment by a competent person and details of a scheme to contain, treat or remove any contamination, as appropriate, has been submitted to and approved in writing by the Local Planning Authority. The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or pollution of adjoining land. The scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking of the development hereby permitted, including a requirement to notify the Local Planning Authority of the presence of any such previously unidentified contamination. Prior to the first occupation of any part of the development hereby permitted
- c) the approved remediation scheme shall be fully implemented insofar as it relates to the part of the development occupied, and d) a certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted use. Thereafter, no works shall take place within the site such as to prejudice the effective of the approved scheme of remediation.

In the interests of amenity and public safety in accordance with Policy EN1 of the Sevenoaks District Local Plan.

11) The residential element of the development shall achieve a Code for Sustainable homes minimum rating of level 3. The B1 (Office) element of the development shall achieve the BREEAM 'Very Good' Standard. 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 / BREEAM 'Very Good' standard or alternative(s) 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 / BREEAM 'Very Good' standard or alternative(s) 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 District Core Strategy

12) The development hereby permitted shall be carried out in accordance with the following approved plans: Broad Oak Tree Consultants Limited report dated 9th December 2010, Peter Moore Noise Assessment report dated 15th October 2010, 3805-PD-01, 3805-PD-02, 3805-PD-03, 3805-PD04, 3805-PD-05, 3805-PD-06B, 3805-PD-07, 3805-PD-08, Plan view of proposed development 12/12/12

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

13) The development hereby permitted shall be carried out in accordance with the levels details shown on the approved plan 3805-PD-05 and 3805-PD-06B and the ridge height of the building hereby approved shall not exceed those indicated on these plans.

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

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Plan.

14) 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.

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

15) No development shall take place until full details of the proposed surface water drainage system have been submitted to and approved in writing by the Council. Any approved scheme shall be completed to the written satisfaction of the Council prior to the occupation of the development.

To avoid overload of any existing drainage systems and to meet sustainability and environmental objectives.

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

Sevenoaks District Local Plan 2000 - EN1, EN4A, EN23, VP1, ST10, EP8

Sevenoaks District Core Strategy DPD - SP1, SP2, SP3, SP5, SP7, SP8, LO1, LO2, LO3NPPF

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

The development would preserve the setting of the adjacent Conservation Area(s).

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

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

The site is within the built confines of the settlement and within the Sevenoaks Town Centre area where there is no objection to the principle of the proposed development.

The traffic movements generated by the development can be accommodated without detriment to highway safety.

Description of Proposal

- 1 Demolition of existing building: erection of a four storey building providing office space (use class B1) and parking (16 spaces) with 14 two-bedroom flats. Creation of new vehicular access. (Alteration of planning permission SE/10/02968/FUL).
- 2 The proposal is an alternative scheme to the most recent and extant permission for a 12 unit residential block with ground floor office space, but also includes the

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addition of two penthouse units in the roof area. The height of the rear part of the proposal (where the additional units are located) would increase by 1.2m over the permitted scheme. It is also shown that this part of the development will be further submerged below the ground level by an additional 1.5m.

Description of Site

- 3 The application site currently consists of a rectangular parcel of land laid to hard surface with a small single storey building used for car parking and car sales display. The site is bounded by fencing and walling of variable heights.
- 4 The site is located to the north-west of the modern car show room building (SE/05/00112) and to the rear south-east of a large red brick early 20th Century (and extended) building housing an industrial (printing) business. The site is adjacent to London Road, a busy arterial route serving Sevenoaks Town centre and outlying areas. The area is characterised by mixed commercial uses and varying ages and designs of buildings clustered around the junction of London Road / Pembroke Road / Argyle Road.
- 5 An extant permission exists for development of the site (ref SE/10/02968/FUL). This conditionally permits the erection of a four storey building comprising office space and parking at ground floor level with 12 self-contained residential flats on the three upper storeys (including within the roof space).

Constraints

- 6 The site is located within the urban area of Sevenoaks. The site borders The Vine Conservation Area to the rear, but no part is within it. The Granville Road / Eardley Road Conservation area is located 30-50m to the West. The site is designated as part of a business area under Policy EP8 of the Sevenoaks Local Plan and within the Sevenoaks Town Centre area under Policy LO3 of the Core Strategy.

Policies

Sevenoaks District Local Plan 2000

- 7 Policies – EN1, EN4A, EN23, VP1, ST10, EP8

Sevenoaks District Core Strategy

- 8 Policies – SP1, SP2, SP3, SP5, SP7, SP8, LO1, LO2, LO3

Others

- 9 NPPF

Planning History

- 10 SE/11/01004/CONVAR - To remove condition 13 (Affordable Housing) of SE/10/02968/FUL - Granted

SE/10/02968 - Demolition of existing building: erection of a four storey building providing office space (use class B1) and parking (14 spaces) with 12 two-bedroom flats on three floors above. Creation of new vehicular access – Granted

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SE/09/00588 - Demolition of existing building and erection of a three storey building with car park under and at rear - Granted

SE/04/00567 - Variation of condition 1 of planning permission SE/98/0785 to enable implementation of planning permission for three storey office building and car parking at any time prior to 4th May 2009 - Granted as a five year permission from 13th April 2004

SE/98/00785 - Variation of condition 1 of planning permission SE/92/01710 to enable implementation of planning permission for three storey office building and car park at any time prior to 4th May 2004 - Granted

SE/97/01236 - Continued use for car parking and car sales, construction of new vehicular access to/from London Road and construction of office and associated facilities building for ancillary purposes - Granted

SE/96/01957 - Renewal of consent for use as parking and car sales - Granted

SE/92/01710 - Variation of condition 1 of SE/89/0425 for a three storey office building and car park - Granted

SE/89/0425 - Renewal of planning permission SE/83/0899 - Approved

SE/86/01875 - Use for car parking and car sales - Approved

SE/83/0899 - Revised elevation treatment to three storey office block (previous application under SE/78/0363) - Approved

SE/78/0363 - Demolition of existing buildings and erection of three storey office building with car parking under and at rear - Approved

SE/76/0559 - Erection of three storey shop and office building with car park at rear - Granted

SW/2/70/76 - Erection of offices and showrooms and alterations to store at rear to provide overhead parking - Approved

Consultations

Sevenoaks Town Council

11 Sevenoaks Town Council recommended refusal on the following grounds:

- *Overdevelopment of the site*
- *Loss of amenity to properties in Pembroke Road and the Drive due to overlooking.*
- *Detrimental to the Character of the Area*

Kent Highways

12 Kent Highways have advised:

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The outstanding highway issues from the previous application were:

- *Servicing - Loading and unloading is permitted on this section of London Road and I am satisfied that whilst the site is at the approach to a signal controlled junction (about 75m or 15 vehicle lengths distant), this section of London Road is straight with good forward visibility and wide enough for drivers to take appropriate action. The reality is that servicing including refuse collection, will take place on the highway and difficult off road parking could in any event lead to undesirable reversing onto the highway.*
- *Pedestrian visibility splay - The proposed vehicle crossover is in excess of 5m width and this in effect provides appropriate pedestrian visibility discussed in previous highway comments.*
- *Cycle parking - I consider that in the new layout the cycle parking proposed is secure and easily accessible.*
- *Access gradient- For any permission if granted to proceed, clarification will be required that the access gradient does not exceed 1:10.*
- *I consider that the car parking standards proposed at this location are adequate and confirm that I have no objection to the proposals.*

Conservation Officer

13 The Conservation Officer has made the following comments:

'This site is located on a slope on London Road, adjacent to a modern car show room to the south and an early 20th century large printers warehouse to the north. It backs onto the boundary of the Vine Conservation Area, which is the rear gardens of the houses on The Drive, and is near to the boundary of the Granville Road and Eardley Road Conservation Area.

An application for redevelopment of this site has been approved. However, the accompanying planning statement proposes two additional two bedroom flats, which would be accommodated in an additional storey, with the same roof form, across the long portion of the 'L' shaped building, the front block remaining the same height as in the approved plans.

It's unlikely, given the distance and topography, that this will have an impact on the setting of either conservation areas. However, whilst not identified as an important view in the conservation area appraisal, views, down London Road to the north part of the Granville Road and Eardley Road CA, and to the north downs from the south will be affected, from a wider townscape point of view. The increased height, given the sloping site, is likely to emphasise the 'slab' view of the south eastern elevation, with its long, unbroken roof form, which will contrast with the varied roof forms of the view down the hill from the south. Having regard to Core Policy SP1, the increase in height of this long part of the building could be considered to be uncharacteristic of the local area.

Conclusion: No objection in terms of the impact on the settings of surrounding heritage assets, but my view is that the Officer may wish to consider the impact of the additional height on views to the south - an additional contextual drawing of this could assist in assessing the impact.'

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Council Arboricultural Officer

- 14 The Council's Arboricultural Officer has made the following comment:

'It is assumed in looking at the proposed plans for the site that some landscaping is feasible. If this is the case then I suggest a landscaping condition be attached to any consent provided. Whereas, I can see the benefits for landscaping to the rear of the plot for both future residents and neighbours to the north east. I can also see benefits for an amount of minor planting to the frontage.'

Council Environmental Health Team

- 15 The Council's Environmental Health Team has made the following comment:

'This site is within an AQMA, is likely to be on land that has been potentially subject to contamination and site is also likely to be subject to noise disturbance from the road and junction adjacent.'

Any planning approval should be so conditioned that the applicant provide phased investigation, remediation and validation in respect of contaminated land. A noise assessment should be undertaken to determine the extent of acoustic protection measures required for habitable rooms and an air quality assessment and or a scheme to protect residents from the poor air quality within the AQMA.'

Council Planning Policy Team

- 16 The Council's Planning Policy Team has made the following comments:

'The Planning Policy Team made comments on the previous application as outlined below:

The site is located within an area designated for employment protection in both the Employment Land Review (2007) and the Allocations (Options) DPD (2010). We also understand an extant consent exists for employment generating development. As such we do not raise any strategic objection to the development of new B1 offices at the site.

Whilst we would prefer to see a greater percentage of the building allocated for employment use, the site is located within a sustainable location in close proximity to public transport links and town centre facilities, therefore we do not object to the principle of including residential units as part of a mixed use development.

We acknowledge that solely commercial consents have existed at the site for many years without ever being built out. If you are satisfied that 12 units are required, or that a greater proportion of B1 space is impractical, to make the scheme viable and deliverable, then we would not raise any objection to this scheme being approved.

The revised scheme does not alter the policy position and as such the comments previously given remain valid.

These comments are based solely on strategic matters and no regard has been given to siting, design, access and layout, which are matters for your consideration'.

Mouchel, on behalf of Kent County Council

- 17 Mouchel on behalf of Kent County Council has made the following request for additional contributions:

'...the County contributions for the previously granted 12 flat scheme SE/10/02968 have been paid. Although if assessed now the additional 2 flats would require a revised spread of contributions including Secondary education, Libraries, Adult Education and Social Services; as this latest application is an "alteration" to the previous consent, KCC will honour pro rata payments of the previous contributions for Libraries and Youth worker only at the previous rates paid, namely £57.63 and £79.68 per additional household (namely x 2).'

Thames Water

- 18 Waste Comments

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.

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.

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 wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via 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.

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Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

19 Water Comments

With regard to water supply, this comes within the area covered by the South East Water Company. For your information the address to write to is - South East Water Company, 3 Church Road, Haywards Heath, West Sussex. RH16 3NY. Tel: 01444-448200'

Representations

20 6 notifications of objection to the scheme have been received which raise the following issues:

- The height of the proposal – four storeys – is not suitable in close proximity to a conservation area. Higher than the principle of height which had been set in the permission for an office development in the 1970s.
- Views to the Downs from the town will be lost.
- A window in the penthouse will directly look into the properties on The Drive resulting in a loss of privacy
- The fourth storey will overshadow the rear gardens of The Drive and cause a loss of light to the dwellings.
- Hope that the mature tree planting will still take place at the rear of the site
- Parking is located too close to the rear boundary and the louvres will direct car fumes directly into properties on The Drive.
- The proposal is too dense and an overdevelopment of the site.
- The amount of parking proposed is inadequate.

Group Manager Planning Services Appraisal

21 With regards to the relevant policies of the Development Plan and any other material considerations, the main issues in this case are:

- The relevance of the extant consent on the site SE/10/02968/FUL
- The principle of the development
- The design and appearance of the development and its impact upon the visual amenities of the surrounding area
- The impact of the development upon the amenities enjoyed by neighbours
- The acceptability of the living environment for future occupiers
- The acceptability of the access, parking and servicing arrangements

- Any other issues such as contaminated land, drainage, refuse collection and landscaping.

Planning Permission SE/10/02968/FUL

- 22 On 21 January 2011, permission was granted by the Local Planning Authority for the demolition of existing building and the erection of a four storey building providing office space, parking and 12 two-bedroom flats on three floors above. The building would have an overall height of 12 – 13m above ground level (taking into account the changing ground levels and has a rear projecting part so that the overall depth of the building is approximately 29m. The building is accessed by a ramped pedestrian entrance to the office space and foyer and by a new vehicular access from London Road running through to a ground floor / sub-level parking and servicing area set into the slope of the site. 14 parking spaces would be provided in the parking area, one of these being an enlarged space dedicated to delivery vehicles. The rear of the building would be 14.4m from the rear (north-east) boundary of the site and a landscaped amenity area would be provided over the covered parking area to the rear of the site.
- 23 This remains as an extant planning permission for the site and constitutes a ‘fall-back’ position which could be built out whether or not permission is given for the development now proposed. This permission is therefore a relevant material consideration in the determination of this application and is particularly relevant when assessing the design and appearance of the proposed building, the impact of the physical mass of the building upon neighbours and the impact of the development in terms of highways safety and convenience.

Principle of the Development

- 24 Policies SP1 and SP2 of the Core Strategy place an emphasis on ensuring that development complies with the objectives of sustainable development and that an appropriate standard of sustainable construction is achieved.
- 25 The site is located within the town centre area of Sevenoaks and is situated on a primary route between the centre and outlying areas to the north and to the west. The site is approximately 500m from Sevenoaks Railway Station and is located on or very close to public bus routes and the town’s bus station. A range of shopping provision is to be found within the town centre area within walking distance of the site. In terms of both the residential and commercial elements of the proposal, the site could be accessed and occupied with ease without the use of a private motor vehicle. It will be necessary for the building to meet the relevant sustainability criteria as assessed under the BREAM / Code for Sustainable Homes criteria in accordance with Policy SP2 of the Core Strategy.
- 26 The site is within a designated employment area under policy EP8 of the Local Plan which indicates that Class B uses will be permitted. Policy LO2 of the Core Strategy indicates that within the Sevenoaks Area, ‘existing suitable employment sites will be retained with the opportunity for regeneration and redevelopment to better meet the needs of business’. The site is also designated as part of the Town Centre Area within the Core Strategy DPD where Policy LO3 applies. This policy states that ‘a mix of uses (including retail, offices, cultural, leisure, hotel and residential development) will be retained and enhanced within the town centre’. The site is currently occupied in connection with the adjacent vehicle sales garage and is used as an additional car storage and display area. It is

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unlikely that this operation, in its own right, is a significant generator of additional employment.

- 27 The proposal is now for a mixed use scheme with approximately 92 sq m of B1 office floor space and 14 no. two bedroom apartments. The mixed use of the site is consistent with the policy objectives of providing appropriate mixed use development and retaining employment sites. Additionally, an assessment was provided with the previous application which demonstrated that the B1 floor area provided is commensurate with current demand for such space.
- 28 Information was submitted with the previous application which demonstrated that a contribution towards affordable housing contribution was unviable. This was tested and found to be sound by the Council's independent assessor and subsequently, the planning condition in application SE/10/02968/FUL which required the contribution was removed in application SE/11/01004/CONVAR. As such, application SE/10/02968 does not seek an affordable housing contribution for the 12 unit scheme. The developer has already made the contributions in respect of Youth and Community Services and for Library Services for the 12 unit scheme.
- 29 A revised viability assessment has been submitted with the current application, and an agreement has been provided that a full affordable housing contribution and Youth and Community Services and Library will be made in respect of the additional 2 units in accordance with Policy SP3 of the Core Strategy and the 'Affordable Housing' Supplementary Planning Document.

Design and Appearance

Proposed Design

- 30 Other than a small building on the site to be demolished, the existing site is open in appearance and has been covered with a tarmac hardsurface. The adjacent buildings include the Bentley car sales building to the south and the printer's building to the north. These two buildings are of distinctly different styles and form. The Bentley building is a modern predominantly glazed building, approximately 9m in height and having a largely unrelieved front elevation. The printer's building is a much older red brick building appearing to date from the turn of the last century and having been continually extended and adapted, particularly with the addition of large rear sections. The street is otherwise characterised by a mixture of commercial and residential property of varying heights and forms generally fronting straight onto the road or with limited set back.
- 31 The proposal would fill much most the gap between the Bentley and printer's building, leaving a gap of 5.3m and 3.7m respectively. This replicates the layout of the approved scheme (SE/10/02968/FUL).
- 32 The height of the previous approved scheme is uniform throughout and sits at approx. 2-3m above its neighbours. This application proposes to add an additional floor to the rear 'L' shaped element of the scheme. This element of the scheme is also shown as being submerged into the ground by an additional 1.5m. The result is that the rear 'L' shaped element of the building will be an additional 1.2 higher than previously approved. The front part of the building remains the same as that approved under SE/10/02968/FUL.

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- 33 There is not any regularity in the scale, spacing or grain of development on this side of London Road and the building is suitable in scale for this otherwise open gap in the frontage and is set back at a distance between that of both neighbouring buildings. The additional height over that previously approved is on the rear element of the building and would barely be visible from the London Road Street scene.
- 34 The building is of a relatively modern and functional appearance with elaboration given to the elevations only with the treatment of the ground floor openings and upper floor balconies and gauged arches over the window. The neighbouring and other surrounding buildings are of disparate form and so there is little coherent character for the proposal to replicate. The simple form of the building would join together the appearance of the neighbours reasonably well. Materials samples and details can be required by condition to ensure an appropriately high finish to the building.
- 35 The form and design of the building replicates that already approved under SE/10/02968.

Impact upon adjacent Conservation Area

- 36 As noted above, the site borders The Vine Conservation area and the Granville Road / Eardley Road Conservation Area is approximately 40 – 50m to the west and includes only three properties with a frontage onto London Road.
- 37 The proposal is generally seen within the context of the street scene of London Road and would not be prominent when viewed from either of the nearby conservation areas, particularly from The Drive. The ground level drops away gradually from the carriageway of The Drive to the site and the houses on this road and their outbuildings and landscaping would prevent any open view towards the building, other than from the rear of these properties. In any case, the building is a significant distance (60+ metres) from these properties so as to avoid being overbearing in any way on the area generally. The Conservation Officer has commented that it's unlikely, given the distance and topography, that the increased height of the proposal will have an impact on the setting of either adjacent conservation areas. She has raised for consideration, the impact of the additional height on views to the South. When the increased height is considered in its context from the South, set 'behind' the bulk of number 92 London Road, and 'in front' of number 98, and given that only the rear part of the building has an increased height, it is not of such a degree to warrant refusal.

Impact upon Neighbours

- 38 The impact of the proposal upon residential amenity was considered in depth during analysis of the previous planning application. This application now provides for an additional 1.2m in height above the previous scheme. The reconfiguration of the roof and rear elevation results in less windows at roof level from 3 to 1. The one window in the elevated roof is set a significant distance back within the built form – 12.4m back from the rear building line.
- 39 At its nearest point, the building is in excess of 60m from the nearest property on The Drive - no.27. There are no external openings on the furthest back rear part of the building. This results in the closest facing balconies and windows being 75 - 80m from the nearest houses on The Drive. Whilst there is no prescribed

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minimum distance, 60+ metres between residential properties is considered well in excess of normally expected 'back-to-back' distances. The former standard of 21m between facing windows is often still used as a general guide. The Drive and London Road converge further to the north and that the distance between properties reduces to as little as 20 - 25m. Some closer views of the extreme rear areas of the gardens of the properties on The Drive would be possible from the proposed building, though this is common in any urban environment and is not considered so harmful as to warrant refusal of the scheme.

- 40 There is no legal right to a 'view' and availability or protection of a 'view' is not normally considered a material planning consideration. In any case, given the distances between the properties, I do not consider that the outlook from houses on The Drive would be significantly affected or that the building would have an unnecessarily overbearing impact upon neighbours. The proposed building is set back from its rear boundary by around 14m and the Applicant has indicated that a row of deciduous planting could be placed along the rear boundary of the site to further screen much of the view of the rear of the building. This could be sought by way of a landscaping condition. I note that the adjacent printer's building comes right up to the rear boundaries of some of the dwellings (at a closer distance).
- 41 The proposal complies with the Buildings Research Establishment guidance on site layout for daylight and sunlight with regards to its impact upon neighbouring residential properties. The building is a significant distance from residential properties and any shadow cast by the building would be over parts of their gardens only.
- 42 The building is a sufficient distance from adjacent properties so as to avoid any impact in terms of smells or general noise disturbance arising from the normal domestic occupation of the units. To the rear of the site, the parking area is contained below ground level and so much of the noise from vehicle movements would be contained. Landscaping and planting along the rear boundary of the site would additionally help to contain this.
- 43 The flank elevations of the building face towards adjacent commercial premises only. Some windows are evident in the furthest rear of the facing flank of the printer's building. The proposed building does not extend as far back as this part and as such there would no overlooking directly into the north flank windows of the proposed building.

Living Environment for Future Occupants

Amenity

- 44 Policy EN1 of the Local Plan indicates that new development should ensure a 'satisfactory living environment for future occupants, including adequate provision for daylight, sunlight, privacy, garden space, storage and landscaped amenity areas'.
- 45 The internal proportions of the proposed units are reasonably generous and each flat benefits from an adequate amount of window openings allowing access to natural light.

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- 46 As noted above there is a significant distance between the rear of the dwellings on The Drive and the rear elevation of the building so that there would not be any harmful overlooking in either direction. The flank elevations of the building face out onto commercial premises only. The internal arrangement of the building is so that most of the flank facing openings are not to the bedroom and living rooms of the properties. Where the balconies have been arranged so that they face to the south, these would allow for longer views over the adjacent Bentley building and down to the side portion of the planted amenity area thus ensuring a pleasant outlook. No significantly harmful inter-visibility would be possible between the units.
- 47 The proposal includes the provision of a well proportioned landscaped semi-private rear amenity area for the enjoyment of residents.

Land Contamination, Noise Exposure and Air Quality

- 48 The Environmental Health Officer has advised that any planning approval should be conditioned so that phased investigation, remediation and validation information is provided in respect of contaminated land.
- 49 The Noise Report submitted with this application indicates that the site falls within Noise Exposure Category C. The Noise Assessment survey that was submitted with the application suggests that road traffic noise can be successfully mitigated by the use of acoustic grade glazing, acoustic screened mechanical ventilation and an acoustic grade ceiling to achieve an acceptable living environment. It would be reasonable and appropriate to require additional details of acoustic protection measures including those listed within the assessment by condition.
- 50 The site is located within an Air Quality Management Area. Policy SP2 of the Core Strategy indicates that 'New development in areas of poor air quality will be required to incorporate measures in the design and orientation that demonstrate an acceptable environment will be created for future occupiers.'
- 51 The Environmental Health Officer recommends that an air quality assessment and/or a scheme to protect residents from poor quality air be required. As with the approval for the 12 unit scheme, it is considered appropriate to apply a condition requesting a suitable scheme of ventilation to ensure that the units receive a supply of less polluted air from the rear of the site rather than being exposed to traffic pollution through windows fronting onto London Road.

Access, parking and servicing

- 52 The proposal includes a new access and dropped kerb from London Road to the front of the site leading underneath part of the building to the parking area to the rear of the site. The access has a width of 4.8m to a distance 7m back from the edge of the carriageway allowing two cars to pass side by side and reducing the need for vehicles to wait on the highway before entering the site. The layout inside of the building shows the provision of 16 vehicle parking spaces and one disabled space.
- 53 The Highways Officer has raised no objections to the arrangement shown. It replicates in large part that already approved in the previous application (SE/10/02968/FUL). Servicing and loading arrangements are acceptable, *the*

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proposed vehicle crossover is in excess of 5m in width and therefore provides appropriate pedestrian visibility.

Cycle parking arrangements are considered to be secure and easily accessible, and the car parking standards proposed at this location are adequate.

Clarification has been provided that the gradient of the access ramp is acceptable at less than 1:10 gradient.

Other Issues

Drainage

- 54 The existing surface is almost entirely tarmac and surface water is discharged into the gully at the front of the site and then into the public sewer. The proposal represents a reduction in the hardsurface area of the site and as such it is indicated that the proposal reduces the amount of storm water reaching the public sewer.
- 55 Thames Water has not raised objection to this arrangement, though it has indicated that their permission would be required to discharge to the public sewer. The advice contained within their response could be relayed to the Applicant in an informative.
- 56 The site sits on the natural slope of London Road and is outside of any Flood Risk Areas. The site is currently laid to Tarmac and I do not consider it likely that the development would suffer from or contribute to localised flooding.
- 57 Details of surface water drainage can be required by condition.

Landscaping

- 58 It is proposed to provide a landscaped area to the rear of the site and this would benefit from some deciduous or other tree planting along the rear boundary. The Arboricultural officer has also advised he can see benefits for an amount of minor planting to the frontage. A condition should be imposed to ensure that an appropriate scheme is provided and carried out.

Conclusion

- 59 The site is located within Sevenoaks Town and on a site where the proposed mix of uses is consistent with the policy objectives of providing appropriate mixed use development and retaining employment sites. As such the proposal complies with policies LO1, LO2 and LO3 of the Core Strategy.
- 60 An agreement has been provided to make a full affordable housing contribution and Youth and Community Services and Library in respect of the additional 2 units in accordance with Policy SP3 of the Core Strategy and the 'Affordable Housing' Supplementary Planning Document.
- 61 The proposal can be conditioned to ensure that it meets level 3 of the Code for Sustainable Homes and BREEAM very good standard in accordance with policy SP2 of the Core Strategy.
- 62 The form and design of the building replicates that already approved under SE/10/02968/FUL albeit with 2 more units and 1.2m higher, and is compatible

Agenda Item 4.3

with the disparate character of the surrounding buildings. It is considered to join the differing characters of the two adjacent buildings reasonably well. The proposal is appropriate within the context of the street scene of London Road and would not be prominent when viewed from either of the nearby conservation areas. The building is a significant distance (60+ metres) from The Drive so as to avoid being overbearing in any way on the area. As such, the proposal is in accordance with policies SP1 of the Core Strategy, and EN1 and EN23 of the Local Plan.

- 63 Given the distance of the proposal from the rear elevation of properties on The Drive, the reduction in windows from the previously approved scheme, and the minimal rear fenestration, the proposed scheme would not have an adverse impact on the privacy and amenities of local residents in accordance with policy EN1 and SP2 of the Local Plan.
- 64 Conditions can be imposed which deal with investigation, remediation and validation in respect of contaminated land, landscaping, surface water drainage, which require additional details of acoustic protection measures, and that require a suitable scheme of ventilation, in accordance with policy EN1 of the Local Plan and SP2 of the Core Strategy.
- 65 The site access, servicing and loading arrangements are acceptable, cycle parking provision is secure and easily accessible, and the car parking standards proposed at this location are adequate in accordance with policy EN1 and VP1 of the Local Plan.
- 66 It is therefore recommended that planning permission be granted for the proposal.

Background Papers

Site and Block plans

Contact Officer(s): Joanna Russell Extension: 7367

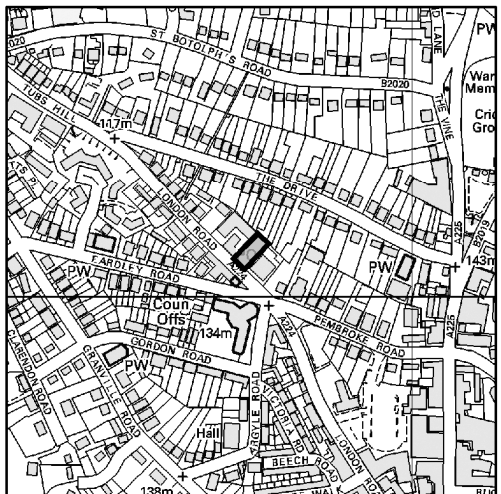
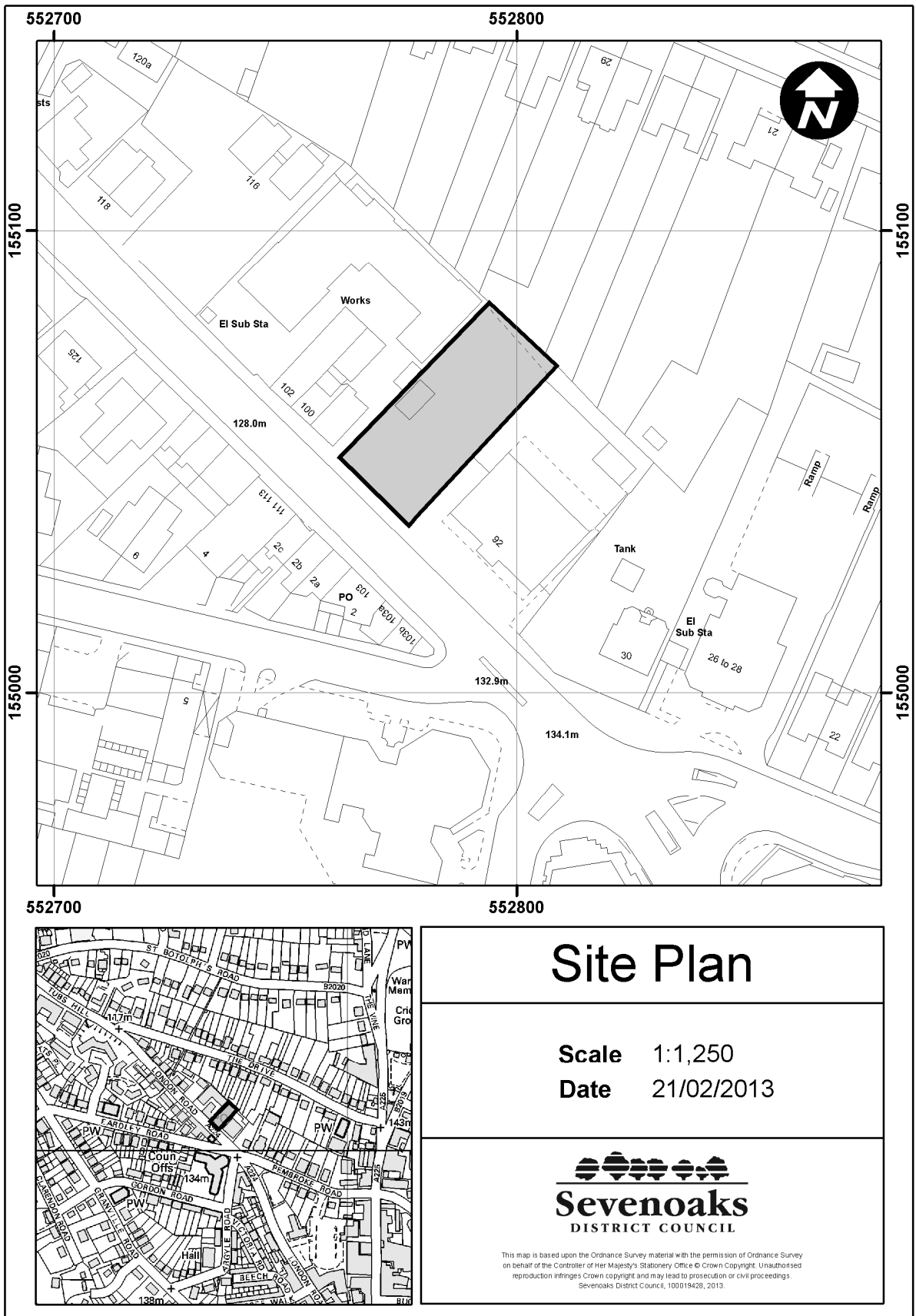
Kristen Paterson
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MDSOXBBK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MDSOXBBK8V000>



Site Plan

Scale 1:1,250
Date 21/02/2013



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Planning Application Information on Public Access – for applications coming to DC
Committee on Thursday 21 March 2013

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

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=M1W683BK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=M1W683BK8V000>

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

Link to application details:

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Item 4.3 SE/12/03119/FUL 94-96 London Road, Sevenoaks TN13 1BB

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