

Associated rearrangement of car parking spaces. As amended by plans received 14.08.13 and 10.09.13.

- 4.4. **SE/13/02285/HOUSE - Polands Farm, Four Elms Road, Edenbridge TN8 6LT** (Pages 83 - 92)

Demolition of existing rear extension and outbuilding to be replaced with two storey and single storey rear extension.

- 4.5. **SE/13/02654/HOUSE - 3 Hollybush Close, Sevenoaks TN13 3XW** (Pages 93 - 106)

Demolition of existing conservatory to facilitate the erection of a two storey rear extension to include rooflight. Redesign the rear elevation to create a double gabled well fenestrated facade. Creation of partial basement, the roof of the basement will be re-laid as a decked terrace to ground floor living/dining area, reinstating the existing terrace. Internal alterations and changes to side elevations fenestration. Re-submission of SE/13/00934/HOUSE.

- 4.6. **SE/13/01599/HOUSE - 4 Hillside Road, Kemsing TN15 6SG** (Pages 107 - 118)

Erection of a part two storey, part single storey side extension, two storey and single storey rear extension. Single storey front extension to include a front porch. Loft extension with 4 velux windows in front elevation and 3 in rear roof elevation.

- 4.7. **SE/13/01825/FUL - Land North West of The Mount, The Mount Wood, Sparepenny Lane, Farningham, Dartford DA4 0JH** (Pages 119 - 132)

Erection of detached equipment/machinery store.

EXEMPT ITEMS

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

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate 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, 28 October 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.

This page is intentionally left blank

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 3 October 2013 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Miss. Thornton (Vice-Chairman)

Cllrs. Mrs. Ayres, Brookbank, Brown, Clark, Cooke, Mrs. Davison, Dickins, Edwards-Winser, Gaywood, McGarvey, Orridge, Mrs. Parkin, Piper, Miss. Stack, Miss. Thornton and Underwood

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

Cllrs. Ayres and Scholey were also present.

62. Minutes

The minutes of the meeting of the Committee held on 17 September were tabled for Members' consideration.

Resolved: That the minutes of the meeting of the Development Control Committee held on 17 September 2013 be approved and signed by the Chairman as a correct record.

63. Declarations of Interest or Predetermination

There were no declarations of interest or predetermination.

64. Declarations of Lobbying

Cllrs. Cooke and Gaywood declared that they had been lobbied in respect of item 4.1 – SE/13/01590/FUL - Land SW of Forge Garage, High Street, Penshurst TN11 8BU.

All Members of the Committee present except for Cllr. Brookbank declared that they had been lobbied in respect of item 4.3 - SE/13/01771/HOUSE - 3 Downs Cottages, Swanley Village Road, Swanley BR8 7NR.

Reserved Planning Applications

The Committee considered the following planning applications:

65. SE/13/01590/FUL - Land SW of Forge Garage, High Street, Penshurst TN11 8BU

The proposal was for the erection of 6 2-bedroom dwellings on the site, built and occupied as local needs affordable housing units. The dwellings would be two storeys high and split into two blocks of three, arranged side by side with a gap of 2.5 metres between the two blocks.

Agenda Item 1 Development Control Committee - 3 October 2013

The site and Penshurst Village were within the Metropolitan Green Belt and the High Weald Area of Outstanding Natural Beauty. The site and surroundings were in the Penshurst Conservation Area. The site was next to Forge Garage, a Grade II listed building, and was near to Star House (Grade II*) and The Birches (Grade II).

There would be a gap of 11.5m between the development and the dwelling to the rear of Forge Garage. There would be parking for 14 vehicles. Access would be from the High Street, existing boundary would be removed with a new hedge planted behind the highways visibility line and an existing telephone box would be relocated further into the site.

The Legal Services Manager advised the Committee that although the application was identical to application SE/11/02258/FUL the present application was to be considered afresh and on the basis of the present report.

The report had identified that the application would result in some limited harm to the character and appearance of the Penshurst Conservation Area and the setting of Forge Garage as a listed building. The statutory test required that special regard be had to the desirability of preserving or enhancing these. Some limited harm to the High Weald AONB would also be caused. However given the limited harm identified the Officer did not consider that these outweighed the benefits of providing local needs affordable housing.

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

The Committee was addressed by the following speakers:

Against the Application:	Mr. Rees
For the Application:	Mr. Leader
Parish Representative:	Cllr. Cass
Local Member:	-

The speaker on behalf of the applicants, West Kent Housing, responded to Members' questions. Only those with a local connection could apply to live in the housing and this would be guaranteed through the signed section 106 obligation with the Council, to be completed. If there were no eligible applicant from Penshurst and Fordcombe then there would be a cascading mechanism to neighbouring parishes. He had not had experience of similar cascading mechanisms ever having to be engaged. He expected demand from local people to remain high as it only provided 6 of the assessed housing need of 11 dwellings. The funding stream from the Housing and Communities Agency for the proposed scheme would end in March 2015 but if necessary the applicants would apply for further funding for the 2015-2018 period. Affordable rent would be set at 80% of the market level and it was expected that those with income up to £30,000 would take up these properties.

Officers confirmed that Permitted Development Rights would be removed. The report had given consideration to alternative sites for development.

It was MOVED by the Chairman and was duly seconded that the recommendation in the report to grant permission subject to the completion of a S106 agreement and to conditions be adopted.

Members gave support for the application given the proven need for local affordable housing. The development would be part of the natural growth of the village. It was felt the proposed dwellings would be attractive and in keeping with the village. It was a good site close to the school and to shops. The development would be in accordance with policy.

Some Members felt the field being lost was particularly attractive. Concern was also raised that, at 80% of the market rate, the rents would still not be affordable to most people.

The motion was put to the vote and there voted –

10 votes in favour of the motion

3 votes against the motion

Resolved: That planning permission be GRANTED subject to the completion of a S106 Agreement to secure the units as local needs affordable housing, and the following conditions:-

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

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

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

To ensure that the appearance of the development enhances the character and appearance of the Conservation Area and Area of Outstanding Natural Beauty as supported by Policy EN1 and EN23 of the Sevenoaks District Local Plan.

3) The development hereby permitted shall be carried out in accordance with the following approved plans: 1027627/15 Rev E, 1027627/20 Rev B, 1027627/13 Rev K, 1027627/14 Rev E and 1027627/17 Rev C.

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

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

To safeguard the character and appearance of the conservation area as supported by EN23 of the Sevenoaks District Local Plan.

Agenda Item 1
Development Control Committee - 3 October 2013

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

To safeguard the character and appearance of the conservation area as supported by EN23 of the Sevenoaks District Local Plan.

6) No development shall be carried out on the land until details of the hereby approved outbuildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved details.

To ensure that the appearance of the development enhances the character and appearance of the local area as supported by Policy EN1 and EN23 of the Sevenoaks District Local Plan.

7) The development hereby permitted shall not be used or occupied until the 2.4 x 50 metre visibility splays as shown on the approved plans are provided. Such splays shall be subsequently maintained free from any obstruction above 1 metre in height at all times. (This 1 metre height shall be measured relative to a point on the centre line of the new access road and 2.4 metres back from the stop line).

In the interest of highway safety, in accordance with Policy EN1 of the Sevenoaks District Local Plan.

8) No development shall be carried out on the land until a scheme and timetable for the relocation of the telephone box has been submitted to and approved in writing by the Local Planning Authority. The telephone box shall be relocated in accordance with the approved details prior to first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of highway safety and the retention of a community facility, in accordance with Policies EN1 of the Sevenoaks District Local Plan and SP1 of the Sevenoaks Core Strategy.

9) No development shall take place until details of the layout and construction of the access road has been submitted to and approved by the Local Planning Authority. The details shall include the connection to the High Street, gradients, surfacing materials and road markings. The development shall be constructed in accordance with the approved details.

In the interest of highway safety, in accordance with Policy EN1 of the Sevenoaks District Local Plan.

10) No development shall take place until details of the layout and construction of areas for the parking of cars including garage spaces and means of access have been submitted to and approved in writing by the Local Planning

Authority. The parking areas approved shall be provided and kept available for parking in connection with the use hereby permitted at all times.

In the interest of highway safety, in accordance with Policy EN1 of the Sevenoaks District Local Plan.

11) Notwithstanding the submitted plans, no development shall be carried out on the land until details of the proposed boundary treatment and any means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved details.

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

12) Apart from any means of enclosure described in the details approved pursuant to condition 11, no boundary walls, fences or other means of enclosure shall be erected on the site boundary, despite the provisions of any Development Order.

To safeguard the rural character of the area, in accordance with policy EN1 of the Sevenoaks District Local Plan and SP1 of the Sevenoaks Core Strategy.

13) The development shall only be undertaken in accordance with the Flood Risk Assessment (FRA) by Monson Engineering Ltd and addendums (most recent addendum dated 7 March 2012), and the following mitigation measures detailed within the FRA:

- i) The surface water drainage strategy shall be undertaken in accordance with the FRA and addendums
- ii) The access road and car parking area shall be constructed with permeable paving (with a minimum depth of porous sub base of 300mm) and a cut off trench at the western site boundary.
- iii) The surface water discharge to the adjacent ordinary watercourse shall be limited to a rate of 1.5 l/s (Appendix A, Drawing No. 5164/02 C, 'Proposed surface water flood drain').
- iv) A surface water management plan shall be implemented to ensure that the scheme is effective year round for the lifetime of the development, the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
- v) The surface water drainage scheme shall take into account exceedance events to ensure that surface water runoff is safely routed away from the dwellings.

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, in accordance with the National Planning Policy Framework.

14) The finished floor levels of the dwellings hereby permitted shall be set no lower than 30.9 m above Ordnance Datum (AOD) as detailed in the Addendum to

Agenda Item 1
Development Control Committee - 3 October 2013

the Flood Risk Assessment by Monson Engineering Ltd dated 7 March 2012, and on the Site Plan drawing numbered 1027627/20 Rev B.

To reduce the risk of flooding to the proposed development and future occupants, in accordance with the National Planning Policy Framework.

15) There should be no lowering of ground levels where the existing site level is less than 30.75m AOD, as identified on the Site Plan drawing numbered 1027627/20 Rev B.

To reduce the risk of flooding to the proposed development and future occupants by ensuring that site levels will be above the modelled 100 year plus climate change flood level, in accordance with the National Planning Policy Framework.

16) No development shall be carried out on the land until full details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:

- planting plans (identifying existing planting, plants to be retained and new planting);
- written specifications (including cultivation and other operations associated with plant and grass establishment);
- schedules of new plants (noting species, size of stock at time of planting and proposed number/densities where appropriate); and
- a programme of implementation.

The landscape works shall be carried out in accordance with the approved details. If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

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

17) No development shall be carried out on the land until a Construction Management Plan has been submitted and approved in writing by the Local Planning Authority. The plan should include the provision of on site parking and loading, and wheel washing facilities. The development shall be carried out in accordance with the approved plan.

In the interests of highway safety and visual amenity as supported by policy EN1 of the Sevenoaks District Local Plan.

18) No development shall take place until details of further ecological mitigation and enhancement measures have been submitted to and approved in writing by the Council. These details shall include all the mitigation measures detailed in the Thomson Ecology reports dated July 2011 and October 2011, and details of the design of any external lighting proposed, and shall include

measures to ensure that the building works do not disturb protected species, and all enhancement measures proposed therein. The approved mitigation and habitat enhancement measures shall be implemented in full, in accordance with the approved details.

To ensure the long term retention of protected species on the site as supported by the National Planning Policy Framework.

19) No development shall take place until full details of the proposed foul and surface water drainage systems have been submitted to and approved in writing by the Local Planning Authority. Any approved scheme shall be completed to the written satisfaction of the Council prior to the commencement of the development.

To avoid overload of any existing drainage systems and to meet sustainability and environmental objectives, in accordance with the National Planning Policy Framework.

20) The first floor window in the north-east facing side elevation of unit 1 (as shown on the proposed plans drawing numbered 1027627/13 Rev K) shall be obscure glazed and fixed shut at all times.

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

21) The development shall achieve a Code for Sustainable Homes minimum rating of level 3. Evidence shall be provided to the Local Authority -
i) Prior to the commencement of development, of how it is intended the development will achieve a Code for Sustainable Homes Design Certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority; and
ii) Prior to the occupation of the development, that the development has achieved a Code for Sustainable Homes post construction certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority.

Achievement of the Code levels and BREEAM standards must include at least a 10% reduction in the total carbon emissions through the on-site installation and implementation of decentralised, renewable or low carbon energy sources.

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

22) There should be no ground raising within the floodplain of the Medway/Eden rivers, as indicated on Drawing 1027627/20 B (Site plan and existing levels).

Agenda Item 1
Development Control Committee - 3 October 2013

To prevent the loss of flood storage which may otherwise increase the flood risk to the surrounding land, in accordance with the National Planning Policy Framework.

23) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

To ensure that features of archaeological interest are properly examined and recorded, in accordance with Policy EN25A of the Sevenoaks District Local Plan.

66. SE/13/01293/FUL - Mercury House, Station Road, Edenbridge TN8 6HL

The proposal was for the partial change of use of the existing B1/B8 building with ancillary offices to A1 retail warehouse use with ancillary offices. The proposal related to the retention of 360sqm of ancillary office space, and the loss of 667.5sqm of B1/B8 land to retail floorspace. The site included the provision of 16 existing car parking spaces.

The site was protected employment land, fully occupied in employment use. It was within the Edenbridge town envelope but outside of the town centre.

The report advised that the NPPF required a sequential test to be applied to applications for main town centre uses outside of an existing centre. No sequential test had been undertaken to demonstrate that the retail use could not be accommodated within the town centre. The change of use would represent an unsustainable approach to development. No justification has been submitted to show that there was no reasonable prospect of the site being used for B1 purposes.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Mr. McKay
Parish Representative:	Cllr. Scholey
Local Member:	Cllr. Scholey

In response to a question Officers confirmed that no information had been received as to proposed internal or external works to the site.

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

It was noted that the site was still a fully occupied employment site and there was no information as to the viability of the businesses there. They also noted no sequential test had been carried out to show that no site in or closer to Edenbridge Town Centre was appropriate for this retail use. Officers clarified that the retail use area would be smaller than those in recent applications for food superstores in the town.

Some concern was raised whether 16 parking spaces would be sufficient once staff had used some of them.

A local Member on the Committee suggested that the application would make best use of a commercial site. The local area was trying hard to keep a vibrant economy. Another Member added that shops in the town centre were often too small and that many units nearby had already changed away from industrial use.

The motion was put to the vote and there voted –

14 votes in favour of the motion

2 votes against the motion

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

The change of use of the site from employment land to retail provision would represent an unsustainable approach to development. It would result in an out of town centre shopping development to the detriment of the vitality and viability of the Edenbridge town centre. The Applicant has not demonstrated through the sequential test that no town centre site exists to accommodate the proposed use. The proposal is therefore contrary to paragraphs 24 – 27 of the NPPF.

The proposal seeks the loss of protected employment land contrary to policies LO6 and SP8 of the Sevenoaks District Core Strategy and EP8 of the Sevenoaks District Local Plan.

(Cllr. Cooke was not present for the consideration of the remaining item)

67. SE/13/01771/HOUSE - 3 Downs Cottages, Swanley Village Road, Swanley BR8 7NR

The proposal was for the demolition of an outbuilding and the erection of a replacement outbuilding to the rear of a semi-detached Grade II Listed cottage. Listed building consent had already been granted. Approximately two-thirds of the outbuilding had already fallen down. The site was within the Metropolitan Green Belt and a Conservation Area.

Officers considered that the proposal would constitute inappropriate development within the Green Belt with no very special circumstances clearly to outweigh the harm in principle to the Green Belt and any other harm. It had not been demonstrated that the proposed annexe would be incidental to the main dwelling. As an independent unit the proposal would appear disjointed and contrary to the established spatial character and harmful to the special character and appearance of the Conservation Area. A contribution towards off-site affordable housing had not been secured.

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

The Committee was addressed by the following speakers:

Agenda Item 1
Development Control Committee - 3 October 2013

Against the Application: -
For the Application: Mr Hargreaves
Parish Representative: -
Local Member: -

Officers responded to Members' questions. The annexe was not attached to the main dwelling following advice from the Conservation Officer to preserve the integrity of the listed building. The annexe could become independent as there would be parking available and a separate access could be provided to the front. Judgement on whether the annexe was independent was a question of fact and degree.

The applicant's health had not been advanced as a very special circumstance but Officers were aware and Members could take account of the evidence in front of them.

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

It was noted that a Members' Site Inspection had been held for this application. The Committee expressed great sympathy with the applicant given his health difficulties.

Members noted on the one hand that the structure was not attached to the main dwelling and could be split from it and be independent. On the other hand it was noted the plans did not indicate a kitchen area and it would only be 1m away from the dwelling. Some Members thought a condition could be imposed preventing kitchen facilities being provided.

The building was considered small and although the footprint would be larger than the barn being replaced the height would be less. Given the state of the former barn it was suggested that proposal would enhance the area.

The local Member added that there was a lack of young families within the village. He felt that the development would allow at least one to move in.

The motion was put to the vote and there voted –

8 votes in favour of the motion

8 votes against the motion

In accordance with paragraph 24.2 of Part 2 in the Council's Constitution, the Chairman used his second, casting vote in favour of the motion.

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

The land lies within the Green Belt where strict policies of restraint apply. The proposal would be inappropriate development harmful to the maintenance of the character of the Green belt and to its openness contrary to the National Planning Policy Framework.

The Council is not satisfied that the proposed annexe will be incidental to the main property. The size and internal layout of the proposal shows that it is

capable of being used as an independent dwelling. It is considered that the use of the proposed building as an independent unit in this back land position in close proximity to the existing and neighbouring dwellings would result in a disjointed form of residential development contrary to the established spatial character and harmful to the special character and appearance of the Conservation Area. As such, the proposal would be contrary to policies CC6 and BE6 of the South East Plan, policies EN1 and EN23 of the Sevenoaks District Local Plan, policies SP1, LO1 and LO7 of the Core Strategy and the National Planning Policy Framework.

A contribution towards off-site housing has not been secured and therefore the proposal fails to comply with the requirements of policy SP3 of the Core Strategy and the Councils Affordable Housing Supplementary Planning Document October 2009.

THE MEETING WAS CONCLUDED AT 9.15 PM

CHAIRMAN

4.1 – SE/13/01635/FUL Date expired 2 September 2013

PROPOSAL: Redevelopment of the mixed-use site to provide 26 dwellings: 19 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 42 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 committee by Councillor Dickins in order that Members might consider whether the revised scheme overcomes the reasons for refusal previously given and to assess the impact of the reduced parking provision and amenity space.

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 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 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) Before any demolition of the mill building (Block D) commences, details of measures to be taken to safeguard those parts of the building shown to be retained on the approved plans shall be submitted to and approved in writing by the local planning authority. The approved measures shall thereafter be fully implemented and retained for the period of any demolition or construction works, unless agreed otherwise in writing by the Local Planning Authority.

Agenda Item 4.1

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 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 visitor space shown adjacent to Unit 5 shall be allocated as a second parking space to this unit... Prior to first occupation of the development, the remaining visitor parking spaces shown on the approved plans 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 to and including the 100yr 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.

Agenda Item 4.1

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 at 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 groundwaters.

17) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

To protect groundwater because the site is located on the Folkestone formation which is a principal aquifer and within a source protection zone 1 and to comply with NPPF.

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

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

19) 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.

20) 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.

21) 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.

22) 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.

23) 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.

24) 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

Agenda Item 4.1

Strategy.

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

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

26) The development hereby permitted shall be carried out in accordance with the following approved plans: 4249-PD-001, 002, 003, 004, 005, 010 Rev D, 011 Rev D, 012 Rev C, 013 Rev B, 014 Rev B, 020 Rev B, 021 Rev B, 030 Rev B, 040 Rev B, 050 Rev C, 051 Rev B, 060 Rev D, 061 Rev D.

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

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

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

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

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.

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

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

The development would respect the local character of the area

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

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

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works

with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line (www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

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 26 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 three storey building next to the existing Mill and fronting Mill Lane, containing 10 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 42 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.

Agenda Item 4.1

- 2 Members will recall that a previous application (SE/12/00881) to develop 29 residential units on the site was reported to Committee in March and was refused by Members on the following grounds –
- 1) The proposed development, by virtue of the scale, design, bulk and height of Block E, would have an unacceptable and dominating impact upon the street scene and upon the setting of the adjacent mill building recognized as a local landmark feature and an "undesigned" heritage asset. This would be contrary to Policy EN1 of the Sevenoaks District Local Plan, Policies SP1 and SP7 of the Sevenoaks Core Strategy.
 - 2) The proposed development, by virtue of the scale, mass and height of Block E, would have an unacceptable overbearing impact upon the outlook and the living conditions of the properties opposite the site on Mill Lane, contrary to Policy EN1 of the Sevenoaks District Local Plan.
 - 3) In the absence of a completed S106 agreement, the proposal would fail to make suitable provision for affordable housing on the site, nor would it contribute towards identified infrastructure improvements. This would be contrary to policies SP3 and SP9 of the Sevenoaks Core Strategy and the Council's Supplementary Planning Guidance: Affordable Housing

Description of Site

- 3 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.
- 4 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.
- 5 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 1920's 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.
- 6 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

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

Policies

Sevenoaks Core Strategy

- 9 Policies – LO1, LO2, 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

Planning History

- 13 SE/07/00726 - Demolition of outbuildings, conversion of Mill House, construction of 16 No new dwellings – Withdrawn

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

SE/12/00881 - 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 - Refused

Consultations

Sevenoaks Town Council

- 14 Sevenoaks Town Council recommended refusal on the following grounds:
 - Despite the reduction in the number of flats the density remains too high - The design fails to respect the "designated" heritage asset Mill House.
 - Overlooking of properties in Silk Mills Close - they will be badly affected by overlooking.

Agenda Item 4.1

- The Town Council remains concerned that problems of sewage and ground water disposal have not been addressed, nor have issues of flooding in recent years due to heavy rainfall.

Kent Highways

- 15 I write to confirm on behalf of the Highway Authority that I have no objection to these proposals. The car parking provisions proposed are appropriate and acceptable. Similarly the visibility splays and access dimensions shown are suitable and acceptable.
- 16 As previously indicated the visibility splay, interconnection and frontage arrangements with Mill Lane will need to be subject to a Section 278 agreement with the Highway Authority in order to ensure appropriate construction details (including highway drainage). If this planning application is approved I would be grateful if you could include this requirement in any condition notice. As is the discretion of a developer, my understanding is that the internal roads are not to be put forward for adoption.

SDC Conservation Officer

- 17 The proposed redevelopment of this site has been the subject of previous applications and pre-application discussion. The scheme as proposed is considered to be, as a result of these discussions and the appropriate amount of research into the significance of the buildings on site, a heritage-led scheme, utilising the historic presence of the mill and associated buildings as the anchor, and reinforcing local distinctiveness.
- 18 The mill building itself is considered to be a non-designated heritage asset, in accordance with paragraph 135 of the NPPF. The proposal is to take down the building to the ragstone and brick plinth and rebuild to match, with some modifications for fenestration and doors. It has been demonstrated, through the de-listing of the mill by English Heritage, and the accompanying historic assessment of the building, that, whilst the mill is historically significant, the fabric itself of the timber clad upper floors is relatively new, and therefore of much less significance than the actual presence of the mill itself and its contribution to local history. It is usually not considered to be good practice to 'restore' buildings based on conjecture. However, in this case, the intention isn't to rebuild based on conjecture regarding earlier forms, but rather to replace 'like for like'. The adjacent mill house, also of some significance, will be converted with minor alterations.
- 19 I have no objection in principle to the proposal to rebuild part of the mill, to convert the mill house, nor to the new build elements within the site which will remain subservient and will blend in, in terms of form and materials, with the surroundings. However, materials will be key to the success of the scheme and I'd suggest that samples of external materials be made a condition. This is particularly important for the black stained weatherboarding at the mill, and also the currently timber clad part of 'Block C', which match (I note that the proposed elevation drawings for the mill specify black timber cladding, but the mill house proposed elevations still note black cladding with no mention of timber. Details of the metal windows, and new doors, should also be submitted as the plans submitted are at a small scale.

Agenda Item 4.1

- 20 Finally, to ensure that works to demolish the mill will not result in the loss of the plinth wall, the following condition is suggested:
- 21 Before any demolition of the mill building commences, details of measures to be taken to safeguard those parts of the building shown to be retained on the approved plans shall be submitted to and approved in writing by the local planning authority. The approved measures shall thereafter be fully implemented and retained for the period of any demolition or construction works.

Conclusion: No objection in principle subject to the suggested conditions above.

Tree Officer

- 22 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 is an issue here as any new residents will require access below it as will the developer during the build process. 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.
- 23 The arboricultural report has dealt with the issue of the construction of the new drive but has not addressed the issue of how the low canopy is to be dealt with. Drawing number 4249-PD-010 shows the RPA for this tree at 8 metres whereas the tree survey suggests the RPA to be 12.7 metres. The given trunk diameter however would suggest that this tree requires an RPA of up to 15.2 metres.
- 24 I consider this aspect of the 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 this development. There is also the proposal for the two additional parking bays and the required levels, which also require clarification.
- 25 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 also be required.

Thames Water

Waste Comments

- 26 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

Agenda Item 4.1

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.

- 27 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.
- 28 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.

Water Comments

- 29 With regard to water supply, this comes within the area covered by the Mid Kent Water Company. For your information the address to write to is - Mid Kent Water Company PO Box 45, High Street, Snodland, Kent, ME6 5AH. Tel - (01634) 240313

Environment Agency

- 30 Thank you for consulting us on the above proposal. We consider that planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Contamination

- 31 Condition 1: No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
1. A preliminary risk assessment which has identified:

Agenda Item 4.1

- a. all previous uses
 - b. potential contaminants associated with those uses
 - c. a conceptual model of the site indicating sources, pathways and receptors; and
 - d. potentially unacceptable risks arising from contamination at 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.
- 32 Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.
- 33 We confirm receiving the phase 1 desk study produced by Soils Limited, reference 12873/DS. The preliminary site report has been carried out in line with relevant guidance. The recommendations for further investigations at the site to determine any required appropriate remediation works should be carried out and relevant proposals agreed with the local planning authority before any site clean-up works are commenced.

Reason 1: To protect groundwater because the site is located on the Folkestone formation which is a principal aquifer and within a source protection zone 1 and to comply with National Planning Policy Framework (NPPF).

Condition 2: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason 2: To protect groundwater because the site is located on the Folkestone formation which is a principal aquifer and within a source protection zone 1 and to comply with NPPF.

Condition 3: No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and

Agenda Item 4.1

maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason 3: To protect groundwater because the site is located on the Folkestone formation which is a principal aquifer and within a source protection zone 1 and to comply with NPPF.

Foundations

- 34 If piling or any other foundations design using penetrative methods are required then we would refer you to the EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention". NGWCL Centre Project NC/99/73. We suggest that approval of piling methodology is further discussed with the EA when the guidance has been utilised to design appropriate piling regimes at the site.
- 35 If piling or any other foundation work using penetrative methods are going to occur we would recommend liaison occurs with the relevant water company and applying the following condition.

Condition 4: Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason 4: To protect the groundwater because the site is located on the Folkestone Formation and within Source Protection Zone 1.

Drainage

Foul

- 36 The application form indicates that the foul sewage will be discharged to mains. If this changes then we should be consulted.

Surface Water

- 37 The application form indicates that the surface water will be discharged to SUDs.
- 38 We are minded to object to any discharge to ground in Source Protection Zone (SPZ) 1 other than clean, uncontaminated roof water. Roof water shall discharge direct to soakaway via sealed down pipes (capable of preventing accidental/unauthorised discharge of contaminated liquid into the soakaway) without passing through either trapped gullies or interceptors. Open gullies should not be used.
- 39 Condition 5: No infiltration of surface water drainage into the ground at the site 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 approval details.

Reason 5: To protect groundwater because the site is located on the Folkestone formation which is a principal aquifer and within a source protection zone 1. To comply with NPPF.

Informatives

Fuel, Oil and Chemical Storage

- 40 Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment.
- 41 The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection

Waste to be taken off site

- 42 Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:
- Duty of Care Regulations 1991
 - Hazardous Waste (England and Wales) Regulations 2005
 - Environmental Permitting (England and Wales) Regulations 2010
 - The Waste (England and Wales) Regulations 2011
- 43 Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.
- 44 If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at www.environment-agency.gov.uk for more information.

Agenda Item 4.1

Mouchel (summarised)

45 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 £29,497.50
- A contribution towards library provision of £3,148.72
- A contribution towards community learning of £283.15
- A contribution towards adult social services of £5,495.76

NHS Trust

46 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.

47 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.

48 NHS West Kent seeks a contribution of £18,576.

Environmental Health

49 Contaminated land – Any permission should include a condition requiring the intrusive contaminated land investigation recommended by the desk top study. The condition should also include the submission of remediation measures and a validation report on completion of the remediation for approval of the local authority.

50 Under the last scheme, the EHO also made the following comments in respect of noise, air quality and local sewerage infrastructure.

51 Noise – No objection

52 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.

53 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)

- 54 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.
- 55 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. A condition is recommended to secure a detailed bat mitigation and monitoring strategy.

KCC Ecology

- 56 We have reviewed the ecological information which has been submitted for comment and we are generally satisfied with the information which has been provided – we require no additional information to be submitted for comment prior to determination.

Bats

- 57 Brown Long Eared and Pipistrelle bats have been recorded within the site and an outline mitigation strategy has been proposed. We require a detailed mitigation strategy to be submitted for comments as a condition of planning permission.
- 58 Lighting can be detrimental to roosting, foraging and commuting bats. We advise that the Bat Conservation Trust's "Bats and Lighting in the UK" guidance is adhered to in the lighting design.

Reptiles, Hedgehogs and Common Toads

- 59 The scoping survey identified that there is some limited suitability for reptiles, hedgehogs and common toads to be present around the edge of the site. The implementation of the precautionary mitigation strategy detailed within the Mitigation and Enhancement Plan must be a condition of planning permission if granted.

Breeding Birds

- 60 There is habitat present on site which is suitable for breeding birds. All breeding birds are legally protected under the Wildlife and Countryside Act 1981 (As Amended). The implementation of the precautionary mitigation detailed within the Mitigation and Enhancement Plan must be a condition of planning permission if granted.

Enhancements

- 61 One of the principles of the NPPF is that "opportunities to incorporate biodiversity in and around developments should be encouraged".

Agenda Item 4.1

- 62 The ecological scoping survey has made recommendations for enhancements which can be incorporated into the site. We are pleased to note that some of these recommendations have been incorporated into the site plan. We do have some concerns that there is limited connectivity to the site and we recommend that any fencing erected as part of this development has gaps to enable wildlife to commute through the site.

KCC Rights of Way team

- 63 Public Rights of Way Footpath SU5 runs along the northern boundary of the site. I do not anticipate that it will be affected by the development. I enclose a copy of the Public Rights of Way network map showing the line of this path for your information.
- 64 I am pleased to see that there are windows overlooking the path providing natural surveillance. I would ask that any trees planted are far enough back from the footpath that there will be no root interference with the metalled surface. Due to the slope of the land towards the path the developer should take care to ensure that surface water does not drain onto the path. Any gates should open into the property and not onto the public footpath.
- 65 I would also ask for a contribution, by means of a Section 106 agreement, for £5,000 to resurface the existing public footpath, SU5, for its 179 metre length from Greatness Road to Mill Lane, to improve access amenities for pedestrians in the local area.
- 66 The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way, such as the need for a scaffolding licence.
- 67 Should any temporary closures be required to ensure public safety then this office will deal on the basis that:
- The applicant pays for the administration costs
 - The duration of the closure is kept to a minimum
 - Alternative routes will be provided for the duration of the closure.
 - A minimum of six weeks notice is required to process any applications for temporary closures.
- 68 This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials, or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

South East Water

- 69 No comments received

Representations

70 11 letters of objection received, raising the following concerns

- The density of development remains too high
- Insufficient drainage / sewage infrastructure to deal with additional demand
- Increased traffic on Mill Lane and at junction with Seal Road
- Lack of parking for the development
- Change in nature of residential area through a high density development
- Loss of privacy to properties on Mill Lane
- Change of use of the Mill building to residential use will lead to greater levels of overlooking than currently occur from the existing use of the building.
- The three parking spaces removed from the development should be retained
- The development surpasses the allocation of 20 units as recommended in the Council's Allocations and Development Management Plan
- The density and design compromise the distinctive character of the area
- The design makes no attempt to retain the current unique and distinctive roofline
- Mill lane is used for overspill parking by the football club and church, and this will make matters worse
- Despite the changes made to the plans, this would still be overdevelopment for the area
- Loss of privacy and impact upon Silk Mills Close
- The 2008 scheme that was withdrawn was a much better design
- To mimic the Mill building with others of similar height would be completely out of character
- The scheme only makes minor changes to the previously refused scheme.
- There is no explanation about how the increased use of the sewer would be mitigated
- Loss of commercial use on site
- The two existing buildings next to the mill should be retained and adapted
- There are no east facing elevation drawings with the application

Chief Planning Officer Appraisal

Principle of development

71 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.

Agenda Item 4.1

- 72 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 in the near future. The ADMP identifies the site as suitable for a mix of dwellings and flats, with a net capacity of approximately 20 units.
- 73 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.
- 74 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 policies seek 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.
- 75 Members will also note that the principle of residential use and subsequent loss of employment land was not a ground of refusal under the previous application SE/12/00881.

Impact upon the character and appearance of the area

- 76 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.
- 77 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.
- 78 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.

Agenda Item 4.1

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.

- 79 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.
- 80 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.
- 81 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.
- 82 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 does not object to 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.
- 83 Members will also note that the proposals for the mill building itself remain identical to the scheme submitted under SE/12/00881. Although this application was refused, the proposal to rebuild the mill did not form a ground of the refusal.
- 84 The smaller industrial units next to the mill would be removed and replaced by a block of flats (Block E). Members will note that the previous scheme included a part three, part four storey building in this location and this specific building was found by Members to be unacceptable due to its dominating impact upon the

Agenda Item 4.1

street scene and the Mill building. The current application has revised this block by reducing the number of proposed units within the building from 13 to 10 units, and reducing the size of the building to three storeys. As a result, the area of the building that was previously over four storeys has been reduced in height by some 2 metres to a maximum of 9.7 metres in height. The part of the building closest to the Mill building remains at three storeys although the height has been reduced by 500mm to a maximum of 9.3 metres. In addition, the large front gable feature on this part of the building has been removed.

- 85 This building would remain on the same footprint as Block E proposed under the former scheme and as such would be detached from the mill building, thus exposing the side elevation of the replacement mill, and stepped slightly further back into the site than the existing buildings. Although the flats would still be taller than the existing buildings to be demolished on site, the revisions made to the height of Block E would increase the difference in scale with the Mill building and thus increase the prominence and setting of the Mill Building – the difference in height between Block E and the Mill building would be increased to a minimum of 5.6 metres (compared to 3.5 metres under the refused scheme) – and I consider that the mill building would still clearly dominate the local townscape. In addition, the removal of the large gable feature on the front elevation of Block E closest to the Mill building would soften the scale and massing of this part of the building and would reveal more of the Mill building in views taken down Mill Lane from Seal Road. The block would be constructed in a mix of bricks, tile hanging and timber cladding, with the use of feature barn hips, front facing gables and attic windows which have been designed to complement the setting of the mill building.
- 86 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.
- 87 Overall, I consider that these revisions would improve the relationship between proposed Block E and the Mill Building, and the reduction in the height and scale of Block E compared to the previous scheme would retain the prominence and status of the Mill building.
- 88 Whilst the flats within Block E would still be greater in height and mass than the residential properties opposite, the revisions in height and scale would reduce this effect. This block is now of similar height to Block A, as evidenced in the streetscene drawings submitted. Given the existing characteristics of buildings on the site which are very different to surrounding conventional residential properties, and the existence of other flatted blocks in the road, as well as the Mill building itself, I consider this impact upon the street scene to be acceptable and an improvement to the scheme under SE/12/00881.
- 89 Due to the reduction in the number of units on site, the number of parking spaces proposed within the development has reduced from 45 to 42 spaces. This has provided an opportunity to provide more green space within the site in comparison to the previous scheme. This additional space has been provided to the rear of Block E and through the enlargement of the garden to Unit 10.

Agenda Item 4.1

- 90 The remainder of the development would be identical to the scheme considered under SE/12/00881. This was not deemed to be unacceptable in the determination of the last scheme, and my previous assessment of this is set out below and equally applies to this scheme.
- 91 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.
- 92 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.
- 93 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.
- 94 As a whole, I am satisfied that the locally distinctive character of Mill Lane 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.
- 95 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. Although Members did not refuse the previous scheme on any impact to Silk Mills Close, it should be noted that the height of Block E under the current scheme from the Close would be reduced from around 8.5 metres to 6.5 metres, thus further improving this relationship. The units facing Silk Mills Close in Blocks A and E would be at a

Agenda Item 4.1

distance of 7-10 metres from the Close and a minimum of 23 metres from the existing dwellings themselves.

- 95 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.
- 96 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.
- 97 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, mitigated further by the reduction in height now proposed. 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.
- 98 Overall, I consider that the specific revisions made to Block E would overcome the grounds of refusal reason 1 of SE/12/00881, 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.
- 99 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 (65 dph) can be supported on this site without any material harm to the surrounding area.

Impact upon surrounding neighbouring amenities

- 100 Members will again note that refusal reason 2 of the previous application relates specifically to the impact of Block E on the amenities of the dwellings opposite this Block on Mill Lane. In particular, the refusal stated that Block E would have an unacceptable overbearing impact upon the outlook and the living conditions of these properties.
- 101 As advised earlier, this block has been reduced in scale and height under the current application. The four storey element under the previous scheme has now been reduced to three storeys, with a resultant reduction in the height of the building by 2 metres, to a maximum of 9.7 metres in height. The other subservient part of this block, closest to Mill House, remains at three storeys, but

Agenda Item 4.1

has been reduced in height by around 500mm and the former large front gable projection facing Mill Lane has been removed from this part of the building. As a result, I consider that the scale of this block has been materially reduced with a subsequent material reduction in the impact upon the properties opposite on Mill Lane.

- 102 A distance of approximately 18 metres would be maintained between the block and these existing residential properties on the opposite side, which are on slightly raised land levels to the application site. The applicant has also demonstrated on section drawings 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. At a maximum of 9.7 metres in height, Block E would only be slightly higher than typical heights for conventional two storey housing units. In my opinion these alterations improve the relationship between Block E and the properties on Mill Lane to the extent that they would overcome the previous grounds of refusal.
- 103 The relationship between the remainder of the development and surrounding buildings was not found to be unacceptable under the previous scheme and these elements of the scheme remain unchanged. For completeness, I have detailed this relationship below.
- 104 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 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.
- 105 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.
- 106 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

Agenda Item 4.1

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.

- 107 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.
- 108 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.
- 109 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 that the revisions to Block E would overcome the previous grounds of refusal and that the development would be in accordance with this policy.

Impact upon highways safety

- 110 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.
- 111 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.
- 112 Similarly, the highways officer is satisfied that Mill Lane and the junction with the A25 are suitable to accommodate any additional traffic.
- 113 In terms of parking, the revised scheme of 26 units would be provided with 42 parking spaces. When these are broken down, 2 spaces can be allocated to each dwelling on site (based on reallocating a visitor space to Unit 5 to provide 2 spaces to this property), 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.

- 114 Some objectors have stated that the development should retain the same number of spaces on site as the former scheme (45 spaces). However the reduction in the number of units provides an opportunity to provide more open space and landscaping within the development. The ratio between the number of units and the number of car parking spaces remains the same as the last scheme, and this was not found by Members to be unacceptable. On this basis, I consider that 42 spaces are acceptable for this development.
- 115 Kent Highways advised under the previous scheme 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. I consider that such a safeguard should also apply to this scheme and 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, and the applicant has agreed to fund this.
- 116 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 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 and other S106 Requirements

- 117 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 11 units (rounded up).
- 118 The applicant has submitted a viability statement which sets out that the development would not be viable if 11 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 continue to support 6 affordable units – which was the level of affordable housing offered under the previous scheme. 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.
- 119 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. It would provide the same number of units as the previous scheme, which Members did not find unacceptable.

Agenda Item 4.1

- 120 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 by the applicant. On this basis, the development would contribute towards infrastructure provision, in accordance with Policy SP9 of the Core Strategy.
- 121 The applicant has submitted a draft S106 agreement to secure the affordable housing and financial contributions required as a result of this development. Whilst, at the time of writing this report, the S106 has not been completed, it is likely that this will have taken place prior to the Planning Committee meeting. Members will be updated on this in the late observations. The submission of a S106 is required to make this development acceptable and would also overcome refusal reason 3 of SE/12/00881.

Other matters

Drainage

- 122 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.
- 123 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 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. Members will recall that whilst this matter was debated during the course of the last application at Committee, they did not refuse the application on such grounds.

Air Quality

- 124 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 impact on air quality, in accordance with Policy SP2 of the Sevenoaks Core Strategy.

Ecology

- 125 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.
- 126 Contamination – Former uses of the site may have caused contamination of the land, and the site is also close to a major aquifer. As such, the Environment Agency has requested that conditions are applied to any planning permission to deal with any contamination found, and to control foundation works such as piling.
- 127 Public Footpath – The KCC Rights of Way officer has requested that a sum of £5,000 is secured from the applicant to upgrade the adjacent public footpath. This matter was not raised as part of the last application, and the applicant has stated that the financial viability of the development is already marginal, taking into account the contributions required above together with the on-site affordable housing to be provided. As the applicant has submitted a viability statement to demonstrate the development finances, I do not consider that the Council could reasonably require this further sum of money.

Conclusion

- 128 The principle of residential development is accepted on this site, as evidenced by its inclusion in the Council's ADMP and the lack of objection to this principle under the last application. The key issues are whether the specific design changes to Block E have overcome the grounds of refusal under SE/12/00881. For the reasons set out in detail above, I consider that the reduction in the height and scale of this building does overcome these grounds. The third reason for refusal of SE/12/00811 related to the failure of the applicant to complete a S106 agreement. This is being addressed as part of this application and it is likely that the agreement will be completed prior to this committee meeting.
- 129 In other respects, 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, incorporating the changes to Block E, 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.
- 130 Taking the above factors into account, I would conclude that the development accords with national and local development plan policies and would recommend that planning permission be granted.

Agenda Item 4.1

Background Papers

Site and Block plans

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

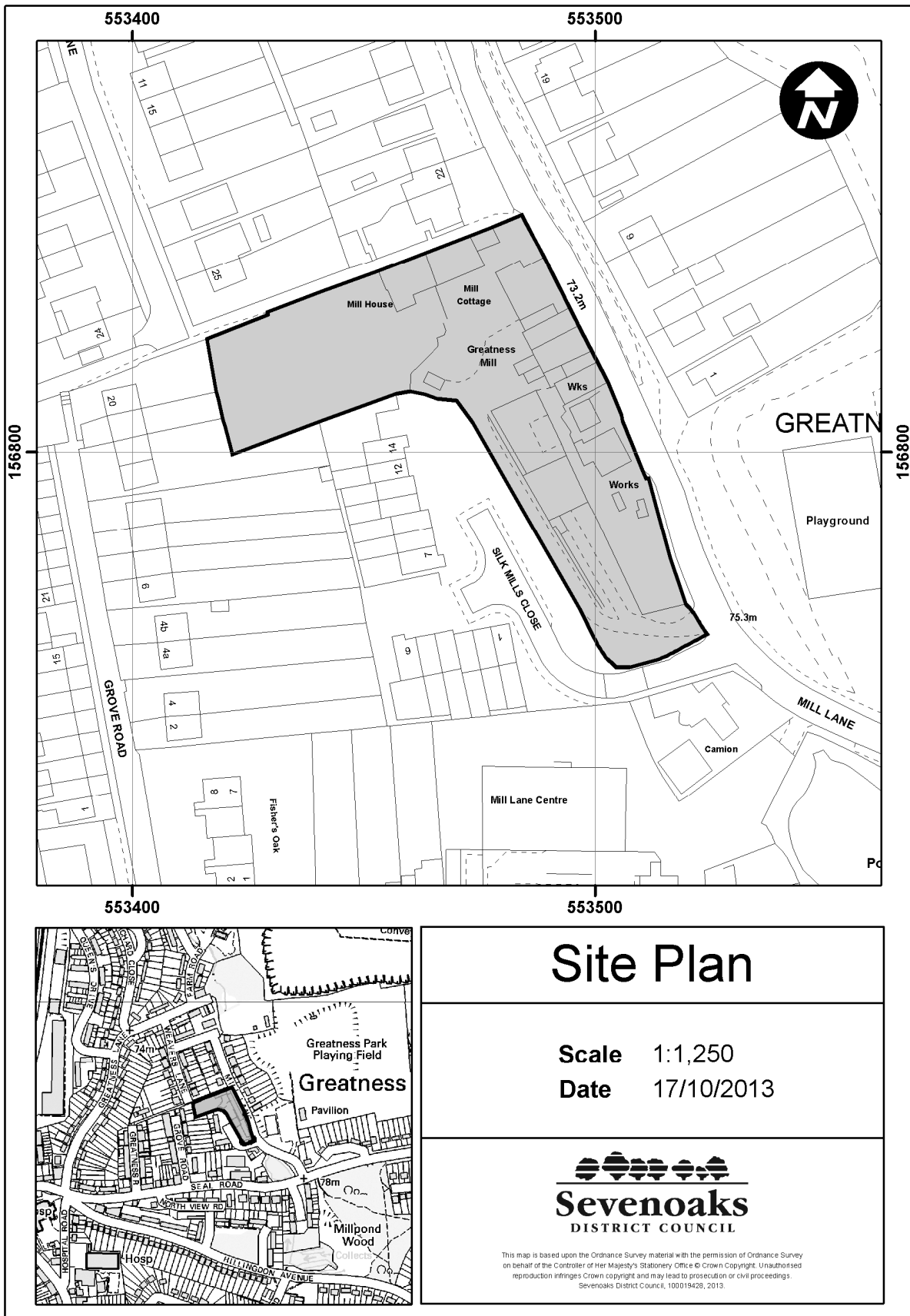
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MNT25KBK8V000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MNT25KBK8V000>



Site Plan

Scale 1:1,250
Date 17/10/2013



This map is based upon the Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Sevenoaks District Council, 100019428, 2013.



4.2 – SE/13/01288/FUL Date expired 2 July 2013

PROPOSAL: Demolish existing garage and replace with new dwelling. As amended by plans received 29.08.13 and 10.10.13.

LOCATION: 1 Holly Bush Lane, Sevenoaks TN13 3UJ

WARD(S): Sevenoaks Eastern

ITEM FOR DECISION

This application has been referred to the Development Control Committee at the request of Councillor Purves who has concerns that the proposal could be detrimental to the conservation area and the setting the nearby listed buildings, potentially represent a cramped overdevelopment of the site and have a detrimental impact upon neighbouring amenity.

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 dwelling hereby permitted have been submitted to and approved in writing by the Council. This should include details of all doors and windows. The development shall be carried out using the approved materials.

To ensure that the appearance of the development preserves the character and appearance of the area and the significance of the nearby listed buildings as supported by the National Planning Policy Framework.

3) The development shall be carried out wholly in accordance with the recommendations contained within the Arboricultural Method Statement of the Arboricultural Report received on 20.05.13.

To ensure the long term retention of mature trees on the site and adjacent to it as supported by the National Planning Policy Framework.

4) No development shall be carried out on the land until full details of soft landscape works have been submitted to and approved in writing by the Council. Those details shall include:-planting plans (identifying existing planting, plants to be retained and new planting);-a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); and-a programme of implementation.

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

5) Soft landscape works shall be carried out before first occupation of the dwelling.

Agenda Item 4.2

The landscape works shall be carried out in accordance with the approved details.

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

6) If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

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

7) The first floor and rooflight windows in the eastern side elevation of the dwelling hereby approved shall be obscure glazed and non openable at all times, unless above 1.7m above the internal floor level.

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

8) The development shall achieve a Code for Sustainable homes minimum rating of level 3. Evidence shall be provided to the Local Authority -

- i) Prior to the commencement of development, of how it is intended the development will achieve a Code for Sustainable Homes Design Certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority; and
- ii) Prior to the occupation of the development, that the development has achieved a Code for Sustainable Homes post construction certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority.

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

9) The two roof lights approved in the east elevation of the dwelling shall be conservation type roof lights and shall be retained as such thereafter.

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

10) The brickwork either side of the new openings in the wall, which bounds the eastern boundary of the site, shall be made good by re-using bricks removed where necessary and by using mortar to match the existing wall.

To ensure that the appearance of the development preserves the character and appearance of the area as supported by the National Planning Policy Framework.

11) The development hereby permitted shall be carried out in accordance with the following approved plans: 12061-PL-08 Rev.A, 12061-S-02, 12061-P-05 Rev.K, VIN/SEV/2012/010 and SPR/TUN/013/010.

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

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

The site is within the built confines of the settlement where there is no objection to the

principle of the proposed development.

The scale, location and design of the development would respect the context of the site and preserve the visual amenities of the locality.

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

Informatives

1) Please be aware that this development is also the subject of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.

2) The applicant should be aware that a separate Conservation Area Consent application is necessary to provide approval for the proposed removal of the two small sections of the eastern boundary wall.

3) 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. Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk. 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.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line (www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,

Agenda Item 4.2

- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Was provided with pre-application advice.
- 2) Was updated on the progress of the planning application.
- 3) The applicant was provided the opportunity to submit amendments to the scheme/address issues.

Description of Proposal

- 1 The application seeks the approval of the demolition of the existing detached garage building and the erection of a one and a half storey detached dwelling, with the first floor accommodation being located within the roof space of the building. The house is proposed to be L-shaped with the main part of the house facing onto Park Lane and a large projection, at 90 degrees to this, abutting the boundary with Holly Bush Lane.
- 2 The front part of the house would have a pitched roof, with gable ends orientated in an east-west direction, and a gable ended front projection. First floor windows would break through the eaves of the building forming small dormer projections to the rear. This front section of the dwelling would almost span the width of the site, being cantilevered over the boundary wall running along the eastern boundary of the site.
- 3 The rear projection would have a lower ridge height and a roughly similar footprint to the front part of the house. First floor windows in the west elevation would again break through the eaves of the roof, with roof lights proposed to be inserted along the eastern plane of the roof and a small round window proposed to serve a bathroom. The small overhang of the existing boundary wall would continue along the eastern wall of this part of the building.
- 4 The house is proposed to be finished in render above a brick plinth for the walls and plain clay tiles for the roof. Parking for the dwelling is proposed to be to the front of the property, accessed from the corner of Holly Bush Lane and Park Lane.
- 5 The application follows the refusal of a similar proposal for a new dwelling on this part of the existing site. The application was refused since it was concluded that the proposed development would harm the significance of the adjacent listed buildings, would harm the significance of the conservation area and the character and appearance of the locality, would harm the residential amenities enjoyed by the occupants of the flats at Vine Lodge, would potentially harm mature trees and failed to provide the necessary affordable housing contribution.
- 6 This application seeks to overcome these reasons for refusal and aims to achieve this by reducing down the overall size of the proposed house, relocating the building further into the site, removing several east facing first floor windows, submitting a tree survey and providing a completed legal agreement outlining a financial contribution towards an off-site affordable housing provision.

Description of Site

- 7 The application site comprises a large end of terrace dwelling and its associated curtilage, which is triangular in shape, reducing in width from north to south. The site is located on the corner of Holly Bush Lane and Park Lane, close to the town centre of Sevenoaks. The site is bounded along the eastern boundary by a brick wall, the site is open to access to the south and is bounded by a mixture of wall and hedging along the north and western boundaries.

Constraints

- 8 The site lies within the built confines of Sevenoaks, The Vine Conservation Area and adjacent to a Grade II Listed Building.

Policies

Sevenoaks District Local Plan

- 8 Policies – EN1, EN23 and VP1

Sevenoaks District Core Strategy

- 9 Policies - L01, L02, SP1, SP2, SP3, SP5 and SP7

Other

- 10 The National Planning Policy Framework (NPPF) – paragraphs 14, 17, 53, 56, 111, 118 and 132
- 11 The Vine Conservation Area Appraisal
- 12 Affordable Housing Supplementary Planning Document (SPD)

Planning History

- 13 SE/79/00723 - Additional garage attached to existing detached domestic garage. Granted 10.07.79
- SE/80/00671 - Erection of domestic garage. Granted 11.07.80
- SE/02/02864 - Conservation Area Consent for the part demolition of boundary wall to improve vehicular access. Granted 31.01.03
- SE/12/02499 - Demolish existing garage and replace with new dwelling. Refused 04.12.12
- SE/12/02500 - Conservation Area Consent for the demolition of the existing garage. Granted 04.12.12
- SE/12/03178 - The erection of single storey extension to the east elevation and the erection of garage, creation of new driveway and highway crossover. Granted 28.03.13
- SE/12/03179 - Conservation Area Consent for the demolition of part of wall for creation of new gate, driveway and highway crossover. Granted 28.03.13

Agenda Item 4.2

Consultations

Sevenoaks Town Council - 23.05.13

14 “Sevenoaks Town Council recommended refusal on the following grounds:

- The proposal would intrude into the setting of the "important grouping" in the Conservation Area, which includes the adjacent listed buildings, thus conflicting with saved policy EN23 of the Sevenoaks District Local Plan and the NPPF.
- The proposal would harm the integrity of the Conservation Area and the character and appearance of the locality by reason of the confused design and inappropriate architectural treatment, together with two new gates breaking through the old wall along Holly Bush Lane. This would conflict with saved policies EN1 and EN23 of the Sevenoaks District Local Plan, Policy SP1 of the Sevenoaks Core Strategy, and the NPPF.
- The proposal comprises a cramped development which would represent significant overdevelopment of the site and would lack adequate amenity space for any future residents, thus conflicting with saved Policy EN1 of the Sevenoaks District Local Plan.
- The proposal would constitute an undesirable form of development in that it would harm the residential amenities of nearby residents, especially no.2 Park Lane, and thus be contrary to Saved Policy EN1 of the Sevenoaks District Local Plan.
- This proposal would create a fresh dwelling on land which would amount to "garden grabbing" and thus be contrary to the NPPF.

Informative: Although the impact on trees is mentioned in the Design and Access statement is it not clear which trees will be either lost or threatened by the proposed development, making it impossible to reach an informed judgement on this aspect of the application.”

Sevenoaks Town Council - 13.06.13

15 “Sevenoaks Town Council recommended refusal on the following grounds:

- The proposal would intrude into the setting of the "important grouping" in the Conservation Area, which includes the adjacent listed buildings, thus conflicting with saved policy EN23 of the Sevenoaks District Local Plan and the NPPF.
- The proposal would harm the integrity of the Conservation Area and the character and appearance of the locality by reason of the confused design and inappropriate architectural treatment, together with two new gates breaking through the old wall along Holly Bush Lane. This would conflict with saved policies EN1 and EN23 of the Sevenoaks District Local Plan, Policy SP1 of the Sevenoaks Core Strategy, and the NPPF.
- The proposal comprises a cramped development which would represent significant overdevelopment of the site and would lack adequate amenity space for any future residents, thus conflicting with saved Policy EN1 of the Sevenoaks District Local Plan.

Agenda Item 4.2

- The proposal would constitute an undesirable form of development in that it would harm the residential amenities of nearby residents, especially no.2 Park Lane, and thus be contrary to Saved Policy EN1 of the Sevenoaks District Local Plan.
- This proposal would create a fresh dwelling on land which would amount to "garden grabbing" and thus be contrary to the NPPF."

Sevenoaks Town Council – 20.09.13

- 16 “Sevenoaks Town Council noted the minor change to eaves overhang at the sides of the proposed dwelling but wished to reinforce its objection to the scheme.

The change to the side wall of the house will not change its overall impact on Holly Bush Lane. If built it would be oppressive and loom over the footpath creating a tunnel effect in what is now an attractive part of the conservation area. The side elevations of the plan - partly because of the confined nature of the small site - are flat and massive, and in no way live up to the claims of 'Puginesque' character in the design and access statement.

- 17 The Town Council in addition reiterated its earlier objection and recommendation for refusal on grounds that:

- The proposal would intrude into the setting of the "important grouping" in the Conservation Area, which includes the adjacent listed buildings, thus conflicting with saved policy EN23 of the Sevenoaks District Local Plan and the NPPF.
- The proposal would harm the integrity of the Conservation Area and the character and appearance of the locality by reason of the confused design and inappropriate architectural treatment, together with two new gates breaking through the old wall along Holly Bush Lane. This would conflict with saved policies EN1 and EN23 of the Sevenoaks District Local Plan, Policy SP1 of the Sevenoaks Core Strategy, and the NPPF.
- The proposal comprises a cramped development which would represent significant overdevelopment of the site and would lack adequate amenity space for any future residents, thus conflicting with saved Policy EN1 of the Sevenoaks District Local Plan.
- The proposal would constitute an undesirable form of development in that it would harm the residential amenities of nearby residents, especially no.2 Park Lane, and thus be contrary to Saved Policy EN1 of the Sevenoaks District Local Plan.
- This proposal would create a fresh dwelling on land which would amount to "garden grabbing" and thus be contrary to the NPPF.

Conservation Officer – 04.07.13

- 18 “This site is within the designated The Vine Conservation Area and there are several listed buildings nearby. At present there is a garage building with low pitched roof in this location, within the garden to Vine Cottage, which is of no special merit in the CA but is unobtrusive. There is a brick wall along the frontage to Hollybush Lane. Permission has previous been granted for an entrance further north in Holly Bush Lane through the wall and for a new garage to the rear of Vine

Agenda Item 4.2

Cottage. There are a number of trees within and adjoining the plot, the retention of which is essential in conserving the area and setting.

The relevant legislation and guidance with regard to new development in a CA is detailed, but essentially the requirement is that it should 'preserve or enhance'. New buildings are not ruled out in principle viz the new flats and house on the BMW site on The Vine and the new house approved in Avenue Road. The proposed new dwelling has been designed to be small scale and have the appearance of a lodge, (with first floor accommodation within the roof space) such as might be found as ancillary accommodation to a large house. It would be positioned further back from the junction than the garage in order to give trees here more space. The L shaped plan allows for the house to be built behind the brick wall to Holly Bush Road. Overall the design has been carefully considered to make the best use of the site and avoid any adverse impact on existing nearby buildings. It would be located over 30 metres from any of the listed buildings.

The test under the relevant legislation and guidance as to whether a scheme in a CA is appropriate is whether it 'preserves or enhances'. My view is that this is a good design, in keeping with the area in terms of scale, design concept, detailing and materials, would meet these requirements, provided the tree officer is confident that there would be no loss of trees either during the development or in the future as a result of concerns from residents. Recommend approval subject to conditions re details and materials.”

Conservation Officer – 05.09.13

19 “No further comments.”

Conservation Officer – 10.10.13

20 The Conservation Officer confirmed that she would not object to the proposed openings in the eastern boundary wall provided the brickwork on either side of the openings is made good.

The Conservation Officer also confirmed that since only small sections of the wall are to be removed, rather than the wall in its entirety, there would be no requirement for the applicant to submit a separate Conservation Area Consent application.

Finally, the Conservation Officer stated it might be appropriate to condition the doors proposed to be inserted into the wall to ensure they were of an acceptable appearance.

Tree Officer – 03.06.13

21 “I have read through the Arboricultural Report and have studied the Method Statement. Generally, this is fine and I have few concerns providing the recommendations are adhered to. However, there appears to be a discrepancy regarding the location of the services to the new property. This should be clarified so that recommendation could then be given.

Tree Officer – 15.08.13

22 “This (the plan showing the location of the proposed services) appears to be ok to me.”

Highways Engineer – 28.05.13

- 23 “I refer to the above planning application and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority.”

Highways Engineer – 04.10.13

- 24 “I am grateful for the attention that has been given regarding the eave overhang detail on this proposal and confirm that I consider the modified design to be acceptable in highway terms.”

Thames Water – 15.05.13

Waste Comments

- 25 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.
- 26 Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk

Water Comments

- 27 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

- 28 Nine letters of representation have been received from four neighbours highlighting objections to the proposal on the following grounds –
- Cramped arrangement;
 - Overdevelopment of the site;

Agenda Item 4.2

- Impact on the conservation area;
- Impact on the setting of listed buildings;
- Impact on the character of the area;
- Impact on mature trees;
- Design of the proposed house;
- Impact on future occupants of the house;
- Overlooking;
- Clarity of the plans;
- Setting of a precedent;
- Loss of privacy;
- Safety of the construction of the cantilevered side wall;
- Proximity to neighbouring properties;
- Loss of the boundary wall;
- Time to consider additional information;
- Garden grabbing;
- Loss of parking;
- Impact on residential amenity; and
- Content of the Design & Access Statement.

Chief Planning Officer's Appraisal

29 The main issues in this case are the principle of the development, the potential impact on the character and appearance of the area, the potential impact on the setting of nearby listed buildings, the potential impact on neighbouring amenity and the potential impact on trees. Other issues include the potential impact on highways safety, parking provision, affordable housing provision, the Code for Sustainable Homes and sustainable development.

Main Issues

Principle of the development –

- 30 Paragraph 53 of the NPPF states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.
- 31 The NPPF also states that planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value (para. 111).
- 32 Annex 2 of the NPPF provides a definition for previously developed land stating that it is land 'which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.' This definition excludes, amongst other categories, 'land in built-up areas such as private residential gardens, parks, recreation grounds and

allotments’.

- 33 The site falls within the built confines of Sevenoaks and currently forms part of the amenity area to the rear of the existing dwelling. Currently on the rear area of the plot stands a detached garage building. The proposed house would be sited partly on the footprint of the existing garage and partly on the existing garden of the property. Since the proposed site of the house comprises part of the private residential garden I consider that the site falls outside the category of previously developed land for the purposes of an assessment against the NPPF.
- 34 The site as a whole falls within the Sevenoaks Urban Area as defined by policy LO2 of the Core Strategy. This policy seeks to encourage residential development on a range of sites suitable for residential use within the urban area. In my view, the site continues to be suitable for further residential development, given that it currently has a residential use, the plot is sufficient in size to provide for a new dwelling and is located close to the town centre. The proposal therefore complies with policy LO2 and the principle of the development of the site is one that the Council could potentially accept provided the scheme complies with all other relevant development plan policies.
- 35 In conclusion, the site does not comprise previously developed land and is within the built confines of Sevenoaks where residential development is acceptable but only on the basis that the development would respect the local characteristics. An assessment of this issue is carried out below.

Impact on the character and appearance of the conservation area and locality –

- 36 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development in a conservation area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 37 The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (para. 132).
- 38 The NPPF also states that the Government ‘attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.’ (para. 56)
- 39 Policy EN1 of the Local Plan states that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. This policy also states that the design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard. Therefore, I consider that this policy is broadly consistent with the NPPF.
- 40 The Conservation Area Appraisal for the area describes the predominant impression within the conservation area as being one of openness with interesting views across and beyond the cricket pitch. The generous spacing between the properties highlights their own individual characters framed by the trees and the wide expanse of sky above. In addition, the existing house on the

Agenda Item 4.2

site is identified as one that contributes to the character of the area and buildings around the site are identified as forming an important grouping.

- 41 This part of the conservation area certainly possesses an open feeling, with the main house set about 50m back from the rear boundary of the site to the north, 1 and 3 Park Lane about 30m away to the south-west and Vine Lodge situated about 20m to the east. The existing garage building is the only structure in close proximity to the corner and this is single storey in height and low key in design. The corner also has a number of mature trees growing within the proximity of it.
- 42 The proposed house would have a height of 6.9m, an overall depth of about 13m and would be set 7m back from the southern boundary of the site. This compares to a maximum height of 7.4m, an overall depth of almost 17m and a set back of 6m from the southern boundary for the house recently refused. The proposed dwelling would be built hard up against the eastern boundary of the site, as the refused house was proposed to do, with the refused dwelling built on top of the existing boundary wall and the proposed house constructed to overhang the wall.
- 43 The proposed building would close off some of the open character of the area. However, the impact on the character of the area is greatly reduced by the significant reduction in size that the proposed house represents over the previously refused property. From the south, the site would be opened up to a greater extent compared with the refused house due to the proposed reduction in height and the increase in the set back from the southern boundary of the site.
- 44 I would accept that the impression given to those travelling along Holly Bush Lane would be of a reduction in the open feel of the area. However, I would argue that this part of the lane is already restricted to open views by the wall along the eastern boundary of the site and the Vine Lodge development to the west of the lane.
- 45 Given the situation of the site no views across and beyond the cricket pitch are available and so the proposed house would not further restrict these views. Three trees would need to be removed to allow the development to take place. However, several mature trees on the site and adjacent to it would not be significantly affected by the erection of the proposed house. It is therefore the case that the individual character of the dwelling would be framed by these mature trees and the wide expanse of sky above.
- 46 The design of the proposed house is significantly more coherent now, has been simplified and is a great improvement compared to the design of the property refused planning permission. The rendered finish to the walls and clay roof tiles would replicate the appearance of other properties in the locality. Detailing, particularly in relation to the roof of the house, would also add architectural interest to the building. The appearance of the rear projection is also more appropriate, being subservient to the front part of the house.
- 47 The Town Council comments and representations received refer to a cramped arrangement of the proposed house and overdevelopment of the site. I do not concur that the proposal represents overdevelopment of the site. The site has an area of almost 0.12 hectare and so the small footprint of the house would only cover a very small percentage of the site. I would acknowledge the thoughts that the development appears cramped. However, as the Conservation Officer points out, the new dwelling has been designed to be small scale and have the

appearance of a lodge such as might be found as ancillary accommodation to a large house. In this instance I would therefore argue that the small scale of the building, sited in the thinnest part of the site is acceptable.

- 48 Reference has also been made by the Town Council to the two small openings proposed in the eastern boundary wall. These openings would only allow for a new entrance door to the new property and a gate to the rear garden area, and as such these minor alterations to the wall would not have a significant impact on the character of the area.
- 49 The Conservation Officer has provided her view and considers that the design of the proposed house has been carefully considered to make the best use of the site and avoid any adverse impact on existing nearby listed buildings. It is also the case that the Conservation Officer deems the development to be a good design that is in keeping with the area in terms of scale, design concept, detailing and materials and would meet the requirements of relevant legislation and guidance. This includes the proposed depth of the eaves as well as the proposed openings in the eastern boundary wall.
- 50 Overall, I am of the opinion that the proposed dwelling would overcome the concerns had with previous application and so would preserve the significance of the conservation area and the character and appearance of the locality.

Impact on the adjacent listed buildings –

- 51 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.
- 52 The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (para. 132).
- 53 The site lies adjacent to and in close proximity to a number of Listed Buildings including 1, 2 and 3 Park Lane to the north and south-west of the plot. As noted above, the Conservation Officer is of the view that the development would represent good design that would be in keeping with the area in terms of scale, design concept, detailing and materials. As such the Conservation Officer concludes that the proposal would meet the requirement of current legislation and guidance.
- 54 I would therefore argue that the proposal has overcome the previous concerns had with the refused scheme. In addition to the view of the Conservation Officer, the location within the site has been altered and the size of the proposed house has been reduced, which has resulted in the house moving further away from each of the nearby listed buildings. The design of the proposed dwelling is also a significant improvement on that previously considered.
- 55 In conclusion, I am of the view that the proposed dwelling would overcome the concerns had with previous application and so would preserve the significance of the nearby listed buildings.

Agenda Item 4.2

Impact on neighbouring amenity –

- 56 Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 57 Policies EN1 and H6B of the Sevenoaks District Local Plan require that any proposed development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants.
- 58 The proposed house would be located a minimum of 29m from the existing house, 1 Holly Bush Lane, and 1 & 3 Park Lane, to the south-west of the site. These distances of separation would be sufficient distance to ensure that the proposed dwelling would not significantly impact upon the amenities of these properties.
- 59 The property would also be situated a minimum distance of 29m from 2 Park Lane, the adjacent neighbour to the west. The proposed house would therefore not significantly impact the enjoyment of the neighbouring property itself. The west facing first floor windows of the proposed dwelling would face onto an amenity area at the southern end of the neighbouring plot. However, this is not afforded any protection under the current development plan, in terms of any potential overlooking and loss of privacy.
- 60 To the east of the site is a group of buildings that make up Vine Lodge. On the opposite side of Holly Bush Lane to the location of the proposed house is the largest of the group of buildings, Vine Lodge, which is made up of a number of flats. Windows of Vine Lodge face towards the application site at ground and first floor level, a distance of about 12m from the side wall of the proposed house, and it appears that a small amenity area is also sited in close proximity to the proposed dwelling.
- 61 The proposed house would have three windows facing in an easterly direction towards Vine Lodge and the amenity area of the property. One of these windows would serve a bathroom and so could be obscure glazed and fixed shut. The two roof light windows include a secondary window proposed to serve a bedroom and a window to serve a landing. These both appear to be over 1.7m above the internal floor level. However, it would be possible to control these windows to ensure that the proposed development would not lead to detrimental overlooking and a loss of privacy to the occupiers of Vine Lodge.
- 62 The proposed house is small in size and would be provided with a small amenity area. However, the property would enjoy a reasonable outlook, would receive a good amount of daylight and sunlight and would also enjoy an appropriate level of privacy. I would also conclude that the rear amenity area would be acceptable given the location of the property and the proximity to nearby public open space.
- 63 Overall, I therefore consider that the proposed dwelling would overcome the concerns had with previous application and so would preserve the amenities currently enjoyed by the occupiers of nearby properties and would ensure a satisfactory environment for future occupants.

Impact on trees –

- 64 The NPPF states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland (para. 118).
- 65 The site lies within a conservation area and several mature trees stand within the site and adjacent to it. These trees include a Holm Oak tree, which is also covered by a Tree Preservation Order and is located on the opposite side of Holly Bush Lane.
- 66 The applicant has submitted a tree survey, which identifies the mature trees and indicates three trees that would need to be removed. These include a Cedar and two Leyland Cypress trees. The tree report concludes that the loss of these trees would not impact upon the amenity of the area.
- 67 Following confirmation of the location of services to the proposed house the Tree Officer has confirmed that, provided the recommendations given by the tree survey are adhered to, they would raise no objection to the development.
- 68 As such, I am of the view that the development would not lead to a loss of trees that add to the general amenity of the area.

Other Issues

Parking and highways safety –

- 69 Policy EN1 of the Sevenoaks District Local Plan requires that proposed development should ensure the satisfactory means of access for vehicles and provides parking facilities in accordance with the Council's approved standards.
- 70 The proposal would make provision for two off-street parking spaces for the new dwelling, which is considered to be sufficient for a two bed unit in an edge of centre location such as this one. Access to the site would continue to be via the existing vehicular access from the corner of Holly Bush Lane and Park Lane. The continued use of the access is therefore wholly acceptable. In addition, the Highways Engineer has raised no objection to the scheme, which includes a small overhang detail over the boundary wall and highway.
- 71 The creation of a new access for the existing dwelling and a parking area has recently been approved (SE/12/03178) and so it is also the case that the existing house would retain sufficient off-street parking.

Affordable housing –

- 72 Policy SP3 of the Core Strategy requires that residential developments of less than 5 units, that involve a net gain in the number of units, a financial contribution based on the equivalent of 10% affordable housing will be required towards improving affordable housing provision off-site.
- 73 The proposal would result in the net gain of one dwelling and so a financial contribution towards off-site affordable housing provision is required. A completed legal agreement setting out a contribution in line with the formula held within the Affordable Housing SPD (£22,310) has been received and accepted by the

Agenda Item 4.2

Council's legal team. The proposal therefore wholly complies with policy SP3 of the Core Strategy.

Code for Sustainable Homes –

- 74 Policy SP2 of the Core Strategy states that new homes will be required to achieve at least Level 3 of the Code for Sustainable Homes. The applicant has acknowledged this requirement but no information relating to this has been submitted by the applicant. It is possible, however, for the achievement of Level 3 to be required by way of condition on any approval.

Clarity of the plans –

- 75 In carrying out my assessment of the application I have found no issue with the clarity of the plans. Having had the benefit of visiting the site the plans are perfectly clear and leave no doubt in my mind as to what the application is proposing.

Setting of a precedent –

- 76 No precedent would be set by any approval of this application. Each planning application is assessed on its own merits and so if a similar application was submitted on any of the nearby sites the Council would have to assess the acceptability of the development given the specific circumstances of the site and the proposal itself.

Safety of the construction of the cantilevered side wall –

- 77 This would be a matter to be considered under Building Regulations Consent to ensure that the structural soundness of the wall is acceptable. The matter is therefore not a material consideration that needs to be assessed as part of this planning application.

Content of the Design & Access Statement –

- 78 I would acknowledge that a Design & Access Statement is a useful tool in assessing a planning application. However, the decision made on any planning application is based solely on the plans submitted. The content of the Design & Access Statement therefore has no direct bearing on the decision issued.

Loss of the boundary wall –

- 79 As noted above, the applicant proposes to erect a cantilevered side wall of the house, adjacent to and slightly overhanging the eastern boundary wall. It is therefore the case that the wall would remain largely untouched by the erection of the proposed house as discussed above.

Time to consider additional information –

- 80 It is the case that the applicant submitted the tree survey after the initial submission of the planning application. Both the Town Council and Tree Officer were notified that the tree survey had been submitted but in this instance it was not deemed necessary to also notify neighbours. As is always the case with planning applications, neighbours are asked to provide comments within a 21 day period. However, it is possible to consider any representation submitted prior to

the Council making a decision. The tree survey was uploaded onto the website shortly after being received and so any neighbour who wished to comment on the content of the tree survey has had more than sufficient time to do so.

Sustainable development –

- 81 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking (para. 14). For decision-taking this means approving development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies out of date, granting of permission unless:-
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;
 - specific policies in this framework indicate development should be restricted; or
 - material considerations indicate otherwise.
- 82 In my opinion, the proposed scheme fully accords with the development plan, and I have *explained this in detail above. It follows that the development is appropriate and there would be no adverse impact in granting planning permission for the development.*

Access Issues

- 93 None relating to this application.

Conclusion

- 94 It is considered that the proposed dwelling represents sustainable development that would be acceptable in principle, would preserve the significance of the conservation area and the nearby listed buildings, and would preserve the character and appearance of the street scene and neighbouring amenity. Consequently the proposal is in accordance with the development plan and therefore the Officer's recommendation is to approve.

Background Papers

Site and Block plans

Contact Officer(s):

Mr M Holmes Extension: 7406

Richard Morris
Chief Planning Officer

Agenda Item 4.2

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MM08TOBK8V000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MM08TOBK8V000>



4.3 – SE/12/01665/FUL Date expired 31 January 2013

PROPOSAL: Closure of vehicular access from Manor House Gardens. New gated access from Mont St. Aignan Way and new bellmouth. Associated rearrangement of car parking spaces. As amended by plans received 14.08.13 and 10.09.13.

LOCATION: Stangrove Lodge, Manor House Gardens, Edenbridge TN8 5EG

WARD(S): Edenbridge South & West

ITEM FOR DECISION

This application has been referred to the Development Control Committee at the request of Councillor Davison who has concerns that the proposal could be detrimental to highways safety.

RECOMMENDATION A: That subject to receipt of a signed and valid S106 Obligation to secure the highways improvements contribution, that authority be delegated to the Chief Planning Officer to GRANT planning permission 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) In accordance with the approved plan, drawing number 21073/P10 Rev.P4, the pedestrian access onto Manor House Gardens shall be permanently retained in order to cater for the needs of pedestrians accessing the site from the west.

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

3) Adequate precautions shall be taken during the progress of the works to guard against the deposit of mud, stones and similar substances on the public highway in accordance with proposals to be submitted to and agreed in writing by the Local Planning Authority. Such proposals shall include washing facilities by which vehicles will have their wheels chassis and bodywork effectively cleaned and washed free of mud and similar substances.

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

4) No development shall take place until an Access Plan for the site has been submitted to and approved in writing by the Local Planning Authority. The Access Plan should set out:

a) procedures to govern the operation of the gates onto Mont St Aignan Way and ensure they are shut except when vehicles and pedestrians are entering and departing;

b) procedures to cover the possibility of the gate being inoperative due to power cut or

Agenda Item 4.3

mechanical or electrical failure;

c) what arrangements will be made to ensure that residents of the home do not inadvertently walk out onto Mont St Aignan Way; and

d) what arrangements will be made to manage parking on the occasion of any special events.

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

5) The development shall be carried out wholly in accordance with the Method Statement for the foundations and the approved plans, drawing number BW01 Rev. No.B and drawing title Tree Protection Plan Rev.A.

To prevent damage to the protected trees on the site during the construction period and ensure their retention thereafter as supported by the National Planning Policy Framework.

6) The development hereby permitted shall be carried out in accordance with the following approved plans: 21073/E/01 Rev.B, 21073/E10, 21073/E11, 21073/E14 Rev.P1, 21073/P10 Rev.P4, 21073/P11 Rev.P4, 21073/P14 Rev.P1, 3893/F/001 Rev. No. F, 3893/TR/002 Rev. No. C, 3893/TR/003 Rev. No. C, BW01 Rev. No. B and Tree Protection Plan.

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

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

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

The scale, location and design of the development would respect the context of the site and preserve the visual amenities of the locality.

The development makes provision for the safe means of vehicular access to and from the site.

Informatives

1) Please be aware that this development is also the subject of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.

2) The applicant should be aware of the need to enter into a Section 278 Agreement with the Highway Authority before commencing any works on the highway or verge.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may

arise in the processing of their application,

- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line
(www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Was updated of small scale issues which arose during the process of the application and was given time to address it.

RECOMMENDATION B: In the event that the legal agreement is not completed within 42 days of the decision of the Development Control Committee, the application be REFUSED for the following reason:

- 1) The proposal would lead to a requirement to contribute towards the costs of consultation, advertisement and marking out double yellow line waiting restrictions (or Clearway or similar arrangements) on Mont St Aignan Way. In the absence of a completed Section 106 obligation to secure an appropriate level of contribution towards highways improvements, the development would be contrary to policy EN1 of the Sevenoaks District Council Local Plan.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line
(www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and

Agenda Item 4.3

- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Working in line with the NPPF, the application was refused as the proposal failed to improve the economic, social or environmental conditions of the area.

Description of Proposal

- 1 The application seeks consent for the creation of a new access onto Mont St Aignan Way, with the existing vehicular access from Manor House Gardens proposed to be closed up, and associated rearrangement of car parking spaces within the site.
- 2 The proposed access would comprise both vehicular and pedestrian access onto the relief road. The vehicular access would allow two vehicles to pass as one vehicle arrives and one departs. The pedestrian access is proposed to be linked to the existing footway on the opposite side of Mont St Aignan Way by way of a footpath up to the edge of the road on both sides.
- 3 The rearrangement of car parking spaces would result in a slight amendment to the layout of the parking and turning areas approved as part of the recent consent for extensions to be carried out to the main building. However, a total of 30 parking spaces would continue to be retained as would the proposed turning area within the site.

Description of Site

- 4 The current site consists of a large irregular shaped single storey nursing home building on a rectangular shaped plot. The home was originally constructed in the 1980s, has been extended since first built and has consent to be extended further.
- 5 The site lies within close proximity to the town centre. It is flanked on its eastern side by the Edenbridge relief road, the boundary of which consists of a large brick wall. On all other boundaries, the site is surrounded by two storey residential dwellings consisting of Victorian semi-detached dwellings on Stangrove Road to the north, and a 1960s/1970s housing estate known as Manor House Gardens on its western and southern boundaries. Access to the nursing home is provided through Manor House Gardens.
- 6 The site is well landscaped in part, and a group of trees on the western and southern boundary of the site are protected by a Tree Preservation Order.

Constraints

- 7 The site lies within the built confines of Edenbridge and a group of trees on the western and southern boundary of the site are protected by a Tree Preservation Order

Policies

Sevenoaks District Core Strategy

8 Policies – L01, L06, SP1 and SP11

Sevenoaks District Local Plan

9 Policies – EN1 and VP1

Other

10 The National Planning Policy Framework (NPPF)

Planning History

11 SE/79/01190 - Outline application for the erection of aged persons home and day care centre. Granted 07.02.80

SE/80/01686 - Details of aged person home. Granted 17.11.81

SE/02/01516 - Single storey extension to provide additional lounge and dining facilities for residents. Granted 04.10.02

SE/07/03338 - Erection of single storey conservatory. Granted 28.12.07

SE/10/00712 - Erection of single storey extensions to existing residential care home. Granted 29.04.10

SE/11/01392 - Removal of existing roofs and erection of first floor over extended ground floor to increase the total number of bedrooms at the care facility to 84. Granted 01.09.11

Consultations

Edenbridge Town Council – 24.07.12

12 “Members object extremely strongly to this application and believe that it must be refused. The Green Corridor established as part of the relief road development was created to ensure that entrances were prohibited onto the Mont St Aignan Way, the Relief Road, to ensure that the flow of traffic was not interrupted and was therefore not tempted to seek alternative routes through the High Street, lessening the impact of the scheme. This was upheld by the Inspector at appeal. The proposal would result in hold ups to traffic in the single carriageway stretch of the road and is unacceptable. Both District Council members for the ward wish the Officers to know that they strongly object to this proposal and the implications that it would have on the town as a whole.”

Edenbridge Town Council – 12.09.12

13 “Members object as they believe that there is still insufficient parking.”

Edenbridge Town Council – 10.10.12

14 “Members continue to object to this proposal believing that the free flowing of traffic along the Relief Road is crucial to maintaining the improved viability of the

Agenda Item 4.3

High Street. The additional information clearly shows that lorries will have to cross onto the other carriageway to achieve the required turning circle, holding up traffic travelling in both directions. Members would have no objection to building materials being lifted into the site during the construction period over the wall from the green corridor providing any damage is repaired at the end of the project.”

Edenbridge Town Council – 21.12.12

- 15 “Members felt the red line added little and wish to restate all their previous comments.”

Highways Engineer – 27.07.12 - (Note that the response dated 28.12.12 replaces earlier comments)

- 16 “I would be grateful for an extension of time in which to respond, while waiting for information from the Applicants on the following:
1. traffic survey data
 2. use of the proposed exit by pedestrians (residents)
 3. other design aspects of the premises and boundary wall.”

Highways Engineer – 14.09.12

- 17 “Thank you for sending the Transport Statement from 11/01392, including Appendix 3.
- 18 One of the concerns raised by the new application is the possibility of congestion outside the proposed gate while visitors’ cars are waiting for it to open.
- 19 The survey of arrivals and departures in Appendix 3 suggests there may be occasions when two vehicles could arrive at the entrance or more or less the same time. This could particularly be a problem if the second car arrived from the north and, having to cross the Relief Road to access the gate, could partially obstruct the road while waiting for the gate to open. We should allow sufficient room for two cars to wait in front of the gate to avoid obstructing the B2026 Relief Road. This matter would also appear to be relevant to the Town Council’s response.
- 20 The traffic survey also shows the arrival and departure of a lorry described as a “kitchen delivery”. As no vehicle tracking diagrams have been provided, it is not clear whether the proposed 4.8 metre wide access is of sufficient width to allow a lorry to enter or leave at the same time as a car going in the opposite direction.
- 21 We would need the above issues to be resolved if this application is to be taken forward, and I therefore suggest the following:
1. Drawings to be changed to show the gate set back to approximately 12 metres from the edge of the carriageway of the Relief Road,
 2. a tracked-path drawing of a delivery lorry to demonstrate that the proposed access is wide enough for simultaneous arrivals and departures;

Agenda Item 4.3

3. minor changes to parking near the gate to provide more manoeuvring room as suggested on the attached sketch (which is indicative only).”

Highways Engineer – 15.10.12

- 22 “In the resubmitted application the proposed new gate has been moved further back from the carriageway of B2026 Mont St Aignan Way, permitting two cars to arrive there while the gate is opened. This will make the entrance safer to use.
- 23 In my response of 14/9/12 a tracked-path diagram was requested to show how a delivery lorry could enter the site while a car was departing (or vice versa). The drawing subsequently provided shows a 7.5 tonne box-van which could be for example 8.1 metres long and 2.5 metres wide. However the latest drawing supplied appears to show only the wheel tracks which are approx 2 metres apart, rather than the “envelope” traced out by the entire vehicle. The drawing is therefore inconclusive.

Other concerns:

- 24 We are concerned that the proposed vehicular access onto Mont St Aignan Way makes no provision for pedestrians – either staff or visitors. Indeed the Applicant’s agent issued a letter 15/8/12 (filed under Associated Information) stating “staff ...on foot are not permitted to use the new access – if staff are caught using the new vehicular entrance on foot they will be disciplined.” Thus although access will be improved for car drivers, pedestrians wishing to access the town centre, railway station etc, will still be expected to walk the time-consuming and circuitous route via Manor House Gardens. This appears to be at odds with Sevenoaks Local Plan which states the Council’s intention to “improve pedestrian accessibility...and encourage alternative modes of transport.” It also contrasts with the Transport Statement of application 11/01392 (to increase the number of rooms to 84), which highlights that “The facility is located in a sustainable location, close to many amenities and sustainable transport nodes. Furthermore, the pedestrian and cyclist facilities in proximity are of a good standard”. The Transport Statement also asserts that “the majority of care staff at the existing facility are local to the area and therefore it is not unreasonable to restrict the number of parking spaces available for staff to below the existing provision and expect a larger proportion to access the facility by sustainable mode.”
- 25 After considering the above issues, I do not intend to object to this application provided that any permission granted is subject to conditions
1. The entrance to the site from Mont St Aignan Way to be built according to a design to be agreed in writing with the Highway Authority. This should include provision for pedestrians. (Reason: Highway Safety, Sevenoaks policy*);
- * The Adopted Core Strategy will not download from the SDC website; please insert appropriate policy for pedestrian improvements and modal shift to walking, cycling, public transport etc
2. Pedestrian access between the site and Manor House Gardens will be retained;
 3. Standard condition for means to prevent mud, gravel etc being brought onto the highway during construction. (Reason: Highway safety).

Agenda Item 4.3

4. Before construction commences, the Planning Authority in consultation with the Highway Authority must approve an Access Plan which the Applicant should submit to set out:

a) procedures to govern the operation of the gate and ensure it is shut except when vehicles are entering and departing; procedures should cover the possibility of the gate being inoperative due to power cut or mechanical or electrical failure; (Reason: Highway Safety);

b) to show how pedestrians including staff and visitors will use the gate (or any additional pedestrian gate) to facilitate access between the site and Edenbridge town centre and Mt St Aignan Way; (Reason: Sevenoaks Strategy *)

c) to specify what arrangements will be made by the Applicants to ensure that residents of the home cannot inadvertently walk out onto Mont St Aignan Way (Reason: Highway safety, to avoid the possibility that someone in a state of dementia or other confusion may walk onto this main road);

d) to specify arrangements for management of parking on the occasion of any special events, such as fetes. (Reason: Highway Safety – to avoid parking on B2026 Mont St Aignan Way).

- 26 In addition, I must request that the Applicant provides a section 106 payment of £4000 to cover the costs of consultation, advertisement and marking out double yellow line parking restrictions (or Clearway or similar arrangements) on Mont St Aignan Way, with the proviso that any funds unspent after 5 years are to be repaid.”

Highways Engineer – 16.10.12

- 27 “To explain our concerns about the design of the entrance on the drawings submitted to date.
- 28 First of all the issue of pedestrians. Visitors who walk to Stangrove Lodge are more likely to use the front gate as (1) it provides the shortest possible route from the site to the town centre, railway station, bus stops, shops etc, and (2) it will be the most obvious entrance. Whether or not pedestrian facilities are specifically constructed, pedestrians will use this new entrance, and we should be providing them (as set out in policy SP2 of SDC's Core Strategy).
- 29 The Council will support and promote measures to reduce reliance on travel by car Specifically it will: 2. Seek improved facilities for cyclists and pedestrians
- 30 In the submitted design, pedestrian visitors would call at the vehicle gate, and walk in and out on the roadway, as no footway is proposed. This could be a particular concern if they need a dropped kerb on the east side of Mont St Aignan Way, where at present there are no nearby dropped kerbs. What is needed is (1) a pedestrian gate just north of the proposed vehicle entrance, (2) a short length of footway to connect this to a dropped kerb nearby at the edge of Mont St Aignan Way, (3) a matching dropped kerb on the opposite (east) side of Mont St Aignan Way and a short length of footway to connect this to the main footway along the east side of Mont St Aignan Way.

Agenda Item 4.3

- 31 Secondly, the width and other details of the proposed vehicle entrance. From the information supplied so far, it is not clear if the proposed gateway is wide enough to accommodate a car arriving while a delivery lorry is departing (or vice versa). The supplied tracked-path drawing appears to show the wheel tracks of the lorry, not the full width required to accommodate the bodywork. This information needs to be resupplied, as if the gateway (including the area in front and behind the gate) is not wide enough, this could lead to congestion at the gate which could affect Mont St Aignan Way.
- 32 Please note (Informative) that the proposed vehicle entrance "bellmouth" would be constructed on highway verge so the applicant would need to enter a Section 278 agreement with the Highway Authority before any works could commence."

Highways Engineer – 28.12.12 – (Final Comments)

- 33 "The revised proposals (e.g. drawing 21073 / p11 Rev p4 "Proposed new vehicular access") should provide adequate access to the site as they show increased room for vehicles to pass each other inside the entrance, as shown on the new tracked path diagrams dated 4/12/12.
- 34 I do not intend to object to this application provided that any permission granted is subject to the following conditions:-
1. Pedestrian access between the site and Manor House Gardens will be retained, in order to cater for the needs of pedestrians accessing the site from the west;
 2. Standard condition for means to prevent mud, stones etc being brought onto the highway during construction. (Reason: Highway safety).
 3. Before construction commences, the Planning Authority in consultation with the Highway Authority must approve an Access Plan which the Applicant should submit to set out:
 - a) procedures to govern the operation of the gates onto Mont St Aignan Way and ensure they are shut except when vehicles and pedestrians are entering and departing; procedures should cover the possibility of the gate being inoperative due to power cut or mechanical or electrical failure; (Reason: Highway Safety);
 - b) to specify what arrangements will be made by the Applicants to ensure that residents of the home cannot inadvertently walk out onto Mont St Aignan Way (Reason: Highway safety, to avoid the possibility that someone in a state of dementia or other confusion may walk onto this main road);
 - c) to specify arrangements for management of visitor parking especially on the occasion of any special events, such as fetes. (Reason: Highway Safety – to avoid parking on B2026 Mont St Aignan Way).
- 35 In addition, I must request that the Applicant provides a section 106 payment of £4000 to cover the costs of consultation, advertisement and marking out double yellow line waiting restrictions (or Clearway or similar arrangements) on Mont St Aignan Way, with the proviso that any funds unspent after 5 years are to be repaid. The waiting restrictions would be subject to consultation and also subject to approval by the Joint Transportation Board.

Agenda Item 4.3

- 36 Informative: If this planning application is approved, the Applicants would be required to enter into a Section 278 Agreement with the Highway Authority before commencing any works on the highway or verge.”

Tree Officer – 27.07.12 – (Note that the response dated 19.09.13 replaces earlier comments)

- 37 “I can inform you that a group of 7 mature Oak trees are situated within the south eastern corner of this site. These trees are protected by TPO 15 of 2011 and are of high amenity value. At the time of my inspection, these trees appeared to be in a sound and healthy condition. According to the plan provided, drawing no. 21073/P11, the proposed gateway would be constructed 3.0m from the nearest tree. I have estimated that this tree requires a RPA of 9.12m. The new access would be constructed 4.0m from the base of this tree. It can be seen that significant incursion into the root protection area would be taking place. An additional oak tree would be situated 6.0m from the new brick piers. Unless the developer can demonstrate that the proposed access can be constructed without damaging these trees, I recommend that consent be denied.”

Tree Officer – 11.09.12

- 38 “Unless the applicant can demonstrate how they can construct the driveway within RPA without detriment to the nearby mature protected trees, I suggest refusal of this application. This is not suitable for condition and the aforementioned must be resolved prior to any consent being provided.”

Tree Officer – 15.10.12

- 39 “Under well managed conditions and utilising well researched and non invasive materials building within the expected RPA of these trees is feasible with great care. Unfortunately I have on a number of occasions visited this site and witnessed various detrimental works within what should be an RPA. There has been no protective fencing where fencing should of and had been agreed to be erected. Storage of materials and mixing of cement within agreed RPA. Despite my complaints of the aforementioned to site staff, the breaches continued.
- 40 In order for the Arb consultants proposals to work, they need to be managed very precisely and carefully. Given the history of the works upon this site I have great concerns that these protected Oak trees will continue to be harmed and ignored as they have been in the past. I am not therefore convinced that this proposal is a viable one that will take account of the trees to be retained. I cannot therefore support this application.”

Tree Officer – 02.01.13

- 41 “It does not appear that any new information has been provided since previous comments from both tree officers reports. I suggest therefore that previous comments remain unanswered.”

Tree Officer – 16.04.13

- 42 “I have read through the method statement, although some of the points raised are acceptable I still have some concerns regarding the foundation design. The developer states that they intend to install concrete pads 150mm below ground level. Concrete ground beams would span between these pads. The necessary

excavation for the pads and beam could result in root severance, which could result in the demise of a protected tree. A preferable option may be for the ground beam to be located at or above ground level, thereby reducing the necessary excavation to a minimum.”

Tree Officer – 30.08.13

- 43 I have read through the Arboricultural Method Statement provided by the developer. Generally, this is acceptable, providing the recommendations within the report are followed, then I have no further concerns. My main concerns centre on the design of the ground beam. I was under the impression that this beam would be situated at or above ground level. However, according to the plan provided, this beam would be situated at minimum of 150mm below ground level. This could result in root severance. Perhaps you could advise?

Tree Officer – 19.09.13 – (Final comments)

- 44 “The amended design appears to be acceptable, as the ground beam has been raised to ground level. Providing care is taken and no major roots are severed (should they be encountered), I have no further objections.”

Representations

- 45 Six letters of representation have been received in support of the proposal stating that:

- The new access would allow access for site traffic;
- The new access would allow for traffic using the extended care home rather than Manor House Gardens;
- The new access would reduce the amount of traffic passing along Manor House Gardens;
- Minimal impact on highways safety on Mont St Aignan Way; and
- Improved highways safety on Manor House Gardens.

- 46 Four letters of representation have been received highlighting concerns regarding:

- The use of the access as a short cut by the public; and
- Parking of vehicles on Manor House Gardens.

Chief Planning Officer’s Appraisal

- 47 The main issues in relation to the consideration of this application are highways safety, impact on trees and impact on the character of the area. Other issues include parking provision and neighbouring amenity.

Main issues

Highways safety –

Agenda Item 4.3

- 48 Policy EN1 of the Sevenoaks District Local Plan requires that proposed development should ensure the satisfactory means of access for vehicles.
- 49 The proposal comprises the creation of a new vehicular and pedestrian access from the existing site onto Mont St Aignan Way. The vehicular access would allow for two vehicles to pass one another through the access, which would assist in avoiding situations where a vehicle is unable to turn into the site causing traffic to build up along the relief road. The gates to the access would be electronically controlled. However, the gates would be located 11.5m back from the edge of the highway to allow a minimum of a delivery lorry or two cars to wait in front of the gates while they open.
- 50 Minor alterations are also proposed within the site to ensure that access beyond the gates is not impeded. These alterations comprise the moving of one parking space forward slightly to open up the internal driveway adjacent to the proposed gates.
- 51 Pedestrian access to the site is also proposed to be provided adjacent to the vehicular access. This would link to the existing footway on the eastern side of Mont St Aignan Way via a footpath either side of the road. In closing up the existing vehicular access it is proposed to retain a pedestrian access into the site from Manor House Gardens, as well as access to the refuse collection point.
- 52 The Highways Engineer has provided detailed comments through out the process of considering the proposal. As a result of their input the application has been amended to provide a safer vehicular access, by pushing the gates further into the site and ensuring that vehicles can pass one another through the proposed access, and to provide the pedestrian access.
- 53 The Highways Engineer has therefore indicated that they are in support of the proposal subject to several conditions and a requirement for the applicant to enter into a legal agreement in relation to highways improvements around the proposed access. The applicant has agreed to enter into such an agreement but this has yet to be completed. This is reflected in the two recommendations that have been put before the Members of the Committee.
- 54 The representations received have highlighted a concern regarding the use of the pedestrian access as a short cut by the public and parking of vehicles on Manor House Gardens. The pedestrian access would be controlled by the owners of Stangrove Lodge and so it would be difficult for members of the public to pass through the site. In addition, parking along Manor House Gardens is currently unrestricted and so it is not possible to control who parks their vehicle along the street.
- 55 Given the view provided by the Highways Engineer I would therefore conclude that the proposed vehicular and pedestrian accesses would preserve highway safety.

Impact on trees –

- 56 The NPPF states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland (para. 118).

Agenda Item 4.3

- 57 The site possesses a number of trees covered by Tree Preservation Orders. This includes the area in the south-east corner of the site where seven mature Oak trees are situated and where the new vehicular access is proposed.
- 58 The proposed works would involve the laying of hard standing and the erection of a brick wall and piers within the root protection area of a number of the protected trees. The applicant has therefore submitted a method statement for constructing the foundations of the proposed wall and information in relation to the works in the root protection areas. It is proposed to minimise disturbance of the ground in the root protection areas, would comprise a no-dig construction, any excavation work would be subject to arboricultural supervision, ground protection would be laid where necessary and tree protection fencing would be erected across the site.
- 59 Subject to the method statement being adhered to at all times during the period of construction the Tree Officer has confirmed that he would now raise no objection to the proposed development.
- 60 I am therefore of the view that the proposed development would not result in the loss of aged or veteran trees that add to the amenity of the area.

Impact on the character of the area –

- 61 The NPPF also states that the Government ‘attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.’ (para. 56)
- 62 Policy EN1 of the Local Plan states that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. This policy also states that the design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard. Therefore, I consider that this policy is broadly consistent with the NPPF.
- 63 The character of Mont St Aignan way is defined by the deep grass verges that line the road, the boundaries of adjacent properties and existing junctions with other roads and accesses. The proposed vehicular access would therefore not be the only access provided onto the relief road. Aside from the main junctions with Stangrove Road, Lingfield Road, Tekram Close and Cobbetts Way, access is also provided for the Co-op store and 21 Lingfield Road.
- 64 The proposed access would therefore add to a number of existing junctions and accesses provided onto Mont St Aignan Way, but would retain the existing verge either side of the proposed bellmouth.
- 65 I am therefore of the opinion that the proposed access would not appear out of character within the locality.

Other Issues

Parking provision –

Agenda Item 4.3

- 66 Policy EN1 of the Sevenoaks District Local Plan requires that proposed development should provide parking facilities in accordance with the Council's approved standards.
- 67 The number of parking spaces provided on site would be the same number approved under the recent consent to extend the care home. This parking provision continues to be wholly acceptable.

Impact on neighbouring amenity –

- 68 Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 69 Policy EN1 of the Sevenoaks District Local Plan requires that any proposed development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants.
- 70 The proposal involves the closing up of the existing vehicular access from Manor House Gardens. This will reduce the number of vehicle movements on Manor House Gardens, particularly of larger vehicles accessing the site. I therefore consider that the proposal comprises an improvement on the amenities currently enjoyed by the occupants of properties on Manor House Gardens.
- 71 Representations provided have highlighted concerns regarding the use of any pedestrian access through the site as a short cut and the continued use of Manor House Gardens for the parking of vehicles by those visiting the care home. The pedestrian access onto Mont St Aignan Way would be controlled restricting access through the site to members of the general public. In addition, parking on Manor House Gardens is unrestricted and so the Council has no control over who parks on the street.
- 72 The new access links the site to the adjacent relief road, where a significant number of vehicle movements occur. The use of the proposed vehicular access would add to the number of vehicular movements. However, the access is sited over 30m from the rear of the nearest residential properties, which are screened from Mont St Aignan Way by boundary fencing and mature vegetation.
- 73 I am therefore of the opinion that the proposal would preserve the amenities currently enjoyed by the occupiers of the nearby neighbours.

Sustainable development –

- 74 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking (para. 14). For decision-taking this means approving development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies out of date, granting of permission unless:-
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;

- specific policies in this framework indicate development should be restricted; or
- material considerations indicate otherwise.

75 In my opinion, the proposed scheme fully accords with the development plan, and I have explained this in detail above. It follows that the development is appropriate and there would be no adverse impact in granting planning permission for the development.

Conclusion

76 It is considered that the proposed access would preserve highways safety, would not have a detrimental impact on protected trees and would preserve the character and appearance of the area. Consequently the proposal is in accordance with the development plan and therefore the Officer's recommendation is to approve.

Background Papers

Site and Block plans

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

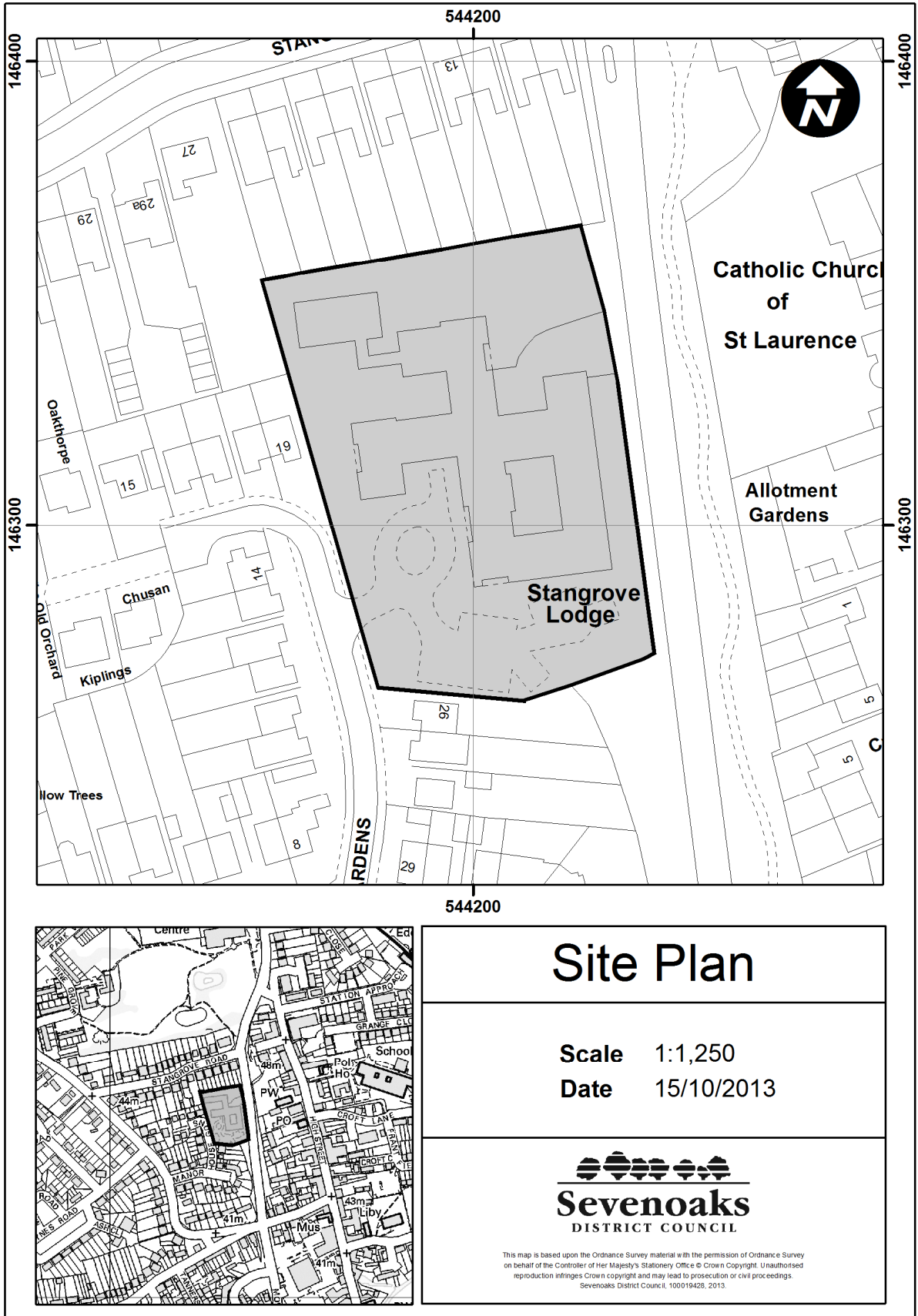
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=M67Q57BK8V000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=M67Q57BK8V000>



This page is intentionally left blank

4.4 – SE/13/02285/HOUSE Date expired 27 September 2013

PROPOSAL: Demolition of existing rear extension and outbuilding to be replaced with two storey and single storey rear extension.

LOCATION: Polands Farm, Four Elms Road, Edenbridge TN8 6LT

WARD(S): Cowden & Hever

ITEM FOR DECISION

This application has been referred to Development Control Committee at the discretion of the Chief Planning Officer in view of its controversial nature.

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

The proposed extension, due to its bulk and scale, conflicts with Policy H14A of the Local Plan and represents a disproportionate addition to the original dwelling and inappropriate development within the Green Belt. It is not considered that very special circumstances have been demonstrated sufficient to outweigh the substantial harm identified. The proposal is therefore contrary to the provisions of the National Planning Policy Framework.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line (www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Working in line with the NPPF, the application was refused as the proposal failed to improve the economic, social or environmental conditions of the area.

Agenda Item 4.4

Description of Proposal

- 1 A two storey side/rear extension is proposed, creating a second rear gable, along with a further single storey rear extension.
- 2 An outbuilding and existing rear extension will be demolished to make way for the rear additions.

Description of Site

- 3 Polands Farm is located just south of Four Elms, within the Green Belt.
- 4 The Farm is historic and appears on Ordnance survey maps around 1900. The original farmhouse has been extended and altered at numerous occasions, post seemingly pre-1948.
- 5 Neighbouring Polands Oast House (converted to residential) is Grade II listed.

Planning History

- 6 SW/5/64/265 Proposed improvements. Granted.

80/00577/HIST Demolition of two outbuildings, erection of stable building comprising 5 loose boxes and feed store and use of land for the grazing and keeping of horses. Granted.

80/01490/HIST Alterations and extension to rear of dwelling. Granted.

03/00725/FUL Demolition of previous extension and annexe (part) and construction of new extension in lieu. Granted.

Policies

Sevenoaks District Local Plan

- 7 Policies – EN1, VP1, H14A

Sevenoaks Core Strategy

- 8 Policies - SP1, SP2, L08

Other

- 9 NPPF

Constraints

- 10 Green Belt

Representations

- 11 None received.

Hever Parish Council

12 *No objection*

Consultations

Tree Officer

13 *Some vegetation will need to be removed to accommodate this proposal. None of which I consider to be important specimens, therefore no objections.*

Thank you for consulting with us about this application.

KCC Highways

14 *I would recommend the site plan is updated to show the 2m x 30m minimum visibility splays which need to be provided at the new access for reasons of highway safety.*

I have no objection to the proposals, but would request that the following informatives are forwarded to the Applicants:

1. *Visibility splays of at least 2m x 30m should be maintained at all times at the proposed new access, for reasons of highway safety.*

2. *The above comments do not convey any approval for construction of the required vehicle crossover (i.e. new connection with Five Fields Road), or any other works that may be within the highway or affect it, for which a licence must be obtained. The Applicant should contact Kent County Council Highways and Transportation (web:http://www.kent.gov.uk/roads_and_transport/highway_improvements/parking/dropped_kerbs.aspx telephone: 08458 247800) in order to obtain the necessary Application Pack. Please allow at least eight weeks notice.*

Chief Planning Officer's Appraisal

Considerations

15 Principle of development - The impact upon the Green Belt;

The impact upon the character and appearance of area

Impact upon residential amenity;

Access issues.

Principle of the development - Impact upon the Green Belt

Appropriate development in the Green Belt?

16 NPPF establishes that new buildings inside a Green Belt are inappropriate unless for one of a number of purposes. This includes the limited extension of existing dwellings, provided that it does not result in disproportionate additions over and above the size of the original building.

Agenda Item 4.4

- 17 Policy H14A of the Sevenoaks District Plan deals with extensions within the Metropolitan Green Belt. It lists a number of criteria with which the extension must comply:
- 1) *The existing dwelling was designed and originally constructed for residential use and built on permanent foundations on the site;*
 - 2) *The “gross floor area” of the existing dwelling plus the “gross floor area” of the extension does not exceed the “gross floor area” of the “original” dwelling by more than 50%;*
 - 3) *The proposed extension would not facilitate the creation of a separate residential unit;*
 - 4) *The design of the extension is sympathetic and well articulated to the existing dwelling and does not result in a large, bulky or intrusive building in the landscape;*
 - 5) *Extensions to mobile homes and buildings not designed for permanent residential use will not be permitted, neither will proposals to extend a converted dwelling;*
 - 6) *Proposals to extend a replacement of an “original” dwelling will only be permitted if the “gross floor area” of the replacement dwelling plus the “gross floor area” of the extension does not exceed the “gross floor area” of the “original” building by more than 50%.*
- 18 The policy text clarifies that ‘original’ as *the dwelling and domestic outbuildings as existing on 1st July 1948; or if no dwelling existed on that date, then “original” means the dwelling as first built after 1st July 1948, i.e. excluding in either case any extensions or outbuildings built after 1st July 1948 or first completion.*
- 19 The property has been extensively extended, with numerous additions to the rear.
- 20 The 2003 application (03/00725/FUL) established that the original floor space of the dwelling was 293m², and the submitted plans put the original floor space figure at 286.79m² (which discounts the 80/01490 rear playroom extension).
- 21 However, it is evident from a planning history search that in 1964 (SW/5/64/265) shows a side addition (a study, w/c and first floor area) being granted. This was counted as original for the purposes of the previous application, unfortunately in error.
- 22 In discounting this side addition, which adds up to approximately 25m², the ‘original’ floor space is considered to be 261.79m² (the calculations provided match the measurements on plan). This gives a 50% addition limit of 392.6m².
- 23 The proposed extensions add up to 420.69m², which corresponds to 61% over the ‘original’ 1948 floor space. The increase in bulk and scale at first floor results in harm to the openness of the Green Belt.
- 24 It is therefore considered that the proposal conflicts with the above policy and represents a disproportionate addition inappropriate in the Green Belt.

- 25 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. These are considered in detail below.

Impact upon the character and appearance of the existing property and the wider area.

- 26 Policy EN1 (from SDLP) state that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. This policy also states that the design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard and that the proposed development should not have an adverse impact on the privacy and amenities of a locality.
- 27 Criterion 4 of Policy H14A also requires the design of the extension to be sympathetic and well articulated to the existing dwelling and not result in a large bulk or intrusive building in the landscape.
- 28 Policy SP1 of the Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated.
- 29 The proposed extensions involve the additional of a second gable to the rear, as well as the two storey side addition. These extensions do not detract from the visual appearance of the dwelling.
- 30 Whilst the ground floor extension is increased from that proposal and is designed in a more modern contemporary manner (as is the rear facing first floor fenestration), on balance, whilst certainly extensive in scale, in terms of the visual impact they successfully retain the overall character and appearance of the existing dwelling.
- 31 The neighbouring property to the west, Polands Oast House, is Grade II listed.
- 32 National guidance relating to listed buildings is set out in NPPF, (12. Conserving and enhancing the historic environment) which states that 'significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting'.
- 33 NPPF states that any harm or loss affecting should require clear and convincing justification.
- 34 The development is sited on the southern and eastern side of the application property, away from this neighbour. Given that the development is considered to be acceptable in terms of its visual impact upon the existing character of the application property it is not considered that the proposed extensions will have a detrimental impact upon the setting of the Listed Building.

Agenda Item 4.4

Impact upon residential amenity

- 35 Policy EN1 from the Sevenoaks District Local Plan states that the proposed development does should not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements.
- 36 In terms of the impact of the development upon neighbouring properties, given the siting of the extensions it is not considered that they would have any unacceptable impact upon the amenities of Polands Farm Oast to the west.
- 37 The neighbour to the east, 3 Poland Cottages are separated by a distance of approximately 43m and Five Fields Lane.
- 38 It is also then considered that the development will not have any unacceptable impact on the amenities of this neighbour .

New access

- 39 A new access is proposed off Five Fields Lane to the east of the property. This access was also proposed for the 2003 application (03/00725/FUL) and was considered acceptable subject to a condition (4) regarding visibility splays.
- 40 The KCC Highways Officer again recommends that 2m x 30m minimum visibility is provided, and again a condition to this effect is considered appropriate.

Do the Very Special Circumstances clearly outweigh the identified harm?

- 41 As established above, the scale of the extension represents inappropriate development in the Green Belt.
- 42 No specific very special circumstances have been put forward to support the application (as the submitted floor space calculations measure the extension as being within the 50% limit), however in this case it is noted that the extensions are to provide a more accessible space for a wheelchair user.
- 43 Internally the space is arranged with level access and ground floor, widened doors and corridors, dropped window cills etc, however it is considered that this could be the case with a slightly smaller extension that complies with the floor space limit requirements.
- 44 It is also unfortunate that the submitted original floor space figure was based on that agreed and accepted in error for the 2003 (03/00725) application. This inconsistency is regrettable, however as this was an error we could not accept it as a basis for very special circumstances for floor space calculations, when the historic 1964 plans are clear.
- 45 These issues then are not considered to add up to circumstances clearly outweigh the harm identified to the openness of the Green Belt.

Other matters

- 46 The Tree Officer has no objection to the removal of the limited amount of vegetation that will need to be removed to make way for the extension.

Conclusion

- 47 In summary, it is considered that the proposed demolition of existing rear extension and outbuilding to be replaced with two storey and single storey rear extension, due to its scale conflicts with Policy H14A of the Local Plan and represents a disproportionate addition to the original dwelling and inappropriate development within the Green Belt. The very special circumstances demonstrated do not above outweigh the substantial harm identified. The proposal is therefore contrary to the provisions of the National Planning Policy Framework.
- 48 Recommendation – that planning permission be refused.

Contact Officer(s): Ben Phillips Extension: 7387

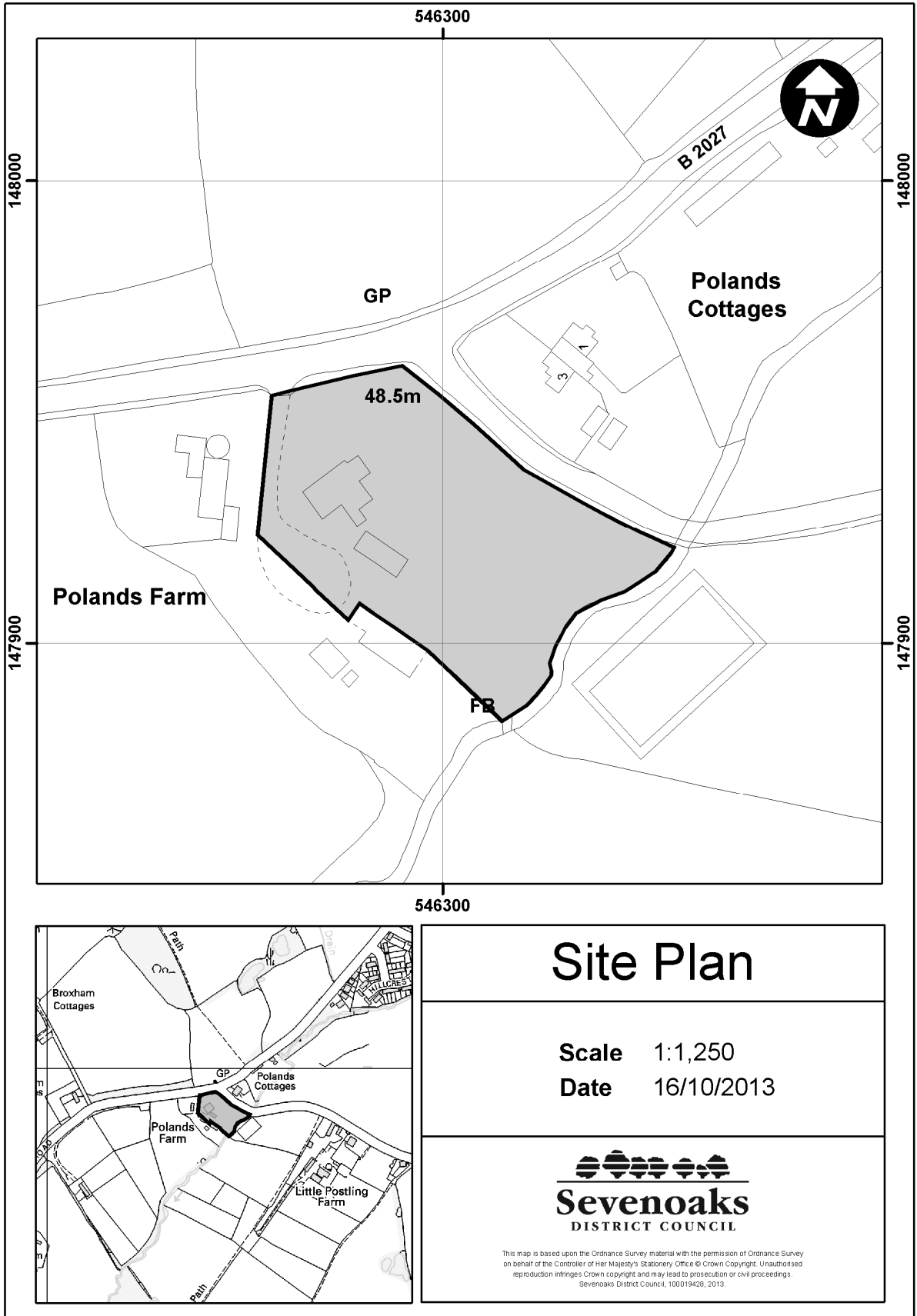
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MQSTWTBKOLA00>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MQSTWTBKOLA00>



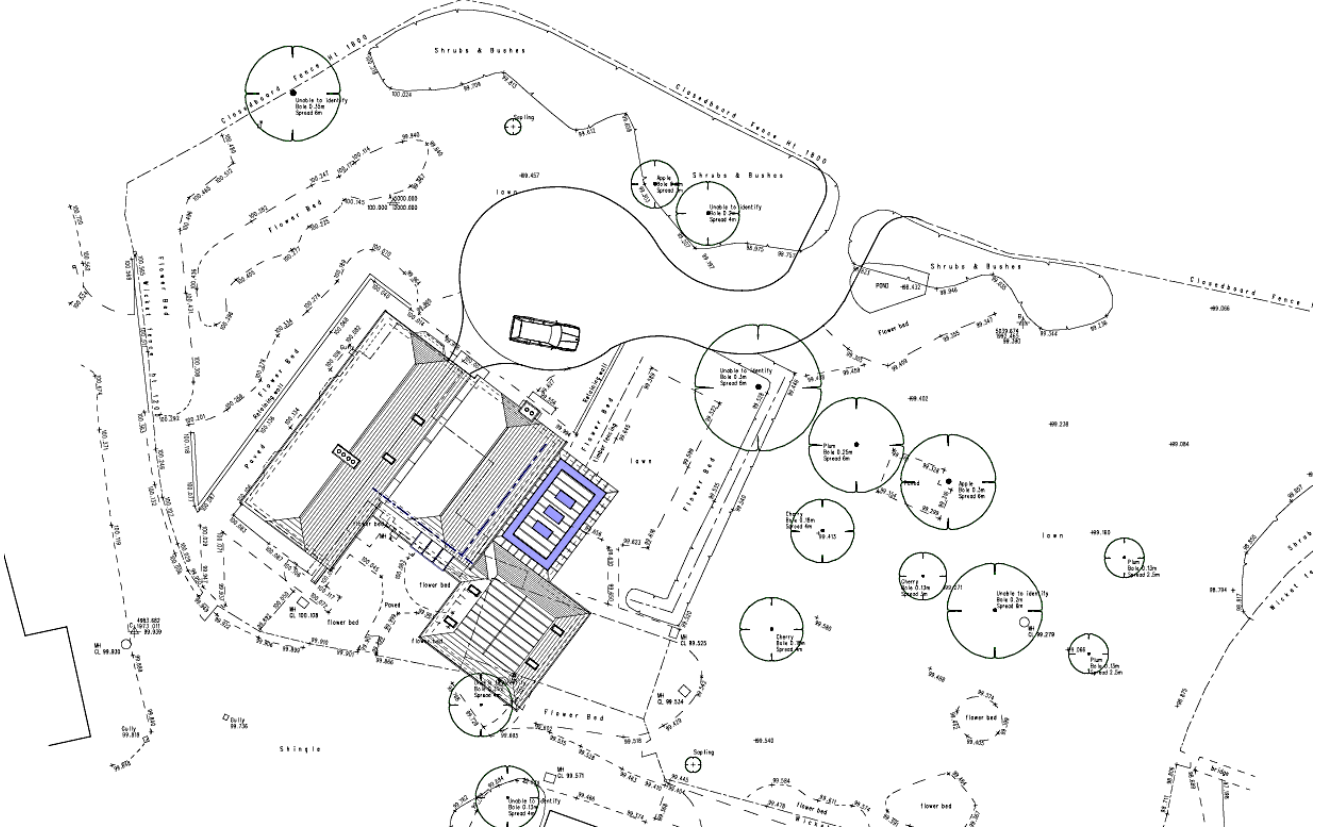
Site Plan

Scale 1:1,250
Date 16/10/2013



This map is based upon the Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Sevenoaks District Council, 100019428, 2013.

Block Plan



This page is intentionally left blank

Agenda Item 4.5

4.5 – SE/13/02654/HOUSE Date expired 30 October 2013

PROPOSAL: Demolition of existing conservatory to facilitate the erection of a two storey rear extension to include rooflight. Redesign the rear elevation to create a double gabled well fenestrated facade. Creation of partial basement, the roof of the basement will be re-laid as a decked terrace to ground floor living/dining area, reinstating the existing terrace. Internal alterations and changes to side elevations fenestration. Re-submission of SE/13/00934/HOUSE.

LOCATION: 3 Hollybush Close, Sevenoaks TN13 3XW

WARD(S): Sevenoaks Eastern

ITEM FOR DECISION

This application has been reported to Development Control Committee at the request of Councillor Purves on the following grounds:

- dominant and overbearing impact on the neighbour at No. 2 Hollybush Close;
- loss of privacy to neighbour at No.2. Hollybush Close; and
- overdevelopment of the site.

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

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

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans:- Drawing Number P010 Revision A, dated September 2012, stamped 2 October 2013;- Drawing Number P011 Revision E, dated September 2012, stamped 2 October 2013;- Drawing Number P012 Revision A, dated September 2012, stamped 4 September 2013;- Drawing Number P020 Revision D, dated September 2012, stamped 4 September 2013;- Drawing Number P021 Revision D, dated September 2012, stamped 4 September 2013;- Drawing Number P022 Revision E, dated September 2012, stamped 2 October 2013;- Drawing Number P023 Revision E, dated September 2012, stamped 2 October 2013;- Drawing Number P024 Revision C, dated September 2012, stamped 2 October 2013;- Drawing Number P025, dated September 2012, stamped 4 September 2013;

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

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

Agenda Item 4.5

out using the approved materials.

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

4) No development shall be carried out on the land until full details of soft landscape works and associated screening / boundary treatment have been submitted to and approved in writing by the Council. Those details shall include:-planting plans (identifying existing planting, plants to be retained and new planting);-a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); and-a programme of implementation.-details of proposed screening / boundary treatment/ corner planters for terrace

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

5) Soft landscape works and associated screening / boundary treatment shall be carried out before the occupation of the extension. These landscape and boundary treatment works shall be carried out in accordance with the approved details.

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

6) If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

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

7) The first floor flank windows on the north-east and south-west elevations shall be obscure glazed at all times and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room.

To safeguard the privacy of the adjoining residents in accordance with Policies EN1 and H6B of the Sevenoaks District Local Plan.

8) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

To ensure that features of archaeological interest are properly examined and recorded.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,

- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line
(www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Was provided with pre-application advice.

Description of Proposal

- 1 This planning application is a revised proposal following the withdrawal of planning application SE/13/00934/HOUSE. The main amendments to the proposal from this one are:
 - Depth of two storey extension reduced from 4 metres to 3.5 metres;
 - Rear terrace reduced in height by 0.47 metres;
 - Depth of terrace (excluding steps) reduced from 4 metres to 3.5 metres;
 - Privacy planters added to terrace to ensure privacy;
 - Minor amendments to fenestration detail (corner brick detail added to new extension to match existing).
- 2 The proposal involves a number of elements. Permission is sought to demolish an existing conservatory which has a floor area of approximately 7.8m². In its place is a two storey rear extension which will extend 3.5 metres from the existing rear wall. This will create a floor area of 37.8m² on each of the ground and first floors.
- 3 The two storey extension will redesign the rear elevation to create a double gabled fenestrated facade. This will be 1.1 metres lower than the eaves of the main building and 2.5 metres lower than the pitch on the main roof.
- 4 Permission is also sought to create a basement, the roof of which will be laid as a decked terrace to the ground floor living dining area. The basement will create a floor area of approximately 111m² with the land lowered by 0.47m which will be level with the rear garden.

Agenda Item 4.5

- 5 The decked terrace area will provide a further 43.2m² of outdoor space but sections of this will incorporate steps from the kitchen / living room and corner planters to ensure privacy to adjoining properties.
- 6 The terrace will be 1 metre above the existing ground level but it will be 2.9 metres higher than the proposed ground level (this however is much lower than the existing ground level due to the topography of the site).
- 7 Finally alterations are proposed internally and some minor changes to the side elevations fenestration including the insertion of new windows.

Description of Site

- 8 The site is situated within the built urban confines of Sevenoaks, within the Sevenoaks Eastern Ward.
- 9 Hollybush Close is a cul-de-sac which is located off Hollybush Lane behind Hollybush Court. The site consists of a large detached dwelling which benefits from a large driveway. The dwellings have large gardens but due to the topography of the area are steep in nature and slope downward from north to south.

Constraints

- 10 Area of Archaeological Potential
- 11 The *following constraints are situated at the bottom of the garden:*
 - Tree Preservation Orders TPO/93/25/SDC
 - Conservation Area Sevenoaks - The Vine

Policies

Sevenoaks District Local Plan (SDLP)

- 12 Policies - EN1, H6B

Sevenoaks District Core Strategy

- 13 Policy - SP1

Other

- 14 National Planning Policy Framework (NPPF)
- 15 Sevenoaks Residential Extensions Supplementary Planning Document (SPD)
- 16 Sevenoaks Residential Character Area Assessment SPD

Planning History

- 17 SE/90/01459/HIST - Proposed residential development (Class C3) and the provision of public open space (OUTLINE) as amended by plan No. UDT/E/523/23 AB. (granted 14 January 1991).

SE/91/00918/HIST - Residential development (Class C3) and the provision of open space without complying with conditions originally imposed on SE/90/1459 (granted 13 July 1993).

SE/93/01185/HIST - Erection of six detached houses with garages roads and ancillary services. As amended by letter and plans dated 21.9.93 and 24.9.93 (granted 28 October 1993).

SE/94/00292/HIST - Erection of six detached houses with garages, road and ancillary services (amended to that permitted under SE/93/1185) (granted 22 April 1994).

SE/13/00934/HOUSE - Demolition of existing conservatory to facilitate the erection of a two storey rear extension to include rooflight. Redesign the rear elevation to create a double gabled well fenestrated facade. Creation of partial basement, the roof of the basement will be re-laid as a decked terrace to ground floor living/dining area, reinstating the existing terrace. Internal alterations and changes to side elevations fenestration (withdrawn 3 June 2013).

Consultations

Sevenoaks Town Council:

18 Recommended refusal on the following grounds:

- The proposal is un-neighbourly as the gabled rear extension would have an overbearing impact on the residential amenities of the neighbouring property (no.2) this impact would be exacerbated by the relative topography of the two properties;
- The proposal represents overdevelopment of the site;
- The Town Council is concerned that the proposal would have a detrimental impact on the setting of Knole Park AONB.

Local Members

19 Councillor Purves: - Called the application to Development Control Committee for the following reasons:

- Dominant and overbearing impact on the neighbour at No. 2 Hollybush Close;
- Loss of privacy to neighbour at no.2. Hollybush Close;
- Overdevelopment of the site.

20 Councillor Walshe: - No comments received.

Representations

21 2 (No.) Letters of Objection:

1. This constitutes a significant enlargement of the existing structure which will adversely impact on both our light and privacy.

Agenda Item 4.5

Firstly, the enlarged structure is two storeys and not single as in the case of Number 5 and the conservatory of Number 1. Natural light to our kitchen will be reduced as well as to our family bathroom on the east side.

Secondly, we are concerned that the extended terrace will adversely affect our privacy. We understand from the owners that the existing house will be extended by 3.5 metres and that the terrace will extend by 4 metres from the proposed new extension of the house.

There are some relatively simple remedies which will alleviate our concerns:

- We think that the new structure should be extended by no more than 3 metres from the existing structure (i.e. 0.5 metres less than proposed). We would also prefer the terrace to extend by 3.5 metres and not the 4 metres proposed;
 - The proposed roof of the extension should not be gabled, but hipped so as to reduce the bulk of the new structure and to allow more natural light in. gables have been proposed whilst a superior result could be achieved by having the roof less obtrusive.
 - A new fence should be erected at a height of 2 metres on our side of the property to ensure adequate privacy from the extended terrace;
 - Suitable landscaping should be provided to ensure our privacy;
2. Both No.2 and No.3 are sited on land which slopes steeply from north to south down to the Seal Hollow Road. There is a gentler gradient from west to east across the north to south slope.

No.2 is situated to the east of No.3 and the net effect of these slopes it that No.3 is above and behind the back of our property and already in a dominant position. The proposed rear extension wall does not replicate the present line but has been changed to accommodate two large gables with a very high vertical straight edged wall. The extension will add 4 metres of increased depth at ground level, an increased height of approximately half a floor level and a new higher roof of 7.5 metres in length.

This will result in a bulky, overbearing and oppressive extension with nearly 50% of Number 3 behind the rear elevation of No.2. The north-east elevation facing our property will be a large flat mass only broken up by windows and a drainpipe with very little architectural merit. The proposed extension will have a detrimental impact on the amenity of No.2 in relation to loss of light, through overlooking and loss of amenity.

Chief Planning Officer's Appraisal

Principal Issues

Design, Scale and Bulk – Impact on the Street Scene

- 22 Policy SP1 of the Sevenoaks District Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated.

Agenda Item 4.5

- 23 Policy EN1 of the SDLP states that proposed development, including extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. In addition, Policy H6B (Appendix 4 point 1) states that extensions should relate well in design terms to the original dwelling in respect of bulk, height, materials, windows and detailing. In addition Policy H6B (Appendix 4 point 4) states that in general two storey extensions should have pitched roofs to match the existing dwelling. Finally Policy H6B (Appendix point 5) states that extensions which extend to the side boundary of the property which could lead to visual terracing are not acceptable; a minimum distance of 1 metre is normally necessary for two storey extensions.
- 24 The Sevenoaks Residential Character Area Assessment SPD states that in proposing new development within the Hollybush Close Character Area:
- The harmonious palette of yellow brick with red brick details, half timbering and grey roof tiles should be respected;
 - The setting of the Vine Court Conservation Area should be protected or enhanced.
- 25 The development proposes to substantially increase the size of the dwelling, which is already a large detached house. It is recognised that the works will be occurring to the rear of the property, which conceals the development from the street scene. This is welcomed as the character and appearance of Hollybush Close should be protected.
- 26 The two storey rear extension will retain a distance of 3.8 metres to the boundary with Number 2 Hollybush Close (now referred to as No.2) and 3.6 metres to the boundary with Number 4 Hollybush Close (now referred to as No.4). The edge of the terrace will be 4 metres from the boundary with No.2 and 4.1 metres with No.4.
- 27 As documented in the *description of proposal* section, the two storey extension has been reduced from the previously withdrawn scheme and will extend 3.5 metres from the existing rear wall and will create a floor area of 37.8m² on the ground and first floors. Whilst it is recognised that this is a large scale extension, the bulk of the extension is reduced by the proposed height of the development. It will be 1.1 metres lower than the eaves of the main building and 2.5 metres lower than the pitch on the main roof.
- 28 It is considered that as matching materials will be used on the proposed extensions, it will ensure that the development does not harm the integrity of the original building. It is welcomed that corner brick detail has been added to new extension to match the existing.
- 29 The Town Council and Local Member have raised concern in regards to overdevelopment of the site. Whilst it is recognised that more built form will be erected as part of the proposals, it is acknowledged that the distance to the side boundaries will be retained. In addition, a large part of the rear garden will remain un-developed. It is therefore not considered that the proposal will over develop the site.
- 30 The basement has been designed to ensure that the bulk of the development is concealed from the side of the property and to integrate with the topography of

Agenda Item 4.5

the site. However, it will be visible from the rear elevation. Nonetheless whilst it will appear more contemporary in comparison to the original dwelling, it is considered that the basement will not detract from the character of the property.

- 31 The terrace will be visible from both the side and rear elevation. However, it will not appear bulky in comparison to the rest of the development.
- 32 It is therefore considered that the proposal is in accordance with Policy SP1 of the Sevenoaks District Core Strategy, Policies EN1 and H6B of the SLDP and the Residential Character Area Assessment SPD.

Residential Amenity

- 33 Policy EN1 of the SDLP states that proposed development should not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height and outlook. Policy H6B also states that proposals should not result in a material loss of privacy, outlook, daylight or sunlight to habitable or private amenity space of neighbouring properties, or have a detrimental visual impact or overbearing effect on neighbouring properties or the street scene.

Daylight / Sunlight

- 34 The Residential Extensions SPD states that an extension should not cause any significant loss of daylight or the cutting out of sunlight for a significant part of the day to habitable rooms or private amenity space. A useful guideline to measure the likely impact of an extension on a neighbouring property is the 45 degree test.

No.2 Hollybush Close

- 35 It is noted that the owners of No.2 have had a single storey side extension approved under Building Regulations under reference SE/13/00124/DEX and is currently close to completion. The impact of the extension at the site on this new development at No.2 will also be assessed.
- 36 When undertaking a floor plan assessment on the existing dwelling (at No.2) the proposal fails the test. However, when an elevation plan test is carried out the proposal passes the assessment as the 45 degree line does not pass through the centre of the window (kitchen).
- 37 Once the single storey extension is complete (in accordance with plans submitted under reference SE/13/00124/DEX) the proposal still fails the floor plan test but also still passes the elevation plan assessment.
- 38 Whilst the proposal fails one of the 45 degree tests (floor plans), it can only be considered a significant loss of daylight if it fails both tests (floor and elevation plans). Therefore whilst it is recognised that the proposal fails the floor plan 45 degree test, the proposal will not result in a significant enough loss of daylight to justify a refusal.
- 39 In terms of sunlight, it is recognised that No.2 is situated to the north-east of the development. However, it is recognised that the dwellings benefit from large if steep (in terms of topography), gardens which are south-east facing in orientation. Whilst it is accepted that some sunlight will be lost at the very end of the day as a result of the development (and given the position of the existing dwelling at No.3),

it is considered that any loss of sunlight will not be significant as the amount of sunlight that will be lost will be minimal.

No.4 Hollybush Close

- 40 No.4 Hollybush Close has one ground floor flank habitable room window facing the development (kitchen window) as well as rear elevation habitable room windows.
- 41 When undertaking floor and elevation plan tests it is assessed that the proposed development passes both tests as the 45 degree line does not pass through the centre of the habitable room windows.
- 42 In terms of sunlight due to the proposed position of the development, the south-east nature of the rear gardens and that No.4 is situated to the south of the extension; it is not considered that the proposal will impact the amenity of the occupiers of No.4.

Privacy

No.2 Hollybush Close

- 43 Three new ground floor windows will be inserted on the flank elevation of the dwelling facing No.2. Two windows will serve two non-habitable rooms (boot room and utility room). Due to the nature of these rooms and position behind mature screening it is not considered that these will cause a loss of privacy to the occupiers of No.2. In addition, now that the single storey side extension has been built (under building regulations reference SE/13/00124/DEX) the previous flank kitchen window at No.2 has been removed.
- 44 The other ground floor flank window will serve the open plan kitchen / dining room / living room. This is positioned further down the dwelling and is in line with the private amenity space of No.2. Despite this due to the mature screening between the two properties it is not considered that this window will overlook the adjoining property.
- 45 Having said this, due to the position of these windows, it seems reasonable to attach a condition on any approved planning consent to ensure that adequate screening is retained following completion of works. This will protect the privacy of the occupiers at No.2.
- 46 On the first floor there will be one additional window on the flank elevation facing No.2. This will serve an en-suite bathroom. It is considered reasonable to attach a condition on any approved consent to ensure that this is obscure glazed. The two other first floor existing windows on the flank elevation facing No.2 are already obscure glazed. It is considered that these shall be conditioned to remain so.
- 47 In terms of the rear windows for the extension and proposed balcony, due to the position of the dwelling behind No.2 it is not considered that these will overlook the private amenity space (i.e. 5 metres from the rear elevation).

No.4 Hollybush Close

- 48 There will be two ground floor flank windows facing No.4. An existing window is to be omitted which serves the study. However, due to the mature landscaping

Agenda Item 4.5

separating the two properties it is not considered that these will overlook the property.

- 49 In terms of first floor flank windows there will be one additional window facing No.4. This will serve an en-suite. This window shall be obscure glazed via condition on any approved planning consent.

Privacy – Terrace / Basement

- 50 It is acknowledged that as part of the proposals, a 4 metre deep terrace is proposed which will span the width of the dwelling and will be situated 'on top' of the proposed basement.
- 51 This terrace has been amended from the previously withdrawn planning application SE/13/00934/HOUSE. Steps have been incorporated which reduces the floor area of the terrace and lowers it by 0.47 metres.
- 52 The terrace will therefore be 1 metre above the existing ground level but it will be 2.9 metres higher than the proposed ground level (this however is much lower than the existing ground level due to the topography of the site). Corner planters have also been introduced to the terrace which adds a soft landscaped boundary screen which will protect the privacy of both adjoining occupiers.
- 53 It is considered that the amendments to the terrace address the previous concerns over lack of privacy under planning reference SE/13/00934/HOUSE. A soft landscaping scheme will be requested on any approved planning consent to ensure that the privacy of the adjoining neighbours is retained, particularly for the corner planters.

Outlook / Overbearing

- 54 The proposals under building regulations reference SE/13/00124/DEX have removed the sole habitable room flank window which looked onto the proposed extension. It is therefore considered that the proposal will not harm outlook in this respect.
- 55 Furthermore, due to the orientation of No.2 (it essentially faces away from the site due to the curvature of the cul-de-sac) it is considered that the windows on the rear elevation will not be impact by outlook as a result of the proposals.
- 56 With regards to the private amenity space it is welcomed that the extension has been reduced from 4 metres to 3.5 metres. Due to the distance between the two properties, and the sloped topography of the site, it is not considered that the extension will be overbearing or oppressive from the rear garden.
- 57 In terms of No.4 there is only one habitable room window which will look onto the extension which is again the ground floor kitchen window. This benefits from a principal window on the rear elevation so any loss of outlook will not be significant.
- 58 In regards to the windows on the rear elevation, it is acknowledged that the property faces away from the development and that the majority of the extension is situated behind the rear building line of No.4.

- 59 The Town Council and Local Member have raised concerns about the extension and that it will have a dominant and overbearing impact on the occupiers of No.2. However, it is considered that due to the orientation of the properties (as mentioned above) and the distance between the two dwellings, it is not considered that the proposal will lead to a overbearing impact on the occupiers of No.2.

Other Issues

Parking

- 60 Whilst it is recognised that the proposal involves reducing the size of the existing garage, the property benefits from a spacious driveway which can accommodate at least two parked cars.
- 61 It is therefore not considered that the proposal will result in any impact on highway safety or convenience.

Archaeology / Site levels

- 62 It is recognised that the proposal is situated within an area of archaeological potential. In some circumstances, it is considered to attach a condition requesting an archaeological watching brief to ensure that any findings of archaeology are adequately recorded.
- 63 It is accepted that the proposal involves a large amount of excavation to facilitate the basement. However, it is acknowledged that the site was excavated and built on as recently as mid-1990s. Notwithstanding this given the significant excavation works it is considered reasonable to attach an archaeology condition in this instance.
- 64 The applicant has submitted detailed site levels of the existing site as well as the proposed site levels. It is considered that these are acceptable.

View from Knole Park

- 65 Concern has been raised in regards to the impact of the development from view from Knole Park.
- 66 The applicant has provided a photo from Knole Park towards the site. It is recognised that the property is well screened during the summer season. Whilst it is accepted that the development may be visible during the winter months, it must be acknowledged that the two storey extension will not extend to the side and will be seen against the existing bulk of the property.
- 67 The basement extension will be concealed due to the low level nature of the development.
- 68 It is therefore considered that the proposal will not impact on view from Knole Park.

Conclusion

- 69 It is considered that the proposal is in accordance with Policy SP1 of the Sevenoaks District Core Strategy, Policies EN1 and H6B of the SDLP, the

Agenda Item 4.5

Sevenoaks Residential Character Area Assessment SPD and the Residential Extensions SPD.

Background Papers

Site Plan

Contact Officer(s): Neal Thompson Extension: 7463

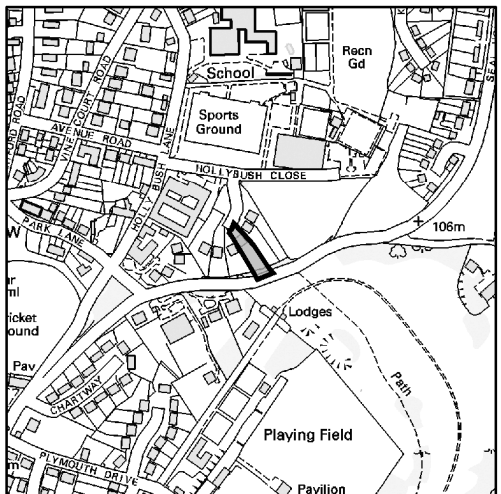
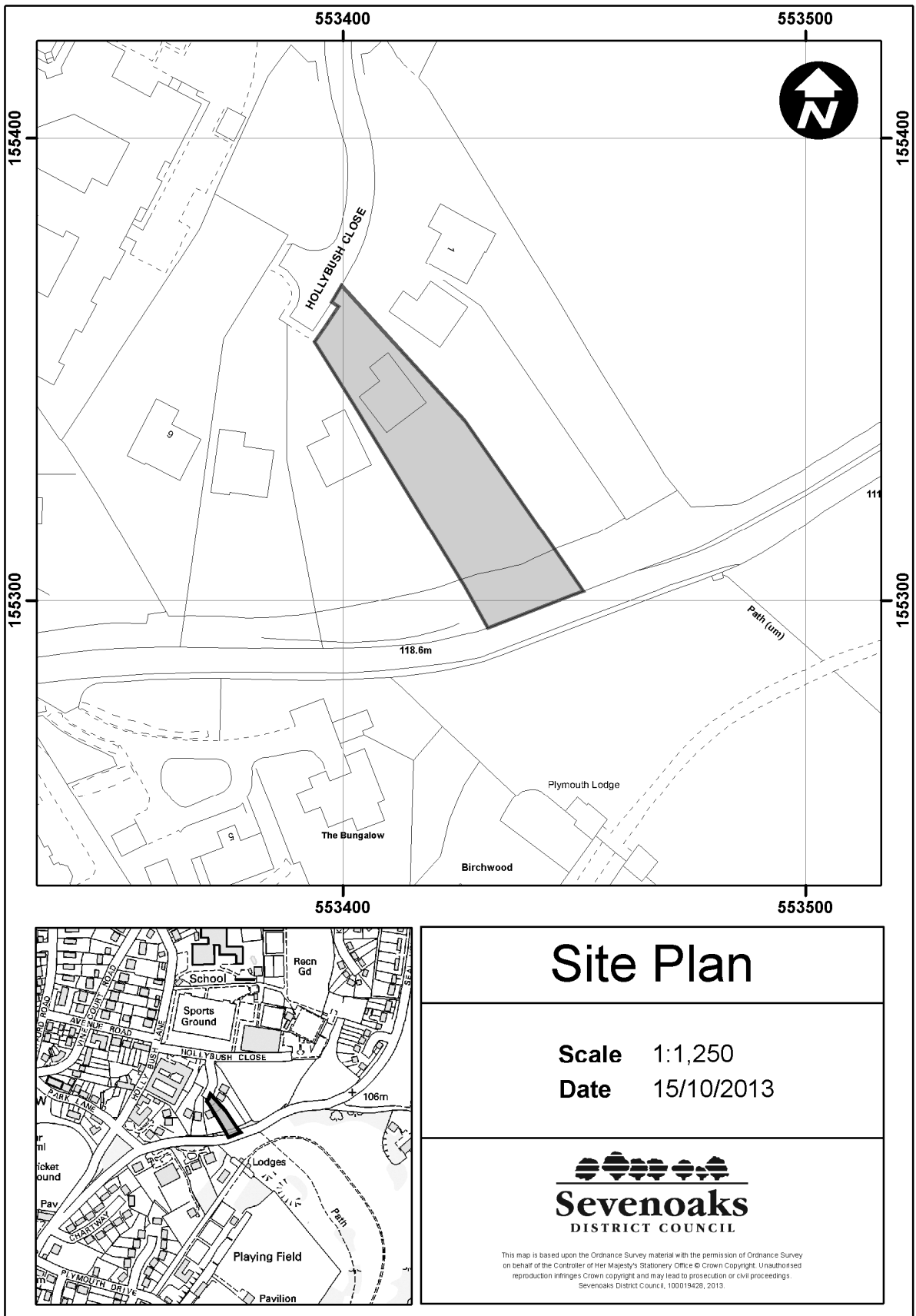
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MSLA5SBK8V000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MSLA5SBK8V000>



Site Plan

Scale 1:1,250
Date 15/10/2013



This map is based upon the Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Sevenoaks District Council, 100019428, 2013.



Agenda Item 4.6

4.6 - SE/13/01599/HOUSE

Date expired 5 December 2013

PROPOSAL:

Erection of a part two storey, part single storey side extension, two storey and single storey rear extension. Single storey front extension to include a front porch. Loft extension with 4 velux windows in front elevation and 3 in rear roof elevation.

LOCATION:

4 Hillside Road, Kemsing TN15 6SG

WARD(S):

Kemsing

ITEM FOR DECISION

This application was referred to Development Control Committee by Councillor Miss. Stack as the Parish Council strongly feel that the previous reasons for refusal based on policy EN1 of the Local Plan have not been adequately addressed. Therefore Councillor Stack would like the Committee to debate and come to a final decision.

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

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

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans 2013/35 and proposed rear and front elevation drawing date stamped received 10.10.13.

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

3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.

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

4) The development hereby permitted shall not be used or occupied until details have been submitted to and approved in writing by the Council showing adequate provision for the parking of 2 vehicles on a permeable surface within the front of the site. The parking shall be provided in accordance with the approved details and retained for parking purposes is association with the dwelling at all times.

To ensure adequate provision for off road parking in accordance with policy VP1 of the Sevenoaks Local Plan.

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

Sevenoaks District Local Plan - Policies EN1, H6B, H14A, Appendix 4 Residential Extensions

Agenda Item 4.6

Sevenoaks District Core Strategy 2011 - Policies SP1 and the National Planning Policy Framework

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

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

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

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line
(www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Description of Proposal

- 1 The application seeks permission for the following:
 - Erection of a part two storey, part single storey side extension;
 - Two storey and single storey rear extension;
 - Single storey front extension to include a front porch; and
 - Loft extension with 4 roof lights in the front roof slope and 3 roof lights in the rear roof slope.

Description of Site

- 2 The site the subject of this application is a semi-detached house located in Hillside Road within the settlement boundary of Kemsing as defined on the proposal map to the SDC Local Plan where there are no site specific constraints restricting residential development.
- 3 The site is currently occupied by the house which has a single storey addition to the side and by a detached garage which would be removed to facilitate the current proposals.

Constraints

- 4 Airfield Safeguarding Zone
- 5 Area of Special Control of Adverts

Policies

Sevenoaks District Local Plan

- 6 Sevenoaks Local Plan: EN1, H6B, H14A, Appendix 4 Residential Extensions

Sevenoaks Core Strategy

- 7 Sevenoaks Core Strategy: SP1

Other

- 8 SDC Residential Extensions SPD 2009
- 9 National Planning Policy Framework (NPPF)

Planning History

- 10 13/00768/HOUSE Erection of a part two storey, part single storey side extension, two storey and single storey rear extension. Single storey front extension to include a front porch and front garage, loft conversion with 4 velux windows in front elevation and 3 in rear roof elevation. Refuse 07/05/2013.

Consultations

Parish / Town Council

- 11 Kemsing Parish Council objects to this application for the following reasons:

Recommend REFUSAL for the following reasons:

The scale of the proposed development is greatly excessive and will totally unbalance the appearance of this pair of semi-detached dwellings, adversely affecting the street scene.

The introduction of a third floor will seriously dominate the area to the detriment of the visual amenities of the neighbouring properties.

The proposed development is totally out of keeping with the area.

Agenda Item 4.6

The added accommodation may result in additional parking on the highway in an area which already has problems in that respect, to the detriment of vehicular movement.

The wording contained in this application's proposal does not mention the garage, although this is still clearly shown on the latest plan.

In the event of Sevenoaks District Council being of a mind to approve this application, the Parish Council wishes it to be presented to the Development Control Committee for a decision.

Representations

12 2 representations received objecting to the proposal and raising concerns regarding:

- Overshadowing
- Design
- Parking
- Impact on trees

Chief Planning Officer's Appraisal

Background

13 On 7 May 2013 planning permission was refused for the erection of a part two storey part single storey side extension and a two storey and single storey rear extension. The proposal also included a single storey front extension to include a porch and garage and a loft conversion with 4 roof lights in the front roof slope and 3 the rear. One ground of refusal was given as follows:

"The proposed extensions by reason of their overall, size, scale and bulk would fail to appear subservient and thus would visually dominate the original building, substantially altering its character to the detriment of the street scene of Hillside and Collet Road contrary to policies EN1 and H6B of the Sevenoaks Local Plan, the National Planning Policy Framework and the guidance contained in the Councils Residential Extensions Supplementary Planning Document 2009".

Principal Issues

14 The principal issues to consider in the determination of this application are:

- Policy;
- Impact on the street scene;
- Impact on amenities;
- Highways; and
- Whether the previous ground of refusal has been overcome.

Policy

- 15 The NPPF states that the Government ‘attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.’ (para. 56).
- 16 Policy EN1 of the Local Plan indicates that, amongst other criteria, ‘the form of the proposed development ... should be compatible in terms of scale height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard’.
- 17 Policy H6B of the SDLP states that residential extensions shall be subject to the principals in Appendix 4. Amongst other things, Appendix 4 states that the extension itself should not be of such a size or proportion that it harms the integrity of the design of the original dwelling or adversely affects the street scene. Regard should also be had to the Councils Residential Extensions Supplementary Planning Document (SPD).
- 18 The published guidance set out in the Councils Residential Extensions SPD states at paragraph 4.8 that:
- “An extension should not have a detrimental visual impact or overbearing effect on the original building or the street scene. No proposal should be of such a size or proportion that it harms the integrity of the design of the original dwelling”.*
- 19 At paragraph 4.20 it states that:
- “A side extension should not dominate the original building. This can be helped by reducing the bulk of the extension and setting it back from the front elevation of the original house and introducing a lower roof on the extension”.*
- 20 Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 21 Policies EN1 and H6B of the Sevenoaks District Local Plan require that any proposed development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants.

Impact on the Street Scene

- 22 The current proposal is a revision of the previous refused scheme reference 13/00768/HOUSE.
- 23 Dwellings located in Collet Road which form part of the area’s established character and which also form part of the street scene of Hillside Road include what appear to be two storey additions to the side. Due to their subservient nature (as a result of their lower ridge heights and set back from the front building line), these additions have the appearance of later extensions to the buildings.
- 24 The proposed part two storey part single storey side extension has been amended in an attempt to part replicate the side additions to properties in Collet Road and

Agenda Item 4.6

in an attempt to comply with the guidance contained in the Councils Residential Extensions SPD particularly at paragraph 4.20. Amendments to the scheme include a reduction in the height of the side extension by approximately 300mm so that it sits below the existing ridge height. It is also proposed to set the side extension back from the front building line above ground floor by approximately 500mm. In addition, it is no longer proposed to extend the garage and dining room 1100mm forward of the front building line, instead they will be flush with the front building line. The overall width of the extension to the side is approximately 6.05 metres, which is less than the overall width of the existing dwelling when you include the existing single storey addition which will be removed.

- 25 The relatively modest mono pitch roof which forms part of the side extension and wraps around the extension where it extends up above ground floor level would appear as an adjunct and is not dissimilar in style (in fact far more modest) than the extension to the property directly opposite the site.
- 26 The two storey rear extension is set below the existing ridge height by approximately 700mm to appear subservient. The proposed extensions to the rear of the property, although relatively substantial, would not be viewed within the context of the street scene and as such I consider it would be difficult to argue that these have a harmful visual impact.
- 27 Only the porch will extend forward of the existing dwelling and this measures 1100mm by 2700mm. It should be noted that with only a minor reduction in the height and floor area of the porch a similarly designed porch could be constructed under permitted development.
- 28 The remainder of the scheme comprises the extension of accommodation up into the loft. The Parish Council consider that the *“introduction of a third floor will seriously dominate the area to the detriment of the visual amenities of the neighbouring properties”*. It should be noted that planning permission would not be required to install an internal staircase and convert the existing roof space to living accommodation. The roof lights shown in the front and rear existing roof slopes would also be permitted development. As such I would consider it unreasonable to refuse permission on grounds relating to the introduction of accommodation in the roof. Although the accommodation will be extended across into the roof of the proposed extension, given that the overall form and scale of the roof would be relatively modest due to the insertion of roof lights rather than dormer windows, I do not consider this would cause any adverse visual harm. When viewed within the context of the street scene the dwelling would retain the appearance of a two storey property with a basic conversion to its roof.
- 29 The materials to be used are proposed to match those used in the construction of the existing dwelling and are sympathetic to those which predominate locally in type.
- 30 It is acknowledged that the proposed development would unbalance a semi detached pair, however, there are various other examples nearby where this has already occurred. As such, in this instance I do not consider the extension would harm the appearance of the street scene or the prevailing pattern of development.

- 31 Overall, for the reasons set out above, although the rear extensions are not necessarily subservient, their scale and proportions would not harm the integrity of the design of the original house. The extensions which are visible in the street scene are sufficiently subservient and have been reasonably well articulated in a way which is sympathetic to the character of the existing and neighbouring properties, it is proposed to use matching materials and in my view the appearance of the property to the front would retain that of a two storey dwelling. As such, on balance, in this instance, it is my view that a ground of refusal in respect of the impact of the proposal on either the host or neighbouring dwellings, street scene or visual amenity would not be justified.
- 32 Consequently I consider that the previous reason for refusal has been adequately overcome.

Impact on Amenity

- 33 The most immediately affected neighbour is number 2 Hillside Road. The two storey and single storey rear extension will have the greatest impact upon number 2.
- 34 The two storey rear extension would comply with the 45 degree test set out in the Councils residential extensions SPD which seeks to safeguard against loss of light and overshadowing to habitable rooms. Furthermore, due to the orientation of number 2 to the south of the application site it would not have a harmful impact by reason of overshadowing.
- 35 In relation to outlook, the window of number 2 most immediately affected by the extensions appears to serve a lounge/dining room window. The District Council is primarily concerned with the immediate outlook from neighbours main windows and whether the proposal significantly changes the nature of the normal outlook and is likely to lead to a loss of light. The single storey rear extension would fail parts 1 and 2 of the 45 degree test set out in the residential extensions SPD it is therefore considered that the small single storey infill extension would change the nature of the normal outlook. Whilst the extension would impact upon outlook, by reducing the width of the extension by 500mm, the applicants could construct a similar scale extension under permitted development and could increase the overall height to 4 metres. As such, the current proposal is not considered to have any significant additional impact over and above an extension constructed to maximum size under permitted development and therefore, I would consider it unreasonable to refuse the application on grounds relating to impact on outlook and loss of light from the single storey rear extension.
- 36 The extension would have little significant impact on overshadowing due to the orientation of number 2 to the south of the application site.
- 37 Having regard to the impact of the proposal on the properties adjoining the northern boundary of the application site. The proposed two extensions would maintain a distance of 3 metres from the common boundary with the nearest property to the north (number 4a). They would maintain a distance of approximately 10 metres from 4a's rear elevation and rear facing windows. Furthermore the application site is on lower ground. As such, due to the topography of the site and distances maintained the proposal is not considered to have any adverse impact upon amenity by reason of loss of light, overshadowing, loss of outlook or by being overbearing by reason of form and scale.

Agenda Item 4.6

- 38 Concerns have been raised that the proposal will result in the loss of some views from windows in neighbouring properties. To clarify, impact on immediate outlook is a material consideration. For the reasons set out above the proposal is not considered to have any significant adverse impact on immediate outlook. However, when assessing any planning application the loss of a view cannot be taken into account as a material consideration and is not a justifiable reason for refusal.
- 39 In relation to overlooking, those windows proposed in the front and rear (east and west) elevations would only allow views out over the rear garden and street. The window in the north elevation at first floor would serve an en-suite and could be conditioned to be obscure glazed and fixed shut. As such, there would be no inter-look into windows or overlooking of the neighbours private amenity space. Clear glazed first floor windows in the north and south elevations may allow unacceptable views into neighbouring properties, however, as these would require planning permission in their own right, it is not considered necessary to apply any condition restricting further openings.

Highways

- 40 With regard to highway safety, this is a category of development which does not require consultation with Kent Highways Services.
- 41 The existing access is not proposed to be altered.
- 42 The number of bedrooms is proposed to increase from 3 to 5 which in accordance with KCC Residential Parking standards set out in interim guidance note 3 would require sufficient off street parking for 2 vehicles.
- 43 The preferred garage size for a single car is 5.5m x 3.6m. As such the garage is of an insufficient width to accommodate a vehicle and the remaining space on the driveway would be of sufficient size to accommodate 1 vehicle only. However, there is scope within the application site to increase parking on the frontage to accommodate a second vehicle and it is considered reasonable in accordance with Circular 11/95 Use of Conditions in Planning Permissions to secure this by condition.

Other Matters

- 44 Concern has been raised regarding the impact of the proposal on trees.
- 45 The nearest tree is located to the rear of the existing garage adjacent to the boundary of the site and approximately 4 metres away from the site of the planned extension. This is an evergreen tree with relatively low amenity value.
- 46 It is not protected by a Tree Preservation Order neither is the site located in the Conservation Area and as such consent is not required for its removal or for works to be carried out to the tree.
- 47 The removal of the tree would not alter the impact of the proposal on neighbouring amenities which would still be considered acceptable for the reasons set out above.
- 48 Given the above I would consider it unreasonable and unjustified to refuse the application on grounds relating to impact on the tree. One neighbour states that

the trees should be attended to as soon as possible but this is outside the local planning authority's control.

Conclusion

- 49 The proposals have been amended to ensure that the extensions are sufficiently subservient and reasonably well articulated in a way which is sympathetic to the character of the existing and neighbouring properties, it is proposed to use matching materials and in my view the appearance of the property to the front would retain that of a two storey dwelling. As such, on balance, in this instance, it is my view that the proposal is acceptable and a ground of refusal in respect of the impact of the proposal on either the host or neighbouring dwellings, street scene or visual amenity would not be justified.
- 50 The proposals would not result in any significant harm to neighbouring amenities.
- 51 Additional parking provision can be secured through means of a condition.

Background Papers

Site and Block plans

Contact Officer(s): Claire Baldwin Extension: 7367

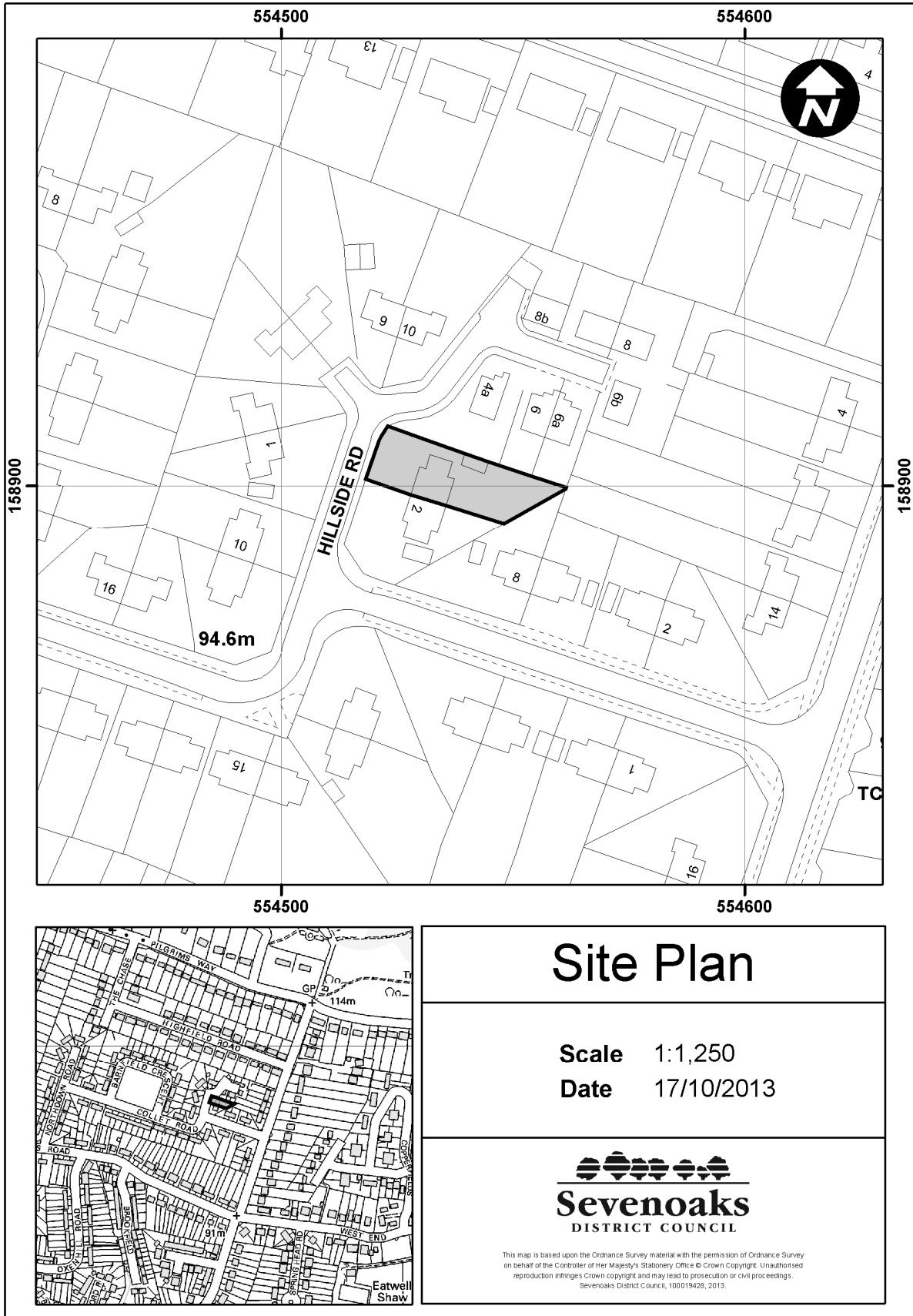
Richard Morris
Chief Planning Officer

Link to application details:

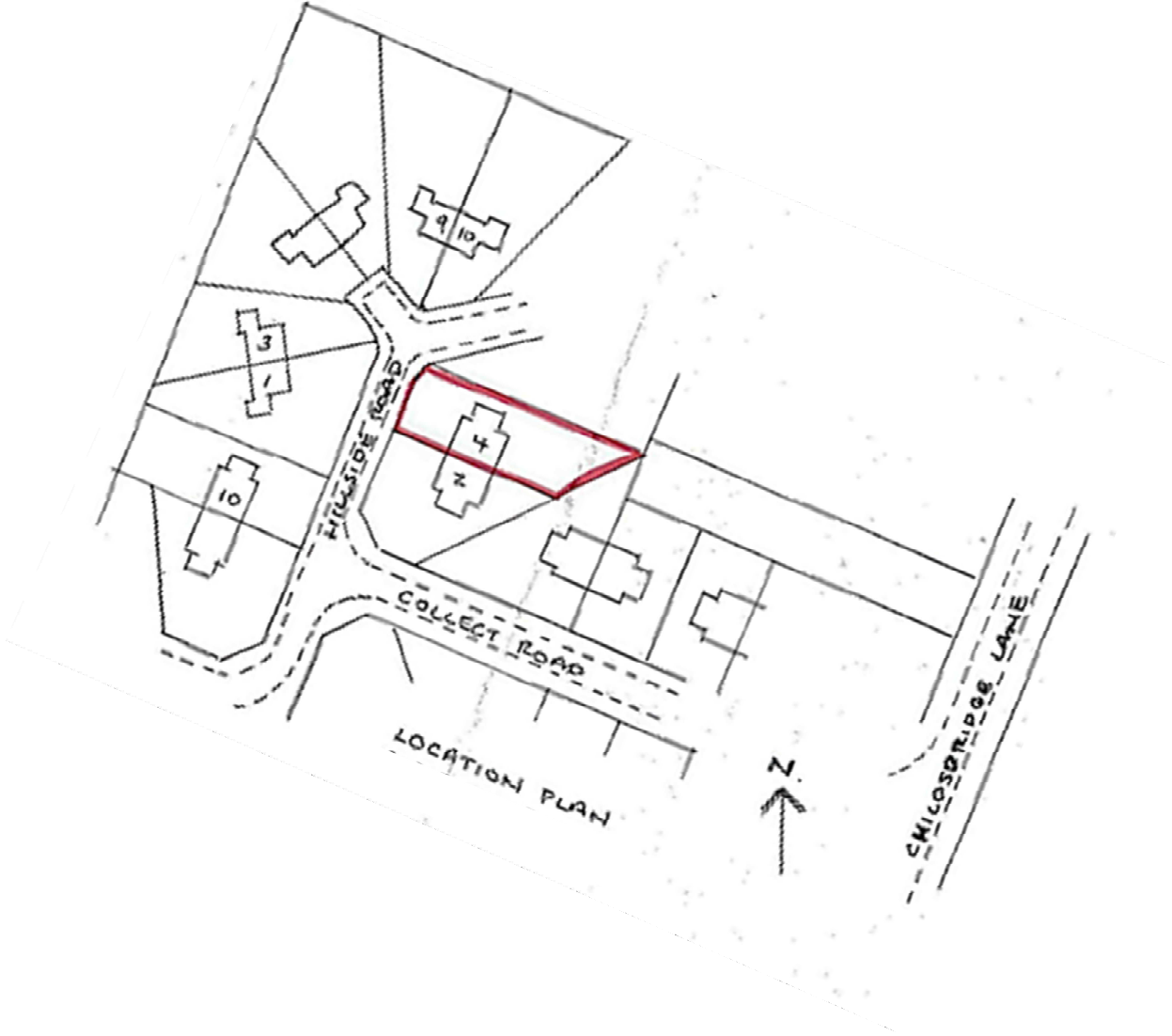
<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MNK2GRBK0L000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MNK2GRBK0L000>



Block Plan



This page is intentionally left blank

4.7 - SE/13/01825/FUL Date expired 22 August 2013

PROPOSAL: Erection of detached equipment/machinery store.

LOCATION: Land North West Of The Mount, The Mount Wood,
Sparepenny Lane, Farningham, Dartford DA4 OJH

WARD(S): Farningham, Horton Kirby & South Darent

ITEM FOR DECISION

This application has been called to Development Control Committee by Councillor McGarvey on the grounds that the proposal would result in inappropriate development in the green belt which by reason of its size would be harmful to the openness and there is no justified need for the proposal in the way of very special circumstances which would clearly outweigh this harm.

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

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

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 100901-08

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

3) The materials to be used in the construction of the development shall be those indicated on the approved plan 100901-08.

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

4) Throughout the course of the development works to trees and methods for tree protection shall be carried out and implemented in accordance with the details contained within the 'Tree Survey Arboricultural Impact Assessment and Arboricultural Method Statement' dated 14 June 2013 unless otherwise agreed in writing by the Local Planning Authority.

To prevent any unnecessary works or damage to the trees in the interest of the trees and visual amenity of the area in accordance with policy EN1 of the Sevenoaks Local Plan.

5) The building hereby approved shall be used for forestry as set out in the 'Supporting Statement' date stamped received 18.06.13.

The site is located in the Green Belt where strict policies of restraint apply. Therefore the Council would wish to assess the impact of any alternative in the interest of the Green Belt accordance with policies L08 of the Sevenoaks Core Strategy, EN1 of the Sevenoaks District Local Plan and the National Planning Policy Framework.

Agenda Item 4.7

6) Despite the provisions of any development order, no extension or external alteration shall be carried out to the building hereby permitted.

To safeguard the openness of the Green Belt and appearance of the area in accordance with policies LO8 of the Sevenoaks Core Strategy, EN1 of the Sevenoaks District Local Plan and the National Planning Policy Framework.

7) No development shall take place until a desk top study has been undertaken to establish the likely presence of archaeological remains on the site and a report has been submitted to the Local Planning Authority for agreement. If the study identifies the possibility of archaeological remains then no further development/use shall be carried out until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

In order to safeguard any remaining archaeological interest on the site in accordance with policy EN25A of the Sevenoaks Local Plan and National Planning policy Framework.

8) No development shall take place until full details of a scheme of Biodiversity enhancement has been submitted to and approved by the local planning authority. The approved details shall be implemented in full and maintained thereafter.

To ensure that the proposed development will not have a harmful impact on protected species and habitats, and wider biodiversity, in accordance with policy SP11 of the Core Strategy and guidance in National Planning Policy Framework.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line (www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Description of Proposal

- 1 The application seeks planning permission for the erection of detached building for the storage of machinery, equipment and implements associated with the maintenance of the adjacent woodland.
- 2 The proposed building would have an 'L' shape configuration and be constructed from timber with a plain tile pitched roof and timber windows and doors.

Description of Site

- 3 The site the subject of this application is located within the grounds of The Mount which is a Grade II Listed Building fronting Sparepenny Lane. The Mount is located to the north west of the application site.
- 4 The site is located to the north of The Mount wood. The Mount wood is approximately 1.25 (3.1 acres) in size. The site would be accessed off of London Road via an existing track located adjacent to number 44 London Road.
- 5 The proposed building within the site would be located in close proximity to a number of mature trees.
- 6 There are a number of residential properties fronting London Road whose rear gardens lie to the north/north east of the application site.

Constraints

- 7 Green Belt
- 8 Area of Outstanding Natural Beauty (AONB)
- 9 Area of Archaeological Potential
- 10 The site is located in the grounds of a Grade II Listed Building and in close proximity to the boundary of the Conservation Area.

Policies

Sevenoaks District Local Plan

- 11 Policy - EN1

Sevenoaks Core Strategy

- 12 Policies - SP1, LO8

Agenda Item 4.7

Other

- 13 National Planning Policy Framework (NPPF)

Relevant Planning History

- 14 11/01469/LBCALT Alteration & conversion of ground floor of the detached former Coach House to residential use, in association with alterations to the existing first floor residential annexe flat above, and construction of a new detached single storey outbuilding. Grant 09/08/2011.

11/01468/FUL Alteration & conversion of ground floor of the detached former Coach House to residential use, in association with alterations to the existing first floor residential annexe flat above, and construction of a new detached single storey outbuilding. Grant 20/09/2011.

Consultations

Farningham Parish Council

- 15 *“Object - The Applicant was given permission for a barn conversion (with 23 sq. m. of attached storage area) in 2011 and now purports to need a barn.*

The proposed outhouse exceeds the remaining permissible floor space for outbuildings by 73 sq. m. (please refer to Officers report from 2011) and is bigger than many of the neighbouring houses.

Forestry is timber production and the argument that this building is necessary for the economy as envisaged by the NPPF is not valid. Coppicers in Farningham woods harvest this much woodland in a single season (probably a few weeks) and then leave it to re-grow for ten years.

Combined with the coach house conversion, this enterprise amounts to a new build in the Green Belt, AONB and Conservation area.

FPC strongly objects to this development”.

SDC Tree Officer

- 16 *“I can inform you that I have studied the Arboriculturalists report and have visited the site. Having read the Arboricultural Report and have seen the proposed protective measures, I have no objection to the proposal providing the recommendations within the report are followed.*

Rural Planning Consultant

- 17 *The premises concerned extend overall to some 5.9 acres (2.4 ha) including a substantial Grade II listed residence, fronting Sparepenny Lane, with associated grounds, and some 3.1 acres (1.25 ha) of woodland. There is a detached Coach House with consent (11/01468 & 01469) for conversion as a residential annex with a proposed new outbuilding (garden and cycle store), but this has yet to be implemented.*

The current proposal is to provide an L-shaped timber clad building, with a plain tiled pitched roof, one section being about 9.7m x 4.9m externally and including

Agenda Item 4.7

two windows, the other section (linked internally by a personal door) being about 7.9m x 4.9m externally, without windows. Both sections would have their own double doors, about 2m tall and 4m wide. The structure would be about 2.3m to eaves, and 4.7m to ridge, and would be located in a fairly isolated position, near to the north-west corner of the premises, where there is existing vehicular access via a gated entrance off London Road.

The submissions indicate that the building would be used to house a range of machinery for use in association with management of the woodland such as compact tractor, small trailer, wood chipper, log splitter, and stump grinder, and various other associated small tools and equipment, as listed.

Depending on the dimensions of the equipment chosen, the building may be able to accommodate these items but the door/eaves height, and also the L-shaped layout, would tend to limit the size of machinery possible, and the ease of accessibility thereto.

The choice of the tiled roof (which adds quite significantly to the height compared to a functional low-pitched sheeted roof), and the inclusion of windows, as well as the dimensions and layout, makes the design rather more redolent of a domestic outbuilding than a typical functional woodland/forestry store.

It is also fair to comment that it would be unusual to provide a dedicated on-site store of this type simply to assist in the management of a small wood of only 3 acres or so. As an isolated stand, it would be normal for such a wood to be managed using equipment brought in (often by specialist trained contractors) as and when a particular operation was required. That appears to have been the arrangement here up to now.

It is the proximity of the wood to the established residential property and its grounds, that would appear in this case to generate the particular wish to have such a store, and one of this design. However it is quite possible, in these circumstances, that the building could take on a somewhat wider role than simply assisting in management of the woodland, in terms for example of maintaining the residential property and its grounds, or providing garaging.

Whether a building in this form, whether or not used in due course for that sort of wider purpose, would be acceptable here, would be a matter for you, but please let me know if you require any further advice.

Representations

- 28 One letter received objecting to the application on the grounds that the proposal would/is:
- detract from the character of the area;
 - negatively effect property values; and
 - located in the green belt where new builds are prohibited.

Agenda Item 4.7

Chief Planning Officer's Appraisal

Principal Issues

- 29 The main consideration of this application is whether the proposal would involve inappropriate development in the Green Belt and, if so whether the harm to the Green Belt would be clearly outweighed by other considerations.
- 30 The remaining issues to consider are:
- Impact on the AONB
- 31 The site is located in the AONB, as such, in accordance with Section 85 of The Countryside and Rights of Way Act 2000 in performing any function affecting land in an AONB the Local Planning Authority (LPA) has a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of that area.
- Impact on the setting of the Listed Building and Conservation Area
- 32 The site is located within the grounds of a Grade II Listed Building and situated in close proximity to the boundary of the conservation area. In accordance with Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), it is the Council's statutory duty and obligation to have regard to the preservation and enhancement of such heritage assets. As such, the impact of the proposal on the setting of the Listed building, and special character and appearance of the Conservation Area, are also material to the consideration of this application.
- Impact on Amenity;
 - Highways;
 - Archaeological Implications;
 - Trees; and
 - Biodiversity.

Green Belt

- 33 Having regard to the Green Belt, inappropriate development, by definition, is development that is harmful to the Green Belt because it detracts from its openness.
- 34 Government advice makes clear that the most important attribute of Green Belts is their openness. It is for applicants to demonstrate why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 35 Paragraph 89 of the NPPF, states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include:

Buildings for agriculture and forestry

- 36 It is stated that the building is intended for forestry.
- 37 As stated at paragraph 7.2 of the supporting statement accompanying the application, there is no formal definition of 'forestry' in planning law and no requirement for a holding to be of a particular size to constitute a forest/woodland for the purpose of applying the NPPF or Part 7 of the General Permitted Development Order. However, it is my view, that the definition of forestry set out in the Charter of the Institute of Chartered Foresters could provide a useful starting point in defining the term forestry. This states that "*forestry shall include all aspects of the science, economics, conservation, amenity and art of establishing, cultivating, protecting, managing, harvesting and marketing of forests, woodlands, trees, timber and wood*". It is noted that paragraphs 7.3 and 7.4 of the supporting statement indicate that the applicants wish to be able to manage the woodland themselves in a sustainable manner which in my view would fall comfortably within this definition.
- 38 Comments received by the Councils Rural Planning Consultant do not refute the applicant's statement that the building is required for forestry. However, the Rural Planning consultant has commented upon the design and layout of the building and whether it is appropriate. In response to this, the applicants state that particular care has been taken with regards to the scale, size and layout of the building to ensure that the building meets the functional needs demanded of it and provides appropriate access and circulation space around the machinery whilst ensuring that it is not visually intrusive and/or unduly prominent.
- 39 It should be noted that the NPPF does not refer to any need to assess a building for forestry in terms of its impact on the openness of the Green Belt or indeed against any other issue unlike, for example, buildings for outdoor sport and recreation which are required to preserve the openness of the Green Belt and not conflict with the purpose of including land within it. Neither does the NPPF establish any test requiring applicants to demonstrate need or reasonableness for forestry buildings although in this instance, the applicant has sought to address both through the submission of a supporting statement.
- 40 It was apparent from my visit to the application site that the woodland needs to be managed, and I do not consider it unreasonable for the applicants to wish to maintain the woodland themselves. In my view it would be unreasonable to require the applicants to hire a specialist contractor as suggested by the Rural Planning Consultant.
- 41 The supporting statement lists the type of machinery required to manage the woodland and I see no reason to doubt that the building will be used to store this machinery in connection with forestry nor that the building would be unsuitable for such a purpose. Neither is there any evidence to suggest that any use other than forestry is intended or that the building would be likely to be put to non-agricultural uses in the future. I therefore consider that the building would be a building used for forestry for the purpose of paragraph 89 of the NPPF.
- 42 It is accepted that the building would result in a loss of openness, but as stated in the preceding paragraphs, the effect on openness does not affect the appropriateness of buildings proposed to be used for forestry.

Agenda Item 4.7

- 43 I therefore conclude that the proposed development would not be inappropriate development in the Green Belt.
- 44 For information, it is noted that the local Parish Council have referred to permissible floor space for outbuildings. It is assumed that this reference is made with policy H14B of the Local Plan in mind, which relates to outbuildings within the residential curtilage. This policy was applied to historical applications reference SE/11/01469/LBCALT and SE/11/1468/FUL. Since the determination of these applications in 2011, a review of local plan policies has been completed to ensure compliance with the NPPF. Having regard to this, only criteria 4 of policy H14B is considered to be compliant. As the NPPF does not specifically address the issue of outbuildings, the remainder of policy H14B is not compliant and generally new outbuildings in the Green Belt would be regarded as inappropriate development unless they fall within any of the criteria regarded as exceptions at paragraph 89 of the NPPF. Therefore, to clarify, floor space is irrelevant in this instance. Furthermore, the previous scheme related to a domestic store and was submitted as a Householder application. The current application is a full planning application for a building for forestry and as such, policy H14B is not relevant to the consideration of this application.

Impact on the AONB

- 45 The NPPF states that the Government 'attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.' (para. 56).
- 46 Policy EN1 of the Local Plan indicates that, amongst other criteria, 'the form of the proposed development ... should be compatible in terms of scale height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard'.
- 47 Views of the proposed building from within the public domain are limited to the access track to the far rear of the site. Where views are obtainable the building would be viewed against the backdrop of the existing trees and woodland.
- 48 With regards to its size, the proposed outbuilding has an appropriate footprint to accommodate the items listed in the applicants supporting statement. The hipped roof contributes to the buildings simplistic design and its traditional character and appearance. The proposed materials comprise Dry Purbeck stone, timber boarding, plain tiles and timber windows and doors which would be sympathetic to materials predominating locally in type and to the surrounding rural setting.
- 49 Policy LO8 of the Core Strategy requires development to respect the countryside by having no detrimental impact upon the quality of the landscape character. Although the outbuilding is located within a rural area, and limited views of the building would be obtainable, as stated in the preceding paragraph, the building has been designed using traditional forms and materials so that it would not appear intrusive in the landscape and is of a design that sympathises with the rural character
- 50 As such, it is considered that the design of the building would respect its immediate setting and the surrounding area and vernacular styles. Therefore it is

my view that the proposed building would preserve the character and appearance of the Area of Outstanding Natural Beauty in accordance with Section 85 of the The Countryside and Rights of Way Act 2000 and the aforementioned policy criteria.

Impact on the setting of the Listed Building and Conservation Area

- 51 The NPPF sets out the Governments criterion on the conservation of the historic environment.
- 52 Paragraph 126 of the NPPF describes heritage assets as ‘*an irreplaceable resource*’ and states that they should be conserved in a ‘*manner appropriate to their significance.*’
- 53 Paragraph 129 of the NPPF states:
- “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal”.*
- 54 In addition to the above, at a local level policy SP1 of the Sevenoaks Core Strategy states that the districts heritage assets including listed buildings and conservation areas will be protected and enhanced.
- 55 Having regard to the above, the proposed outbuilding is of a traditional form. The new outbuilding is proposed to be finished in traditional materials which would be sympathetic to the character and appearance of the main house (The Mount) and surrounding neighbouring properties, and are typical of those commonly associated with outbuildings in rural locations. For these reasons and those set out above under the heading 'visual impact', it is my view that the proposal would preserve the setting of the Listed Building and special character and appearance of the conservation area in accordance with Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and aforementioned policy criteria.

Impact on Amenity

- 56 Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 57 The rear garden boundary to the nearest neighbouring residential property is in excess of 40 metres from the application site.
- 58 As such and in accordance with Policy EN1 of the Local Plan, the proposal is not considered to adversely impact upon the amenities of neighbours by way of form, scale, outlook, noise, light intrusion or activity levels including vehicular or pedestrian movements.

Agenda Item 4.7

- 59 One objector to the scheme refers to the proposal de-valuing the price of his property. This is not a material planning consideration and it would be unreasonable to refuse the application on such grounds.

Highways

- 60 With regard to highway safety, this is a category of development which does not require consultation with Kent Highways Services.
- 61 The existing access is not proposed to be altered. The machinery will be stored on site and as such the proposal is not perceived to involve any intensification in vehicle movements.
- 62 Therefore, it is my view that the proposal would not interrupt the safe flow of traffic or result in any adverse highway implications.

Archaeological Implications

- 63 The site is located in an area of archaeological potential. Therefore, the construction of the building has the potential to impact upon archaeological remains. As such, it is considered reasonable in accordance with Circular 11/95 Use of Conditions in Planning Permissions, to apply a condition to any grant of planning permission requiring a desk top study establish the likely presence of archaeological remains on the site.

Trees

- 64 The site is located in close proximity to a number of mature trees. The application includes a '*Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement*'.
- 65 This statement includes a list of trees affected by the proposal some of which are proposed to be removed.
- 66 The Councils Tree Officer has reviewed the contents of the submitted statement and is satisfied with its recommendations.
- 67 Consequently, SDC Tree Officer is of the view that providing the recommendations set out in the statement are secured by condition the proposal would have no significant adverse impact on trees located within or adjacent to the application site.

Biodiversity

- 68 Policy SP11 of the Sevenoaks Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity.
- 69 It is acknowledged that the sustainable management of the woodland will benefit biodiversity, however, the proposal itself would affect some established vegetation and the site is located adjacent to woodland and areas of scrub, thus increasing the potential for protected species to be present.
- 70 As such, it is considered reasonable in accordance with policy SP11 and Circular 11/95 to apply a condition requiring biodiversity enhancements.

Conclusion

- 71 The proposed building for forestry is regarded as appropriate development in the Green Belt.
- 72 The design of the building would respect its immediate setting and the surrounding area and vernacular styles. Therefore it is my view that the proposed building would preserve the character and appearance of the Area of Outstanding Natural Beauty, setting of the Listed Building and special character and appearance of the Conservation Area.
- 73 The proposal would not have a detrimental impact on neighbour's amenity.
- 74 Other environmental impacts have been assessed and there are not any which are potentially significant which cannot be satisfactorily controlled by way of conditions imposed.

Background Papers

Site and Block plans

Contact Officer(s): Claire Baldwin Extension: 7367

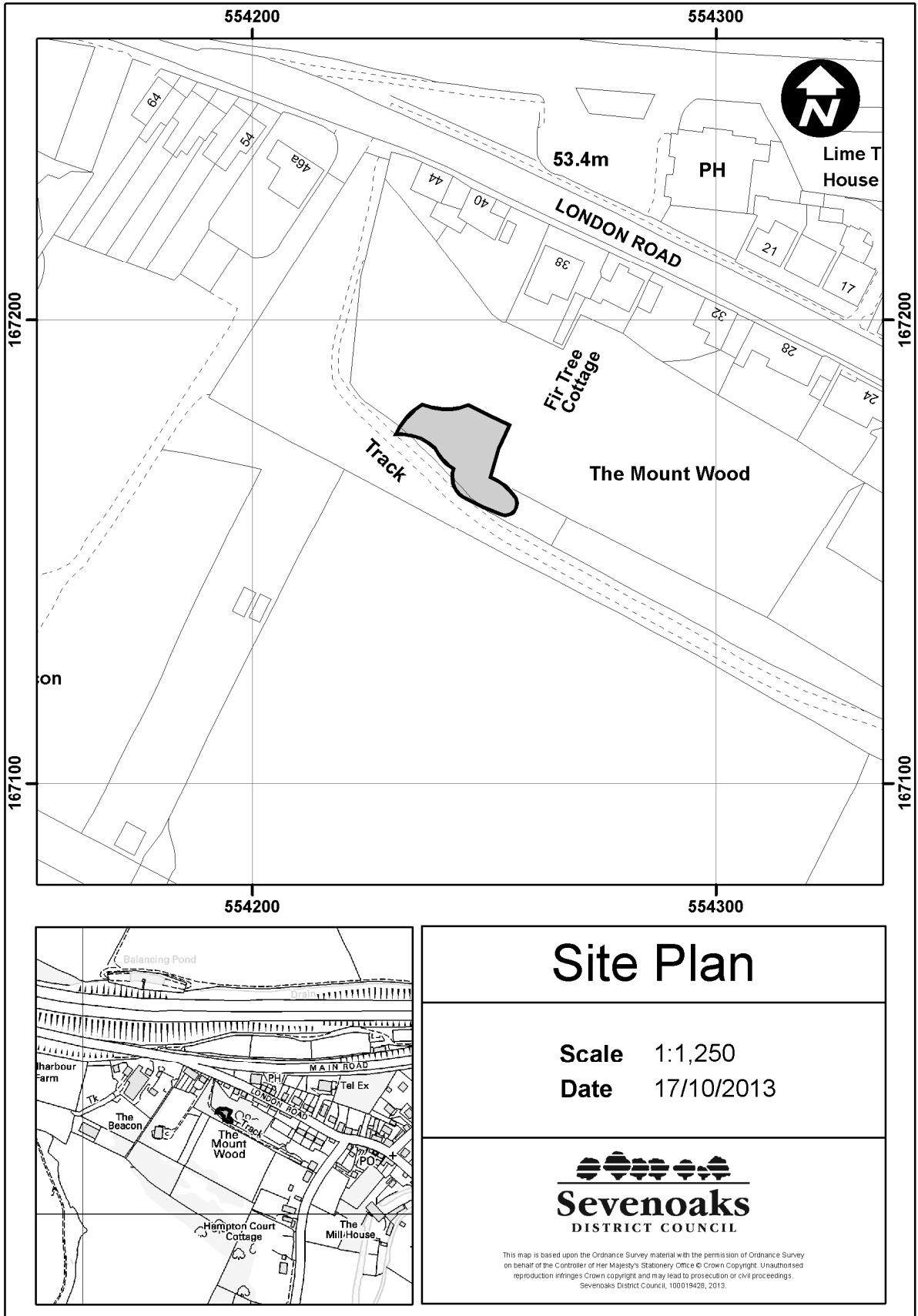
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MOKU6RBK8V000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MOKU6RBK8V000>



This page is intentionally left blank