

DEVELOPMENT CONTROL COMMITTEE

16 October 2014 at 7.00 pm
Council Chamber, Argyle Road, Sevenoaks

AGENDA

Membership:

Chairman: Cllr. Williamson

Vice-Chairman Cllr. Miss. Thornton

Cllrs. Mrs. Ayres, Bosley, Brookbank, Brown, Clark, Cooke, Edwards-Winsor, Firth, Gaywood,
McGarvey, Neal, Orridge, Mrs. Parkin, Raikes, Miss. Stack, Underwood and Walshe

Pages

Apologies for Absence

1. **Minutes** To follow
To approve the minutes of the meeting of the Committee held on 25 September 2014 as a correct record.
2. **Declarations of Interest or Predetermination**
Including any interests not already registered
3. **Declarations of Lobbying**
4. **Planning Applications - Chief Planning Officer's Report**
 - 4.1. **SE/14/02577/FUL - Ragstones, 1 The Vine, Sevenoaks TN13 3SY** (Pages 1 - 16)
Demolition of existing dwelling to provide 5 new residential units with undercroft parking and associated landscaping and visitor parking
 - 4.2. **SE/14/02288/FUL - C Bolter Ltd, Carlton Works , St. Johns Hill, Sevenoaks TN13 3NS** (Pages 17 - 32)
Conversion of the existing warehouse building into 8 no. residential apartments
 - 4.3. **SE/14/02734/HOUSE - Manor Cottage, Valley Road, Fawkham, Longfield DA3 8NA** (Pages 33 - 48)
Erection of 1st floor flank extension over existing ground floor room

- 4.4. **SE/14/02209/HOUSE - 39 Redhill Wood, New Ash Green, Kent DA3 8QP** (Pages 49 - 58)

Erection of a ground and first floor front extension and installation of a new window to first floor side elevation

- 4.5. **SE/13/03811/ADV - Car Parks, Nightingale Way, Swanley** (Pages 59 - 66)

Retention of Signage associated with existing surface pay and display car park

- 4.6. **SE/14/01799/FUL - Car Parks, Nightingale Way, Swanley** (Pages 67 - 74)

Retention of 3 no. pay and display ticket machines and provision of accessibility ramp

5. **Tree Preservation Orders**

- 5.1. **Tree Preservation Order (TPO) No 11 of 2014 Located on land situated to the East of Swanley Park, New Barn Road, Swanley** (Pages 75 - 80)

That the Tree Preservation Order no. 11 of 2014 be confirmed without amendment

- 5.2. **Tree Preservation Order (TPO) No 9 of 2014 Located within the garden of Pilgrims Way Cottage, Pilgrims Way, Otford** (Pages 81 - 84)

That the Tree Preservation Order no. 9 of 2014 be confirmed without amendment

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 227247)

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 227247 by 5pm on Monday, 13 October 2014.

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

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

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

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4.1 - SE/14/02577/FUL Date expired 6 October 2014

PROPOSAL: Demolition of existing dwelling to provide 5 new residential units with undercroft parking and associated landscaping and visitor parking.

LOCATION: Ragstones, 1 The Vine, Sevenoaks TN13 3SY

WARD(S): Sevenoaks Town & St Johns

ITEM FOR DECISION

Councillor Fleming has referred the application to Development Control Committee on the basis of over development, design, conservation and lack of affordable housing contribution.

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

1) The development hereby permitted shall be begun before the expiration of 3 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: E-001, P2001A, P2002A, P3010C, P7001A, P7002A, P7003A, P7004A.

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

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

To protect the amenities of the locality

4) Prior to occupation of the development, the landscaping details as shown on approved plan P2002A shall be implemented, and shall be retained thereafter unless otherwise approved in writing by the local planning authority.

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

5) 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

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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.

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

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

7) 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 SP2 of the Core Strategy.

8) Notwithstanding the submitted plans, no development shall take place until details of a revised layout of the areas for the parking of cars has been submitted to and approved in writing by the Council. The parking areas approved shall be provided and kept available for parking in connection with the use hereby permitted at all times

To ensure the permanent retention of sufficient vehicle parking for the property as supported by Policy EN1 of the Sevenoaks District Local Plan

9) 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 Council. Any approved scheme shall be completed to the written satisfaction of the Council prior to the construction of the development.

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

10) Details of cycle storage provision shall be submitted in writing to the local planning authority. The approved details shall be implemented prior to occupation of the building and retained as such thereafter.

In the interests of sustainable transport provision.

11) Details of obscure glazing of the flank windows shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to occupation of the building and retained thereafter.

To safeguard the privacy of neighbouring residents as supported by Policy EN1 of the

Sevenoaks District Local Plan.

12) Details of all boundary and enclosure treatments of the site including, location, height and materials shall be submitted to and approved by the local planning authority. The approved details shall be implemented prior to occupation of the development and retained thereafter.

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

Informatives

1) The proposed development has been assessed and it is the Council's view that the CIL IS PAYABLE. Full details will be set out in the CIL Liability Notice which will be issued with this decision or as soon as possible after the decision.

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 provided with pre-application advice that led to improvements to the acceptability of the proposal.

Description of Proposal

- 1 Demolition of existing dwelling to provide 5 new residential units with under croft parking and associated landscaping and visitor parking.

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Description of Site

- 2 The application site consists of a large plot containing a detached two storey dwelling. It has an extensive rear garden and sits within the Vine Conservation Area, and the urban confines of Sevenoaks.
- 3 The site is bounded to the north by Belmont, a detached gable and pitch roof building of 2-3 storeys in yellow brick, and to the south by Pavilion Gardens, a 3 storey, gable clay tile hung block of apartments.
- 4 In front of the site, to the East lies the Vine Cricket Ground which includes the listed Pavilion building.
- 5 The application site is in excess of 33m in length with further gardens from The Drive backing onto it.

Constraints

- 6 Vine Conservation Area

Policies

Sevenoaks District Local Plan

- 7 Policies – EN1, EN23

Core Strategy

- 8 Policies – SP1, SP2, SP3, SP7, LO1, LO2

ADMP

- 9 Policies – EN1, EN2, EN4,

Other

- 10 NPPF
- 11 Supplementary Planning Document – Affordable Housing
- 12 Vine Conservation Area Management Appraisal

Planning History

- 13 14/00680/FUL - Demolition of existing dwelling to provide 5 new residential units with undercroft parking and associated landscaping and visitor parking.
Withdrawn

Consultations

Sevenoaks Town Council

- 14 ‘Sevenoaks Town Council *unanimously recommended refusal on the following grounds:*

i The proposal constitutes overdevelopment, and is larger than the previously withdrawn application for the site.

ii. The proposal is contrary to guidance set out in the conservation area appraisal, damaging to the area's feeling of spaciousness, and resulting in a terracing effect due to the use of the full width of the plot

iii. The proposal would necessitate the loss of a substantial holm oak tree contributing to the character of the conservation area

iv. The proposal is out of keeping with neighbouring properties due to being 4 storeys high

Informative: it has been reported to the Town Council that many of the "not to scale" drawings do not accurately show the relationship the proposal would have with neighbouring properties.'

Highways

15 Kent Highways has commented:

'With regard to a resident's comments about the junction of The Vine and Dartford Road, according to crash records for the years 2005 - 2013 this location does not have a history of any personal injury crashes. I would suggest that local residents will be familiar with the issues here and will take appropriate action.

It is also worth noting that neither the proposed car parking spaces nor the cycle parking spaces comply with the dimensions recommended in the Kent Vehicle Parking Standards SPG4.

I do not intend to raise any objections to the proposals.'

SDC Arboricultural Officer

16 SDC Arboricultural Officer has commented:

'I consider the real question here is if the amenity that this tree offers is sufficient to refuse this application. My opinion is that it does not. As much as I consider the removal of the Oak tree to be a loss, I cannot in this instance justify an objection to its removal for the purposes of redevelopment as proposed.

Should consent be granted, I consider substantial landscaping to the frontage to be important to the scheme and as such this should be conditioned. '

Representations

17 12 notifications of objection have been received which raise the following points:

- The proposal is not in keeping with the conservation area. It is out of scale and too high
- The proposal represents overdevelopment of the site.
- It fails to respond to the local distinctiveness of the area.
- The proposal does not allow for gaps either side of the building and extends further forward and backwards in the site than the existing building

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- The style and size of the building is inappropriate for the area.
- The proposal would have a detrimental impact on the appearance of the streetscene and the historic Vine
- There is a protected oak tree in the garden which must remain
- The proposal will create additional noise and traffic pollution and the provision of parking raised above the level of adjoining gardens is unacceptable.
- The use of the rear garden for communal gardens would be out of keeping in an area of traditionally single family dwellings.
- The design and materials proposed for the scheme are out of keeping with the locality.
- Subsequent amendments may make the scheme even more unacceptable.
- The proposal will substantially overlook neighbouring properties and remove all privacy to rear gardens.
- Outlook from neighbouring occupiers will be destroyed.
- The development will affect the surface and groundwater flows
- The footprint of the proposal extends beyond the existing dwelling
- The development may impact the pine trees at the rear of the site which are of great visual amenity value to the area.
- Would access for emergency vehicles be possible? Parking needs to be carefully considered.
- The impact of construction should be carefully considered
- There is no Housing land Supply issue and therefore para14 of the NPPF is not triggered.

Chief Planning Officer's Appraisal

- 18 Policy EN1 of the Local Plan identifies a broad range of criteria to be applied in the consideration of planning applications. 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. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.
- 19 The development should respect the topography of the site and retain important features. Criteria 3 states that the proposed development must 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.
- 20 The proposed development should not result in the loss of important buildings or related spaces and should ensure a satisfactory environment for future occupants.
- 21 Development should ensure a satisfactory means of access for vehicles and pedestrians and provide parking facilities in accordance with the Council's approved standards
- 22 Policies EN1 and EN2 of the ADMP reiterate these considerations relating to amenity and design.
- 23 Policy EN23 of the Local Plan states that development within conservation areas should preserve or enhance their special character and appearance. The design

of new buildings should respect local character, whilst the treatment of external spaces, should be compatible with and enhance the appearance of the area.

- 24 Policy LO1 of the Core Strategy states that development will be focussed within the built confines of existing settlements. Policy LO2 places an emphasis on the Sevenoaks area as the principal focus for development.
- 25 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. The districts heritage assets will be protected and enhanced.
- 26 Policy SP2 requires all new homes to achieve at least Level 3 of the Code for sustainable homes.
- 27 Policy SP3 requires the provision of an affordable housing contribution in any development that results in the net gain of a residential unit.
- 28 Policy SP7 states that within the urban area of Sevenoaks, new residential development will be expected to achieve a density of 40 dwellings per hectare. It also states that new housing development should be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated.
- 29 The Conservation Area Appraisal identifies key issues within the conservation area as:
- Parking pressure and associated clutter;
 - Maintenance and replacement of inappropriate standard features;
 - Loss of characteristic houses on large plots and their replacement with smaller uncharacteristic smaller houses or flats;
 - Loss of traditional details;
 - Presence of cheap low-quality UPVC double glazed windows. This is perhaps less prevalent than it has been in previous years, although landlords and house owners wanting to make spurious savings on maintenance and increases to thermal efficiency still insist on these inappropriate changes;
 - Inappropriate change of use from single family house to flats. There are different planning rules relating to flats and commercial properties which should be noted.
 - At least one property in St Botolph's Road was noted with PVCU windows. This does require planning permission as this house is being used as flats. UPVC is inappropriate and original timber windows should always be repaired.
 - A lack of maintenance in the public realm extends to the private arena. Houses must be regularly maintained and painted. The use of inappropriate materials should be discouraged.

- 30 It goes on to recognise that:

'Any new development should encourage high quality and innovative design that reflects local identity and distinctiveness and promotes healthy, safe and secure living and working environments. The design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but

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the townscape and landscape of the whole area. The pattern and pedestrian scale of existing local streets and spaces should help determine the character and identity of the new development...

...All development in the conservation area, must respond to its immediate environment and context, in terms of scale, density, form, materials and detailing. Applicants for planning permission must provide a "Design and Access Statement", to justify the design decisions that have been made as the scheme was developed and to show how proposed alterations relate to their context. Where appropriate long views of and from the site must be taken into account. Proposals which fail to respect the local contextual framework or the scale, height, proportion and materials of the local area will not normally be permitted.'

- 31 Permission is sought for the demolition of the existing dwelling, and the erection of a 5 unit apartment block, 4 storeys high with a basement level. The proposal presents two gables on the front elevation along with a flat roofed side element. 2 bays project over two storeys on the frontage, providing terraces for the 3rd floor units.
- 32 The roof level element is contained within the main pitched roof of the development. Two rear roof terraces are shown which provide the two units at this level with amenity space. An obscure glazed screen is shown to screen these terraces from the north and south.
- 33 The rear elevation contains one projecting two storey bay with a roof terrace above. 3 roof terraces are provided in the rear at the ground, first and second floors of the development. The side elevations both present blank walls with windows inserted.
- 34 Basement parking is provided, that is accessed to the side of the property via an undercroft. The basement also contains a residential unit that has a rear garden contained within a lightwell. The main ground floor rear garden is shown as landscaped with rising levels to the rear boundary of the site to accommodate the basement parking provision. At the rear of the site, the garden is shown as built up to a height of 2m with a planted screen of 1.1m above this.
- 35 The proposed block extends to a maximum height of 14m to the ridge height, although levels across the site do vary. The proposed block sits 40cm to the boundary with Pavilion Gardens to the South, and 3.2m to the boundary with Belmont to the North. The development maintains setback within the plot of minimum 10.5m to the most forward projecting bay (12.2 to the entrance bay), and leaves a stretch of garden of approx. 35.8m to the rear boundary of the application site.

Principle of development

- 36 The site lies within the urban confines of Sevenoaks but outside of the Town Centre. As such, the development of the site is supported by Core Strategy policy which seeks to located development within the built confines of existing settlements. Sevenoaks is identified as a location where provision will be made for significant housing development where it protects the distinctive character of the local environment.

- 37 The site area is 0.13Ha and the density of the proposed development amounts to 38.46 Units/Ha. Although this falls slightly below the density that the developments in this location are expected to meet, it takes account of the particular constraints of the site including its appearance within the streetscene and within the conservation area. Any greater a density would have a detrimental impact on the distinctive character of the area. The proposal would not result in an overdevelopment of the site.

Design and Appearance: Impact on the Conservation Area

- 38 The bulk of the proposed development would be compatible in terms of scale, height, density and site coverage with other buildings in the locality and within the street scene. Although the proposed dwelling is larger than existing, it would still sit comfortably within the plot. The maximum ridge height of the proposal is slightly lower than the neighbouring Pavilion Gardens development, and only 1.5m higher than the height of Belmont. In terms of its height, it therefore sits within its setting in a congruous manner which reads acceptably within the streetscene and within the wider conservation area.
- 39 The proposal maintains only a small gap of 0.4m to its southern boundary. This is comparable with the existing Ragstones property which currently maintains only a 0.5m gap. However, a gap of 1.6m would be retained between the flank wall of the proposal and that of Pavilion Gardens. This gap between built forms would prevent any appearance of terracing. A gap of 5.7m would be maintained between the proposed development and the flank wall of Belmont to the North. This spacing is considered appropriate to and reflective of the existing character of the locality.
- 40 The proposal extends further back into the plot than the existing dwelling, but only by an additional 2.5m from the rear building line of pavilion gardens, and similar to the rear building line of Belmont. A substantial extent of garden would be maintained to the rear of the site and as such, there is a greater protrusion into the site than the existing, but the resulting relationship with the neighbouring buildings is considered acceptable and the resulting visual amenity of the locality is acceptable.
- 41 Objections have been raised about the built up form of the plot throughout the garden which accommodates the basement parking below. This would gradually increase the rear garden height over a distance of 23.5m to a maximum of 2m above ground level where a boundary wall would retain the increased height. The details of the boundary treatment can be conditioned to ensure an acceptable treatment to the retaining structure and the site boundary above.
- 42 This 2m built up height would drop back to the 'natural ground level' within the development plot at which point, there would be an additional 10.2m of garden space for units 4 and 5 of the proposal. As such, the increased bulk of the garden would have no impact on those gardens to the rear of the site in the Drive or St Botolphs Road.
- 43 The significant distances between the increased ground level and the neighbouring dwellings to the side and rear, in addition to the gradual increase along the garden, and the fact that it can be screened by way of a hard and soft landscaping condition mean that this element of the proposal, while not ideal, is considered acceptable and would have no impact on neighbouring amenity.

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- 44 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). Para 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum use.
- 45 The Planning (Conservation Area and Listed Building) Act 1990 requires special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 46 The design of the new building would relate sympathetically to the character of the conservation area. The elevational treatment and roofline of the building would harmonise with the architectural style which is found within the locality. An easily identifiable entrance has been created which provides legibility to the building. The boundary treatments are shown to match in with the neighbouring plots, and would appear coherent within the streetscene.
- 47 The proposal would result in the loss of a building within a conservation area. The existing Ragstones building is of no particular architectural quality or value within the conservation area. It is not identified as a building that contributes to the character of the conservation area.
- 48 The architectural expression of the proposal would make a positive contribution to the character of the conservation area and would reinforce local distinctiveness.
- 49 It is therefore compliant with para. 131 of the NPPF, which requires new development to make a positive contribution to local character and distinctiveness, and para. 60 requiring LPA's to seek to promote or reinforce local distinctiveness. The proposal would enhance the character or appearance of the conservation area, in accordance with the requirements of the conservation area appraisal, and would appear as a congruous and harmonious building within the streetscene.
- 50 The site can be viewed from long views across the cricket green. The ability of the proposal to relate to the local distinctiveness of the area would ensure that it would not have a detrimental impact on this designated heritage asset.
- 51 The proposal would result in the removal of an Oak tree on the site. After extensive discussion and examination of the site, the Arboricultural Officer has concluded that the amenity afforded by the tree by its limited view was not such that the resistance to its removal could be maintained. The pine trees at the rear of the garden are not shown as being affected and no objection to the proposal on the basis of impact to these has been raised by the Arboricultural officer
- 52 The proposal includes a substantial landscaping scheme which shows 2 acceptable replacement trees.

Impact on residential amenity

- 53 The proposal would introduce an additional 2 storeys of living accommodation (albeit one in the roof) above that currently on site which could potentially result in unacceptable overlooking and loss of privacy from the rear of the proposal. However, the extent of garden to the rear of the proposed building – at least 35m, along with the oblique angle of development in relation to the properties at the

rear – in the Drive and St Botolphs Road - mean that this impact would be mitigated to an acceptable degree. Due to the siting of the proposal in relation to the two neighbouring buildings and their front and rear building lines, the orientation of the building, and the type of additional windows in the 2nd floor above of the flank elevation – kitchen and landing, the proposal would not result in a significant impact on daylight or sunlight. Any potential loss of amenity through overlooking to the neighbouring buildings can be mitigated to an acceptable level through the imposition of a condition requiring details of obscure glazing to the side windows.

Consultation responses have raised concern about noise and traffic pollution from the parking provision. This would be enclosed within a building structure and as such, it is considered that it would not be obtrusive to neighbouring occupiers. The raised garden level would work with the sloping level of the land and, while it would introduce additional bulk to the side boundaries of the site, this is not considered intrusive enough to warrant refusal of the scheme. It would not impact on the amenities of the adjoining buildings. The development to the South, Pavilion Gardens, has access and parking adjoining the rear garden of the application site and therefore the raised structure would have no adverse impact on the amenity of this space. The garden to the north of the site – Belmont – is 13.5m wide and is well screened by existing and proposed vegetation. As such, there would not be a significant detrimental impact on the amenity of this space

Affordable Housing

- 54 The application has been submitted without a legal agreement regarding an affordable housing contribution. A viability assessment has been submitted by the Applicant which concludes that implementation of the proposal would result in a financial deficit.
- 55 The viability assessment has been checked by the Councils independent consultant who has produced a report which concludes that the viability assessment submitted with the application is an accurate reflection of the viability of the proposal.
- 56 Therefore, although no affordable housing provision is offered, the proposal does accord with the requirements of policy SP3 of the Core Strategy because it has been demonstrated that the proposal is only viable with a zero contribution in line with the Affordable Housing SPD.

Highways and Parking

- 57 Kent Highways have raised no objection to the parking provision on site, or to the impact of an increase in traffic movements. Details of the parking layout and the provision of cycle spaces can be dealt with by condition. Therefore this aspect of the scheme is considered to be acceptable.
- 58 Concern has been raised about emergency access to the site. Kent Highways have raised no objection to this and it is therefore considered to be acceptable. The development is accessible through the front entrance and if an emergency service needed to gain access to the site, this could be achieved through the front entrance. In the case of an emergency, a vehicle could park on road in front of the building.

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Other matters

- 59 Concerns have been raised about surface water runoff and drainage of the site. A condition could be applied so that the applicant must demonstrate a sufficient drainage arrangement to deal with this.
- 60 A condition could be applied to ensure that the development would comply with level 3 of the Code for Sustainable Homes. Implementation and retention of the hard and soft landscaping details submitted can also be secured via condition
- 61 Comments of concern have been raised about construction of the site given its proximity to residential units. This could be dealt with by way of a condition requiring a construction method statement to be submitted and approved prior to commencement of development.
- 62 Consultation responses have raised the issue that the application drawings are not to scale. The drawings have been submitted as scaled drawings and are understood to be accurate. If this were not the case, the Applicant would be unable to implement the permission as the implemented scheme would not reflect the approved plans. The plans have been annotated with 'For construction purposes do not scale from this drawing. Used figured dimensions only' This is a reference for building purposes as separate building regulation plans would be drawn up for construction purposes. It does not mean that the planning drawings are incorrectly scaled.
- 63 At the heart of the NPPF is a presumption in favour of sustainable development. This should be seen as a thread running through plan making and decision taking. Paragraph 1 states that development that accords with the development plan should be approved without delay. An assessment of the proposal has found that the proposal is in accordance with the development plan, and therefore it is recommended that planning permission be granted.

CIL

- 64 The application is CIL liable and no exemption has been sought.

Conclusion

- 65 That planning permission is granted.

Background Papers

Site and Block plans

Contact Officer(s): Joanna Russell Extension: 7367

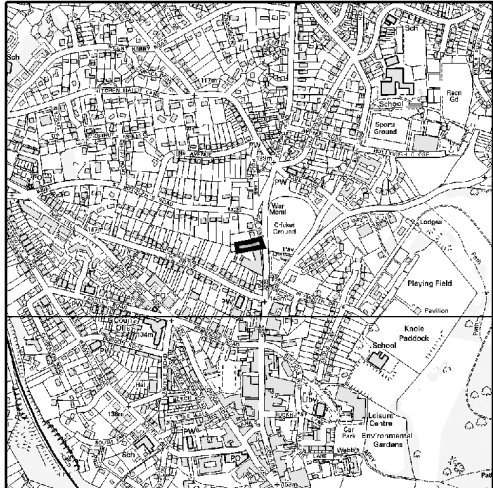
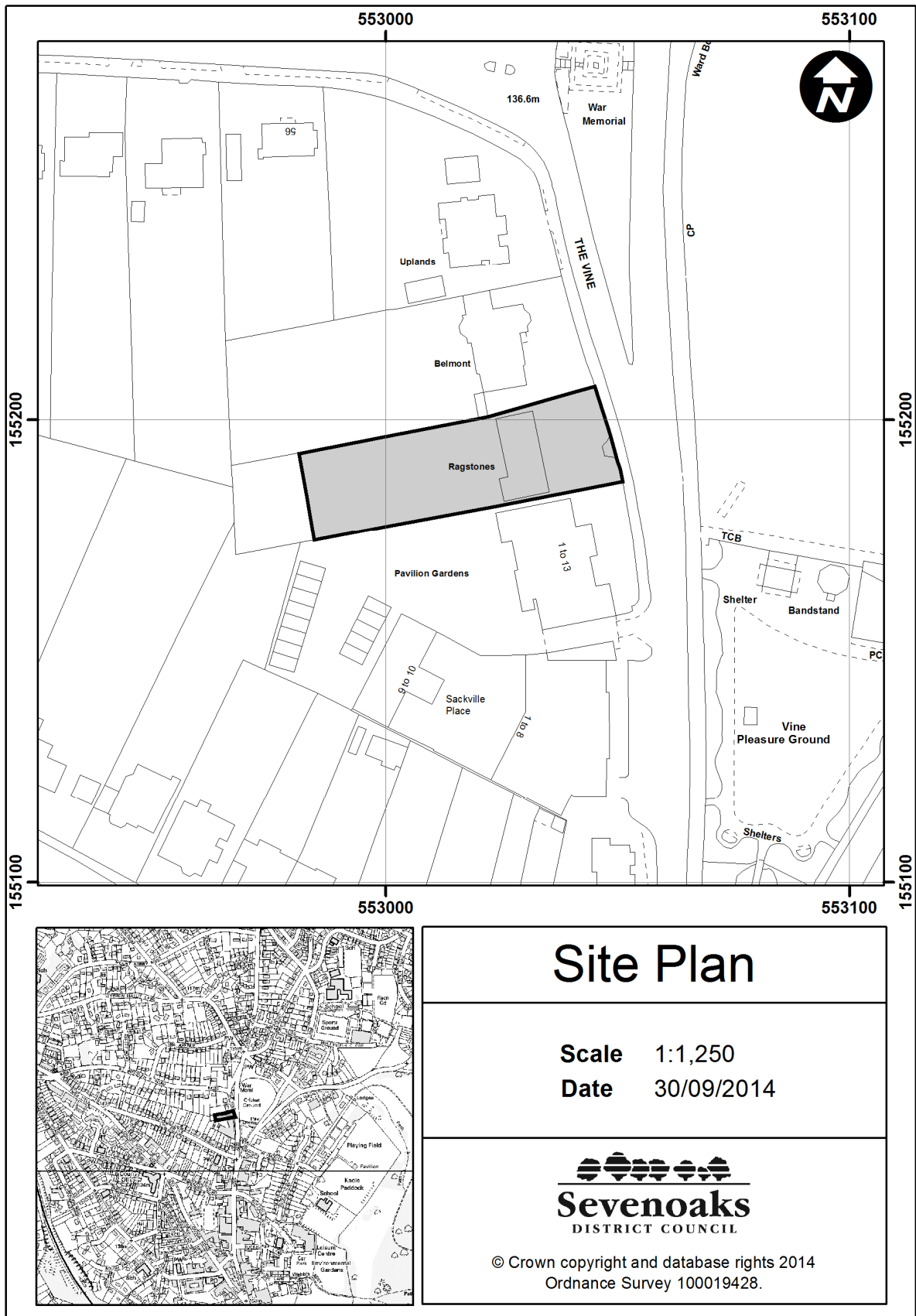
Richard Morris
Chief Planning Officer

Link to application details

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NA4RNIBKGT00>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NA4RNIBKGT00>



Site Plan

Scale 1:1,250

Date 30/09/2014



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Ordnance Survey 100019428.

Block Plan



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4.2 – SE/14/02288/FUL Date expired 18 September 2014

PROPOSAL: Conversion of the existing warehouse building into 8 no. residential apartments.

LOCATION: C Bolter Ltd, Carlton Works , St. Johns Hill, Sevenoaks
TN13 3NS

WARD(S): Sevenoaks Town & St Johns

ITEM FOR DECISION

Councillor Fleming has referred the application to committee on the grounds of over development, overlooking, affordable housing provision and highways.

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

1) The development hereby permitted shall be begun before the expiration of 3 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: E001, P301A, P400E, P300C, P500A

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

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

4) The development shall achieve a BREEAM minimum rating of very good. Evidence shall be provided to the Local Authority:

i) Prior to the commencement of development, of how it is intended the development will achieve a BREEAM Design Certificate minimum very good standard 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 BREEAM post construction certificate minimum very good standard 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 SP2 of the Core Strategy

5) Notwithstanding the details shown in the approved plans, details of revised cycle storage provision shall be provided in writing to the local planning authority. The development shall not be occupied until the submission is approved and the provision is

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implemented in accordance with the approved details.

In the interests of sustainable transport provision.

6) Details of the type of obscure glazing to be installed in the rear and side elevation windows shall be submitted to the local planning authority and approved prior to occupation of the building. the windows shall be retained obscure glazed in accordance with the approved details thereafter

To protect neighbouring amenity.

7) An acoustic survey of the proposed heat pumps, and any other plant, shall be submitted to the local planning authority and approved in writing prior to occupation of the development. The plant shall be installed in accordance with the approved details and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

To protect neighbouring amenity in accordance with EN1 of the 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.aspx),
- 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 provided the opportunity to submit amendments which led to improvements to the acceptability of the proposal.

Description of Proposal

- 1 Conversion of the existing warehouse building into 8 no. residential apartments.

Description of Site

- 2 The application site is bounded between St Johns Road to the east and a residential access road to the west with existing residential properties to the north, and shops to the south. The residential houses to the west on Golding Road have long gardens with some 36m from Carlton Works to the opposing rear elevations. A residential access road separates the application site from these neighbours and is screened by existing trees and garages to the rear of these properties. Carlton Works has an existing series of windows on the northern and southern, east and western façade.
- 3 The main built footprint of the building utilises the majority of the available site area. Perimeter external hardstanding areas are located between single storey outbuilding structures and canopy shelters. There is a deep paved area to the front of the building behind the back of the pavement. There is currently no provision for parking on site. The elevational treatment is industrial in character to the north, west and southern original elevations with rusticated brown multi-stock brickwork and crittall style windows of large proportion within the existing apertures facing the residential properties adjacent.
- 4 The front (eastern) facade has an aged white stucco material, which, with the large overhanging canopy structure is in a poor state of repair. This was added to the building in 1935 when it changed use from a theatre to a cinema.

Constraints

- 5 Urban Confines

Policies

Sevenoaks District Local Plan

- 6 Policy – EN1

Core Strategy

- 7 Policies – L01, L02, SP1, SP2, SP3, SP7

ADMP

- 8 Policies – EN1, EN2, EMP5

Other

- 9 NPPF

Relevant Planning History

- 10 78/00468/HIST - continued use of premises for the storage of surgical and dental instruments, glassware and sundries with ancillary offices (renewal of limited period planning permission SW/2/68/103). Granted

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88/00339/HIST - renewal of change of use (SW/2/68/103 and SE/78/408).
Granted

89/01533/HIST - application for permanent change of use. Granted

Consultations

Parish/Town Council

11 On 22.8.14, Sevenoaks Town Council recommended approval.

12 On 17.9.14, Sevenoaks Town Council commented:

'Notwithstanding the previous response, having closely referred in particular to the Transport Strategy and in light of subsequent representations, the Town Council recommended refusal of this application on the following grounds:

1. The applicant places reliance on the fact that the development is to be marketed as "car free" as the reason for not providing any parking space. In the absence of any legal requirement, which in any event would not be enforceable, the Town Council does not believe this to be a sufficient safeguard. Further, the parking space survey showing sufficient spaces available for visitor parking, appears to have been carried out at 4:30am. This situation is not reflected during the day time, when apart from residents, many of the spaces are taken up by cars belonging to people employed in the area or local shoppers.

2. The application is contrary to policy EN1 in that the high number of windows and balconies to the west of the development would cause a loss of amenity to residents in Golding Road by virtue of overlooking and noise & light pollution, thus leading to an unneighbourly development.

3. There does not appear to be any mention of an s106 agreement to provide affordable housing within the application papers.'

KCC Highways

13 Kent Highways have concluded that there is no robust planning policy basis for refusing the application on highways grounds, and has commented:

'Thank you for the additional time in which to consider and discuss this application. It is not clear how much traffic was generated in practice by the previous use of the site.

Currently there is sufficient space for two cars to park in the forecourt (as shown on Google Streetview) while still allowing any visiting lorries to load and unload at the kerbside.

I have the following comments about the submitted Transport Statement:

1. As there has been some concern expressed about the proliferation of applications for flats without parking, I requested that the applicants provide a survey of overnight on-street parking in the vicinity. The results are shown in Table 5.1 and in Appendix A of the Transport Statement.

2. Table 5.1 and the table in the Appendix raise some concerns as two of the areas shown with the greatest number of free overnight parking spaces are in

fact unsuitable for parking, although this is not stated in the application documentation. Specifically, it would not be possible to park on the west side of St John's Hill south of Camden Road without reducing traffic on the A225 to a single lane; Nursery Close is less than 4 metres wide so if any cars are to park "on street" they will have two wheels on the footway and partially block it. The number of free overnight parking places therefore is not so numerous as the Transport Statement suggests.

3. In the parking survey the average length of a parking space has been taken as 5 metres. This may give an over-optimistic estimate of the number of parking places, as in practice many people would need at least a 6 metre gap in which to park. 6m is the recommended length of a parking bay in the Kent Vehicle Parking Standards SPG4.

4. Unlike the other two cited developments 13/01770 and 13/03333, I understand from SDC colleagues that the current application site is too far from the St James and St Johns public car parks for residents to be eligible for parking permits.

5. The application site does not appear to have a good level of bus service. In particular there are no evening or Sunday bus services.

It is worth noting that the application claims to provide 18 cycle parking places, however in practice there appears to be room for only about 6 bicycles. Four of the other proposed parking places appear to be accessed only by wheeling cycles through the living rooms – clearly not practicable with a bike dripping water and dirt. Also the cycle parking racks under the stairs are too close together and in practice could only be used by half the intended number of cycles.

It is questionable whether this development is "sustainable", as it appears to be creating parking problems without a proposed solution or mitigation. Granting planning permission could set a precedent for similar developments, and the cumulative impact could be severe. It is likely that residents from this site will compete with shoppers for parking places outside the adjacent shops, and will park on surrounding roads especially overnight. There will be a greater number of infringements of parking restrictions outside the site, and more work for parking enforcement officers.

Nevertheless, the net effect of the above issues would not necessarily be worse than the alternative scenario of continuing to operate the site under the existing planning permission (B8) but with more intensive use.

I do not regard the proposals as creating a highway safety problem, and provided that on-street parking restrictions can be strengthened, there would not necessarily be an increase in congestion.

In conclusion, although the proposals would undoubtedly result in amenity issues (displaced parking), so far as I am aware there is no robust planning policy basis for refusing the application on highways grounds.

If the application is approved, I would recommend a condition that details of cycle parking for at least 8 bicycles are to be provided to the standard set out in Kent Vehicle Parking Standards SPG4. I would also recommend that a section 106 contribution of £4000 is requested to enable strengthening of parking restrictions on the surrounding roads.'

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- 14 He has further commented:

'If the applicant is challenging the s106 request, we should say the £4000 is towards the costs of strengthening parking restrictions if problems are found to occur in practice. If problems do not occur then we do not need to do any work and the money can be handed back. That is surely reasonable.

I would leave to your judgement whether that would be defensible at any appeal, but I doubt it. Only if something is defensible at appeal is it worth recommending refusal.'

Thames Water

- 15 Thames Water have advised:

Waste Comments

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

Water Comments

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

Representations

- 16 10 representations of objection to the scheme have been received. They raise the following points:

- The development will have an adverse impact on local parking conditions owing to it being zero parking
- Overlooking from the rear, front and side elevations would cause intrusive overlooking to surrounding occupants
- Noise from the heat pump
- The proposal would compromise the security of gardens at the rear
- The proposal fails to enhance the façade of the building
- The proposal is an overdevelopment of the site
- The use would cause disturbance to the adjacent occupiers
- The development may cause damage to the trees at the rear of the site.

Chief Planning Officer's Appraisal

- 17 Permission is sought for the conversion of the existing building into 8 No. residential apartments within existing building fabric and proposed replacement roof structure. The proposal shows the introduction of a new level within the building. This allows for a penthouse roof structure to be added at a lower level than the existing roof form and for retention of the existing eaves brickwork at a new parapet height, The penthouse is set back from the façade and amenity

space is provided at this upper level in a wintergarden style which can be closed to an internal space. 1.8m etched glass privacy screens are used at this level.

- 18 A pedestrian entrance is shown at the northern side into a new entrance lobby stairwell. Planting is shown at the front of the building, and gardens to serve the ground floor flats at the rear. Private cycle storage is provided in two retained external stores which are made good and re roofed. Communal cycle storage is provided in the entrance lobby and a secure timber shelter next to the refuse store doors.
- 19 The first floor apartments are shown with step out balconies on the street facade, whilst the rear apartments have juliette balconies facing the rear access road.
- 20 The Unit 7 wintergarden is shown as located in a position where overlooking would be adjacent to the existing roofscape of the neighbouring property. The Unit 8 wintergarden is smaller in proportion and is located in a position directly next to the adjacent tree and existing sheds of the southern neighbouring property.
- 21 Amenity space for Unit 8 is shown as a westerly facing terrace. To the west of this is an existing garage and large trees. The proposal shows an etched glass privacy screen located on the northern and southern sides of the roof.
- 22 The main flank elevation windows have been kept to the same size and proportion but set at lower levels to suit the revised internal layout. The top floor penthouse glazing consists of a window curtain wall with false panels where there are walls behind. The roof material is a seamed single ply membrane.

Principle of the development –

- 23 *Policy EMP5 of the ADMP* states that when considering proposals for the creation or loss of business uses on unallocated sites – which this site is – the council will assess the impact of the proposals on the environment, local economy and the local community. The Council will permit the loss of non allocated employment business premises provided that it can be demonstrated that the site has been unsuccessfully marketed for reuse in employment for at least 6 months and that there is no prospect of its take up or continued use for business use in the longer term.
- 24 *Policy LO1 of the Core Strategy* states that development will be focussed within the build confines of existing settlements. The Sevenoaks urban area will be the principal focus for development in the District. *Policy LO2 of the Core Strategy* emphasis that suitable employment sites will be retained and provision will be made for housing within Sevenoaks Urban Area.
- 25 *Policy SP7 of the Core Strategy* states that all new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. Within the urban area of Sevenoaks, new development would be expected to achieve a density of 40 dwellings per hectare.
- 26 Given that the site falls within Sevenoaks Urban confines, the principle of its change to residential units is compliant with LO1 and LO2 of the Core Strategy
- 27 The building is currently in B1-B8 use for storage and office purposes. The applicant has advised that he has struggled to compete with the provision within

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the town centre and that the cost of redeveloping the site for employment purposes renders it a viable proposition. The applicant has provided marketing details to demonstrate that this is the case and that a year of marketing has garnered no interest in the property for employment purposes. The use of the building for residential purposes would have an acceptable impact on the locality and is compatible with surrounding uses.

- 28 The site lies within a neighbourhood and village centre as defined under policy TLC4 of the ADMP. However, the existing use of the property is as a B Class rather than an A class. It therefore does not fall within consideration under this policy which only relates to the change of use of shops and services.
- 29 The application relates to a conversion of the existing building rather than the rebuild of a new development. The proposal would result in a density of 266 units per hectare. Although this is significantly greater than the policy guidance, it relates to the conversion of an existing building and does not involve the increase of its mass or bulk. The size of the proposed units is reasonable and the proposal would result in an effective use of the existing building. As such, the proposed density is considered acceptable.
- 30 The principle of the change of use is therefore acceptable.

Impact on the character and appearance of the area –

- 31 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)
- 32 *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.
- 33 *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 these policies are broadly consistent with the NPPF. This stance is reiterated in *ADMP policy EN1*.
- 34 The site falls within the St Johns Area of the Residential Character Area Assessment SPD. Materials are recognised as being varied but orange brick, hanging tiles, and white render are the most commonly used. The art deco frontage of the old cinema building which is the subject of this application is described as typical of its time.
- 35 The proposed development comprises the removal of the stucco frontage. This was an addition to the original building and has fallen into a state of disrepair. The removal of the ‘wings’, and a single storey outbuilding at the side, would provide more space around the dwelling, and to the adjoining occupiers. This would be of positive benefit to the appearance of the building within the streetscene. In addition to this, the frontage of the building would be softened with planting which also improve the frontage of the building.

- 36 The building would be presented as a brick building with windows of the same size and proportion as currently in situ but slightly re-sited and replaced with aluminium framed fenestration. These would be appropriate materials within the local context.
- 37 Due to proposed alternations to internal floor levels, the penthouse roof structure would be added at a lower level than the existing roof form and the existing eaves brickwork would be retained at a new parapet height surrounding the penthouse amenity space. The reduction in height of the building would, along with the removal of the 'wings' provide beneficial space around the built form. The penthouse is set back from the façade and amenity space is provided at this upper level in a wintergarden style which can be closed to an internal space. 1.8m high etched glass privacy screens are used at this level to provide additional screening. This would be barely visible from the streetscene and given that it results in a reduction of the overall height of the building, no objection to this new element in design terms could be justified.
- 38 Since the character of the area is mixed, with commercial uses standing next to residential uses, the residential appearance of the building would sit comfortably within the street scene and locality. Its simplified appearance would harmonise with the context of the locality.
- 39 The minor alterations to the building, including the removal and insertion of doors and windows, and the creation of additional greening, would assist in creating a more residential appearance to the building and would be wholly acceptable. The loss of the façade would bring the building more in line with its appearance as it was originally built – without the wings. While the stucco façade may be viewed by some as a valuable feature of the building, it is in fact, in a poor state of repair, not an original feature, and is not protected in any way. Its removal will simplify the building and make it appear more congruous within its setting.
- 40 The proposed development would represent an appropriate redevelopment of the existing building, would improve the appearance of the plot within the streetscene, and would enhance the character and appearance of the area.

Impact on neighbouring amenity –

- 41 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.
- 42 *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. This is reiterated in ADMP policy EN2.
- 43 A number of objections have been submitted relating to the impact of the proposal on residential amenity. In the first instance, it must be considered that the building already contains a number of outward looking windows on each elevation. Although the current use of the building is for business purposes, this does not preclude the overlooking impact to be the same as a residential use.
- 44 The proposal involves the relocation and addition of windows on all elevations including the provision of 2 full height windows with Juliet balconies at the rear.

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The two penthouse properties would have amenity space including wintergardens although privacy screens are proposed around sections of the perimeter of the roof to screen this.

- 45 A lower section of all first floor windows on the rear and side elevations are shown as obscure glazed to ensure that there would be no loss of privacy to nearby gardens. This feature to the side elevations was offered by the applicant in response to local objections regarding overlooking. The upper sections of the windows would be clear glazed and openable to allow for satisfactory living conditions for occupiers of the building. Further details of the obscure glazing will be required by condition prior to occupation of the dwellings.
- 46 The distance between the application building and the rear elevation of the properties to the rear in Golding Road is approx. 33m. Aside from the increase in size of the full height windows which is to be dealt with through the provision of obscure glazing, this distance is considered satisfactory to ensure that detrimental overlooking would not take place. The change of use would not result in an unacceptable degree of overlooking.
- 47 The building sits within a closely knit pattern of development along St Johns Hill and also contains existing windows which look out to the north and south across neighbouring properties. The first floor windows on the southern elevation are shown as relocated so that they are lower than existing. One of these serves a bathroom and so would be obscurely glazed. The remainder 4 windows number the same as is currently in situ. The applicant has shown a lower portion of these to be obscurely glazed. Taking this into account, no objection to overlooking from these windows could be maintained. Comments have been made about the impact on the rear of the cottages 47-55 St Johns Hill, however, a distance of approx. 30m will be maintained between the side windows and the rear elevation of the cottages. This is considered a satisfactory distance.
- 48 The first floor windows on the northern elevation number the same as is currently in situ and one of these serves a lobby. Given this, and that the applicant has shown the lower portion of these to be obscurely glazed, no objection to overlooking from these windows could be maintained
- 49 Objections have been raised to the amenity space that serves the penthouse units. However the same distances as detailed above apply to this level of development. Further to this, the penthouse is set back into the roofspace and screened by a parapet wall and privacy screen. Given these circumstances, it is not considered that an unacceptable level of overlooking or loss of privacy would result from the conversion.
- 50 In conclusion, given the character of the site, the level of existing fenestration, the distances between properties, and the requirement for obscure glazing, it is considered that the proposal would not have such an impact on privacy or overlooking to justify refusal of the scheme.
- 51 A comment has been received about the noise impact of the external heat pumps. No information has been submitted and therefore a condition can be imposed which requires acoustic details to be submitted and approved prior to occupation of the dwellings, to ensure that they would not cause detrimental noise.

Parking provision and highways safety-

- 52 *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.
- 53 The proposal comprises no provision for vehicle parking on site. The highways officer has stated that the proposed development could result in betterment in terms of parking provision, when compared with the parking demand of the existing use if it were utilised at capacity.
- 54 The current parking provision on site is zero although two cars could be tightly accommodated onto its frontage. These are not 'formal' parking spaces and require a car to manoeuvre across the pavement. There is no dropped kerb in place.
- 55 The Highways Engineer has raised no objection to the proposal but recommends that a contribution towards improvements for parking restrictions is made. He has stated however that it would not be worth recommending refusal on this basis as he doubts that it would be defensible at appeal.
- 56 The Applicant has provided further comments relating to the highways impact of the application as follows:
- 'It must be remembered that as the development is being marketed as car free, this will undoubtedly attract the majority of people who do not own a car in reality. The site is accessible by rail and bus and this supports a car-free development. However, on the request of the Highway Authority, Kent CC, we organised a beat survey conducted over 4 nights, again a requirement of Kent CC, to get an adequate reliable coverage. This was carried out to safeguard the very unlikely situation when new residents move in with a car. Night time was chosen as this is when most residents would be at home and is considered to be the normal period to conduct such a survey. It was not chosen specifically to consider visitor parking. The results indicated that there were sufficient available spaces on the nearby roads within 200 m of the site and this was accepted by Kent CC.*
- During the day time, less people will be at home. But a key point to consider is to get the scale of this development in the right context.'*
- 57 Given that the Highways Engineer has raised no objection it can be concluded that the development would also preserve highways safety.
- 58 The current use of the site does not benefit from any formal parking provision and the use of the site for 8 dwellings would potentially have a less intensive highways impact than if it were used to capacity in its existing use. Therefore, subject to a condition requiring alternative cycle storage provision, the highways impact of the proposal is considered acceptable

Affordable housing provision -

- 58 *Policy SP3* of the Core Strategy requires that proposals involving the provision of new housing should also make provision for affordable housing. In the case of residential development 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.

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The policy also states that in exceptional circumstances where it is demonstrated to the Council's satisfaction through an independent assessment of viability that on-site provision in accordance with the policy would not be viable, a reduced level of provision may be accepted or, failing that, a financial contribution towards provision off-site will be required.

- 59 In this case the applicant has provided a valuation of the development and a viability assessment outlining the cost of the overall development. The viability assessment shows that the development would be rendered unviable with the inclusion of an affordable housing contribution.
- 60 The Council's independent consultant has tested the submitted viability assessment and concluded that its findings are sound and that the development would not be viable with a contribution.
- 61 In this instance, the applicant has demonstrated that the payment of any affordable housing contribution would render the development unviable and would not be appropriate in line with the Council's Affordable Housing SPD.

BREEAM –

- 62 *Policy SP2* of the Core Strategy requires that new homes created from the conversion of existing buildings should achieve at least BREEAM "Very Good" standards. Applicants must submit evidence which demonstrates how the requirements have been met or which demonstrate that compliance is not technically or financially feasible.
- 63 This matter has been acknowledged by the applicant as part of their submission through them providing a design stage assessment of the development. Confirmation that the development has achieved BREEAM "Very Good" standards can be requested by way of condition attached to any approval of consent for the application

Sustainable development-

- 64 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.
- 65 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 wholly appropriate and there would be no adverse impacts in granting planning permission for the development.

CIL

66 The application is CIL liable and no exemption is sought.

Other matters -

67 The use of the site for residential purposes may result in disturbance to neighbouring occupiers in terms of noise and light spilling out from the apartments. However, this would not be any greater than the potential noise and light pollution that would result from the site if it were utilised to full capacity of its existing use. The physical alterations that will be carried out to the building would not result in any increased capacity to create noise or light pollution in comparison to the building as it currently stands. The site is located within an urban location of mixed use character where the use would not stand out as unneighbourly. As such, the light and noise from the proposed use could not be considered as detrimental to neighbouring amenity to an extent that would warrant its refusal.

68 Concerns have been raised about the impact of the works to nearby trees. The application does not propose works to any trees. The works proposed would not involve any substantial excavation – just the conversion of the existing building. There is nothing to suggest that any nearby trees would be impacted by the conversion works which would mainly be internal to the existing building and its façade. The site and local environs are not within a conservation area, and there are no nearby protected trees. Therefore, there are no grounds for refusal of the scheme based on impact on trees.

69 A consultation response has raised concerns over the security of the rear gardens of Golding Road. A service road runs between the application site and the gardens. Any security breach of the gardens from the rear would have to take place via this road. The development of the site would not compromise the security of the gardens any more because the development would have no impact on the existence of the service road. If anything, the use of the private amenity space at the rear of the application site would make the service road appear more domestic and create greater pedestrian surveillance.

Conclusion

70 The proposed development would enhance the character and appearance of the area, would preserve the amenities currently enjoyed by the occupiers of the adjoining properties, would preserve the amenities of the future occupants of the development and would be acceptable in terms of parking provision. Consequently the proposal is in accordance with the development plan and therefore the Officer's recommendation is to approve.

71 Recommendation - That permission is granted

Background Papers

Site and Block plans

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Contact Officer(s):

Joanna Russell Extension: 7367

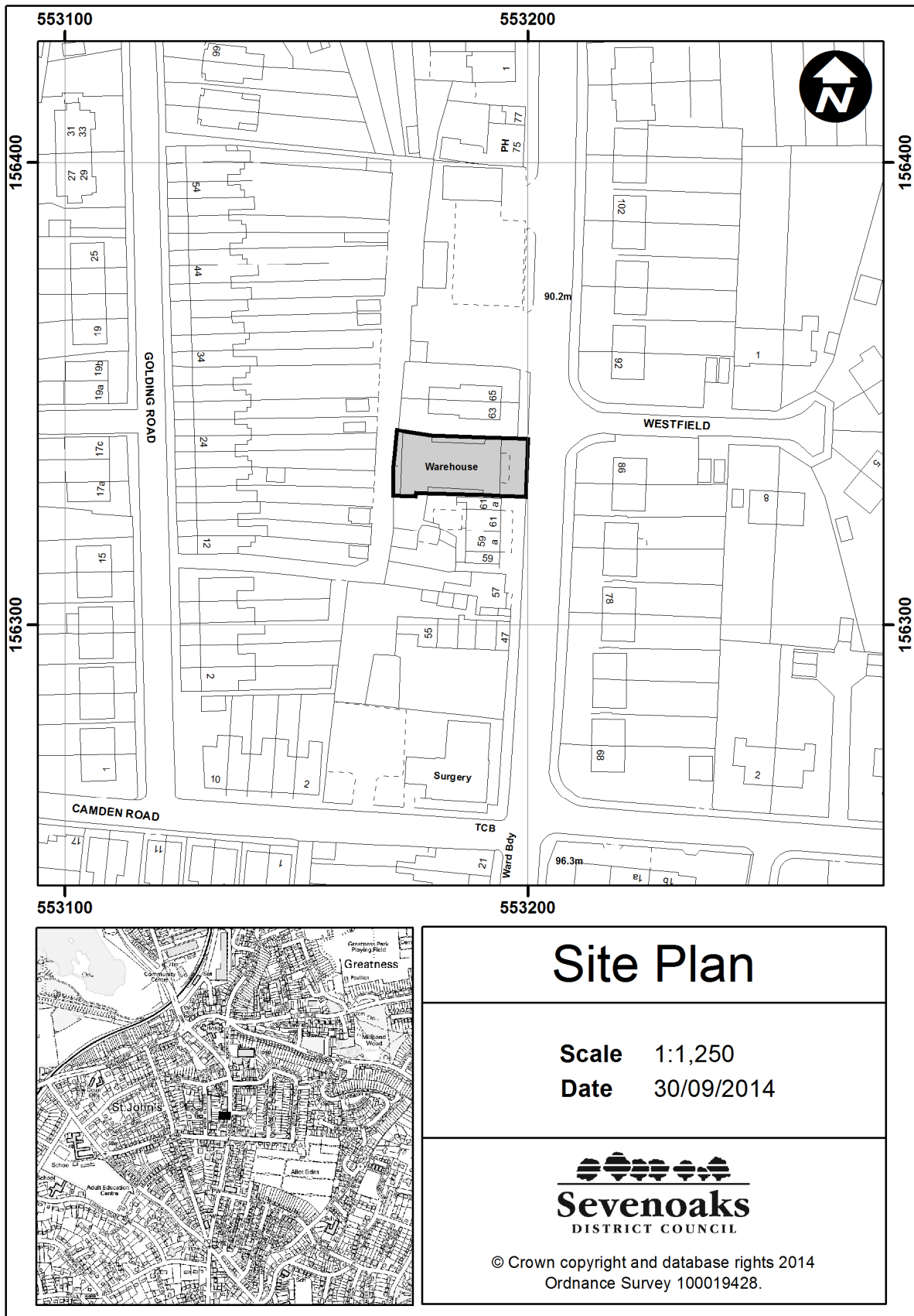
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N8QRQIBKGIX00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N8QRQIBKGIX00>



Site Plan

Scale 1:1,250

Date 30/09/2014



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Ordnance Survey 100019428.

Block Plan



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- 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) 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 current proposal is for a first floor side extension over a single storey side extension which has been found to be permitted development and is currently under construction. However the resulting development will be a two storey side extension, and the overall impact of the proposal will be assessed in this light.

Description of Site

- 2 The site is one of a pair of semi-detached properties facing a rural lane outside of the village of Fawkham. The site is in the Metropolitan Green Belt. There is no footpath and there are mature hedges to the front of the site and on the opposite side of the road.

Constraints

- 3 Green Belt
- 4 Area of Archaeological Potential

Policies

Sevenoaks District Local Plan:

- 5 Policies - EN1, H6B, H14A, SP11

Core Strategy:

- 6 Policies - SP1, LO8, SP11

Allocations and Development Management Plan (ADMP):

- 7 Policies - GB1, GB5

Other:

- 8 National Planning Policy Framework (NPPF)

- 9 The Sevenoaks District Council Supplementary Planning Document for Householder Extensions (SPD)

Planning History

- 10 SE/79/01520/HIST - Detached garage at rear of dwelling. Granted.
- 11 SE/80/01829/HIST - Extension to rear of dwelling. Granted.
- 12 SE/13/03833/LDCPR - Erection of a single storey side extension. Loft conversion into a habitable space with dormer window to rear elevation. Alterations to fenestration. Granted.
- 13 SE/14/00166/HOUSE - Erection of two storey side extension together with loft conversion and internal alterations. Dismissed at appeal. (Decision appended).

The grounds for refusal were

The proposal, because of its size, design and position, would be harmful to the character of the existing dwelling as it would unbalance the symmetry of the existing appearance of the pair of semi detached properties creating a prominent and incongruous feature, of harm to the street scene. This conflicts with policy EN1 of the Sevenoaks District Local Plan.

The proposal will be inappropriate development which will be harmful to the openness of the Green Belt. No case for very special circumstances has been put forward to outweigh this harm. Therefore the proposal conflicts with policies H14A of the Sevenoaks District Local Plan, LO8 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

No evidence has been submitted to demonstrate that the proposals would not adversely affect protected bat species. Thus the proposals would be contrary to advice set out within the National Planning Policy Framework and policy SP11 of the Sevenoaks District Core Strategy.

All three grounds of refusal were upheld at appeal.

- 14 SE/14/00357/PAE - Prior notification of a single storey rear extension which extends 6m beyond the rear wall of the original dwelling house with a maximum height of 4m and eaves height of 2.95m. Prior approval not required.

Consultations

Parish / Town Council

- 15 Objection and reasons:

The proposal fails to comply with the 50% rule in policy H14A.

No compelling justification has been offered for any divergence from the above policy.

Were the application approved, it would encourage "development creep" within the village, with other applicants attempting to combine permitted development rights with further planning applications.

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Representations

16 Neighbours consulted: 3

6 objections have been received to the proposal (two of which are duplicates.)

These raise the following concerns,

- The proposal is inappropriate development within the Green Belt
- The proposal does not comply with local design policy and will have an impact on the symmetry of Manor Cottage and Dene Cottage
- No pre-application consultation was carried out with neighbours by the applicants
- The grounds of the appeal have not been adequately addressed
- Impact on Ecology
- Inaccuracies with submitted drawings.

27 The applicant has submitted three letters in support of the proposal via the Council's website. They have also submitted specific letters in response to the neighbour comments, and the comments of the Parish Council. These comments are in support of the proposal, and in summary are:

- Proposal does comply with local design policy
- Only requesting first floor extension over what has been granted under permitted development
- Neighbours representations are factually incorrect
- Consultation was carried out by applicants prior to the application

Chief Planning Officer's Appraisal

28 The principal issues in this instance are the impact of the proposal on the openness of the Green Belt, the impact on the character of the existing house and the wider street scene and any impact on the amenities of the neighbouring properties including loss of light, outlook or privacy.

Green Belt

29 Paragraph 89 of the NPPF states that additions to existing dwellings may be appropriate development provided that they do not result in disproportionate additions over and above the size of the original dwelling.

30 Policy H14A provides a local interpretation on what is an appropriate extension to dwellings within the Green Belt. This includes the criteria that the "gross floor area" of the existing dwelling plus the "gross floor area" of the extension must not exceed the "gross floor area" of the "original" dwelling by more than 50%. However the design, style and bulk of the proposal will also be taken into account. This is supported by policy GB1 of the Allocations and Development Management

Plan (ADMP) which is now being accorded significant weight in the decision making process.

- 31 The original property has been extended. A single storey rear extension was permitted in 1980. A lawful development certificate was granted in 2013 confirming that a replacement rear extension, loft conversion and single storey side extension was permitted development. Prior approval was subsequently given for a larger single storey rear extension replacing the LDC proposal. All these works have been completed apart from the single storey side extension where the roof is not complete. The current application involves building above this extension. From looking at the history of the property and from visiting the site I have come to the following conclusions:

Original dwelling	115m ²
50% of original	57.5m ²
Floor space allowed	172.5m ²
Existing dwelling (incl ground floor side extension)	213.72m ²
% increase on existing	85%
Proposed dwelling	239.57m ²
% increase of proposed	108%

- 32 It is noted that the Inspector’s decision amended to this report states that the original floor space of the dwelling is 125m². However this appears to be an error on the Inspector’s part as the officer’s report for planning reference SE/14/00166/HOUSE states that the original floor area is 115m².
- 33 As well as assessing the floor space the massing, bulk and height must also be considered when determining whether or not the proposal will result in disproportionate additions over the original dwelling. The stipulation on the original dwelling means that, as with the floor space assessment, the cumulative impact of the current proposal and any previous extensions must be taken into account. It is noted that the work already done is permitted development; however this does not preclude it from being assessed under Green Belt Policy.
- 34 While it is acknowledged the scheme has been amended by reducing the roof height to try and overcome the Planning Inspector’s concerns, the work carried out to the property already results in a considerable amount of both floor space, bulk and massing being added to the original property, which was a modest semi-detached cottage. The further development proposed as part of the current scheme, although a small increase in itself will further increase the mass and floor space of the dwelling, and exacerbate the existing situation. Therefore the combination of the existing development on site, and the development proposed as part of this application results in disproportionate additions over and above the size of the existing property. The cumulative impacts of the extensions are not considered proportionate or subservient to the main property and therefore materially harm the openness of the Green Belt.

Agenda Item 4.3

- 35 The proposal is therefore not considered to be appropriate when assessed against the National Planning Policy Framework, policy H14A of the Local Plan and policy GB1 of the Allocations and Development Management Plan.
- 36 Any cases for very special circumstances put forward to outweigh this harm will be considered below.

Size, bulk, design and impact on street scene:

- 37 Policy EN1 states that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings. , Appendix 4 of policy H6B 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 affect the street scene.
- 38 The proposal has been reduced in height by 1.5 metres since the previous refusal. The width of the extension remains the same (4.3m). As a result of the reduction in the ridge line no further accommodation is proposed in the roof.
- 39 The proposal will still be clearly visible from within the street scene. There is an existing two storey front projection which incorporates a study and bedroom. This feature provides a factor of separation between the main dwelling and the proposed extension that means it does not appear well integrated and would add further to its prominence within the street scene.
- 40 I also have concerns regarding the impact on the proposal on the symmetry of the pair of semi detached properties (Manor Cottage and Dene Cottage.) These properties currently share strong design characteristics and despite other work carried out the original symmetrical forms still remains, even taking into account the significant reduction in the height of the first floor element of the proposal.
- 41 It is acknowledged that the ground floor element of the proposal has been found to be permitted development, and that there has been discussion from concerned parties regarding whether or not the addition of a first floor element will be an improvement of the ground floor element. However, whilst acknowledging that the single storey extension can be constructed under permitted development and that the current application is for a first floor extension over an existing ground floor extension, the resulting development will still result in a two storey side extension to the property. Consequently the two elements of this cannot be assessed entirely independent of each other.
- 42 There are still concerns regarding the combined width and overall height of the extension. In addition the proposal is only set back 0.5 metres from the front most elevation (not including the bay window at ground floor level). Therefore the proposal would still unbalance the appearance of these properties and be detrimental to their character.
- 43 It is noted that the lack of foot path and mature hedging to the front does reduce the impact that this will have on the wider area, and that there is no regular street scene to be maintained. However this is not felt sufficient grounds to overcome the harm to the character of the pair of properties.
- 44 The proposal does not therefore comply with local and national policy and will result in a form of development that is detrimental to the character of the existing

pair of semi-detached dwellings. The proposal will not comply with policy EN1 of the Local Plan, SP1 of the Core Strategy or EN1 of the Allocations and Development Management

Impact on residential amenity:

- 45 Criteria 3) of policy EN1 states that the proposed development must 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. This is supported by Appendix 4 to H6B.
- 46 There are two neighbours which are likely to be affected by the proposal. These are the attached property at Dene Cottage and the detached property to the north east at Newbury Lodge.
- 47 The two storey element of the proposal will not be visible from the rear garden of Dene Cottage as it is set back behind the rear building line of the two houses. Therefore it will not have an impact on their daylight, outlook. There is a first floor Juliet balcony proposed. This will be a distance of 9.8 metres from the shared boundary. Whilst it is acknowledged that there may be some loss of privacy resulting from this part of the proposal it would only offer oblique views into the neighbouring gardens and would not result in direct overlooking. This is in accordance with paragraph 5.3 of the Sevenoaks District Council Supplementary Planning Document for Residential Extensions.
- 48 The dwelling at Newbury Lodge is built directly adjacent to the shared boundary with Manor Cottage. However there will still be ten metres between the flanked elevation of Newbury Lodge and the flank elevation of the proposal. Given this the proposal will not have an unacceptable impact on daylight or outlook. No first floor windows are proposed in the facing elevation of the proposal and therefore there will be no loss of privacy.
- 49 The proposal will not have an unacceptable impact on the amenities of the neighbouring properties and will comply with policy H6B of the Local Plan and EN2 of the Allocations and Development Management Plan.

Ecology

- 50 Concerns have been raised regarding the impact on bats that may be in the area. It is acknowledged that the majority of the roof conversion has already been carried out, and that the agent has stated in the submitted Planning Statement that no evidence of bats has been found. No evidence from a professional ecologist has been submitted by either part in support of this issue.
- 51 The Inspector's decision following from the refusal of the previous scheme took into account the above and concluded that the possibility of bats on the site could not be discounted due to the rural character of the site and the orientation of the house. It was concluded that the proposal would not, therefore, be in accordance with policy SP11 of the Core Strategy, which seeks to promote biodiversity. No further evidence has been submitted to overcome these concerns.

Archaeology

- 52 The proposal does not involve any further ground works.

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Very special circumstances:

- 53 The Planning Statement asks that the following points are considered when assessing the applications,
- That the first floor side extension would complete the overall design scheme, reflect the character of the existing dwelling and be better proportioned;
 - The overall floor area of the original property and extensions is 215 sqm;
 - The proposed first floor extension is 26sqm, which is a 12% increase in floor area;
 - The proposal would be the best use of land and not harm the amenities of the neighbouring properties;
 - The proposal has been considerably reduced since the previous refusal;
 - That the bulk of the proposal is not the only matter that should be considered, but the gains relative to the design and size of the project should also be considered.
- 54 Paragraph 88 of the National Planning Policy Framework (NPPF) gives substantial weight to the any harm to the Green Belt. The NPPF states that, *'Very Special Circumstances' 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.*
- 55 The majority of the reasons set out above refer to the design of the proposal. Both the NPPF and local policy do encourage good design; however this is not sufficient grounds to outweigh the harm to the Green Belt. The same is true of a proposal having no impact on neighbouring amenities. Good design and acceptable impact on neighbouring amenities would be expected for any scheme and are therefore not considered 'very special.'
- 56 Paragraph 21 of the Inspector's report for the previous appeal (planning reference SE/14/00166/HOUSE refers states that:
- I have concluded that the appeal proposal constitutes inappropriate development within the Green Belt. In accordance with the guidance in the Framework, I attach substantial weight to the harm to the Green Belt by reason of the inappropriate nature of the development. I also attach substantial weight to the loss of openness of the Green Belt resulting from the development. The Framework confirms that applications for planning permission must be determined in accordance with the development plan unless material considerations otherwise, and I am mindful that the proposed development does not comply with LP Policy H14A.*
- The proposal may result in only a small increase to the existing dwelling, but the NPPF puts the onus on the 'original' dwelling. This issue has been fully discussed above and is not considered to form a case for very special circumstances.*

- 57 In this case the size of the extension has been reduced at roof level but the principle of comparison with the original building as set out by the Inspector and the NPPF, still applies. Additionally the prior approval extension has been constructed, which is a further addition to the original dwelling, compared to the position at the time of the appeal.

Conclusion

- 58 The proposal is inappropriate development in the Green Belt as it will result in a disproportionate addition over and above the size of the original dwelling. No case for very special circumstances has been put forward which clearly outweighs this harm.

Background Papers

Site and Block plans

Contact Officer(s):

Deborah Miles Extension: 7360

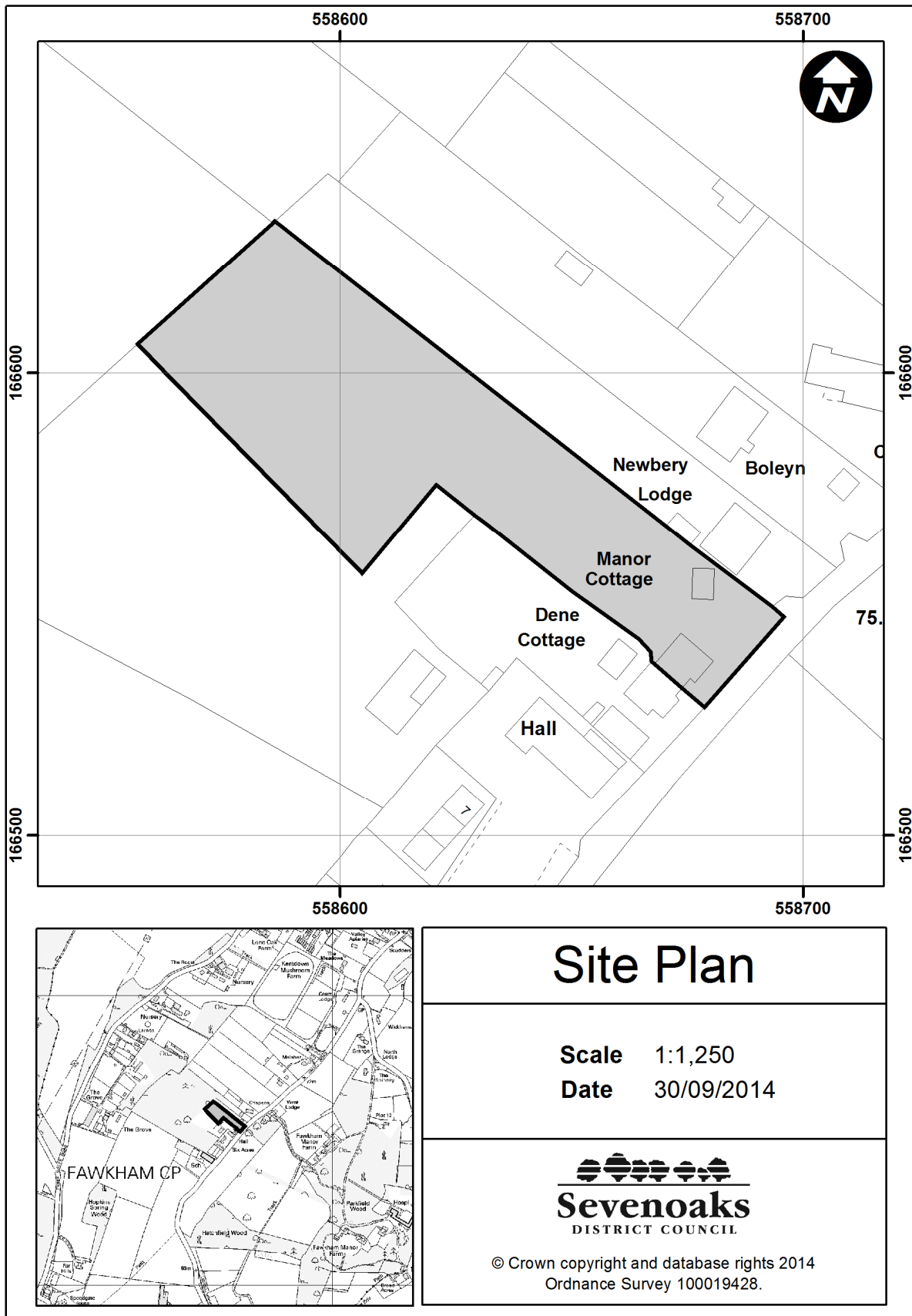
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NAP4YQBKGXD00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NAP4YQBKGXD00>



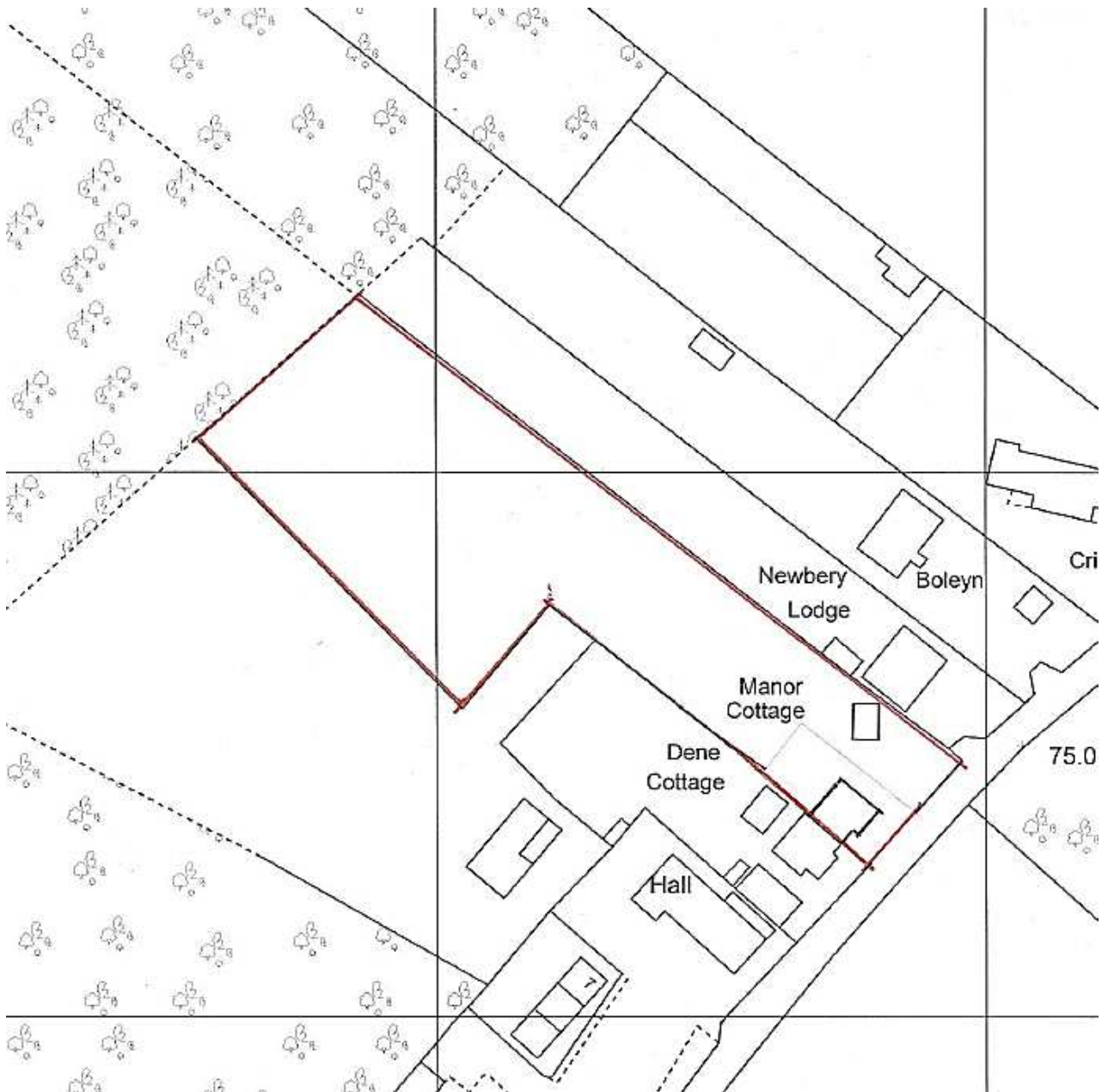
Site Plan

Scale 1:1,250
 Date 30/09/2014



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 Ordnance Survey 100019428.

Block Plan



Appeal Decision- Appendix 1



Appeal Decision

Site visit made on 24 June 2014

by Paul Freer BA (Hons) LLM MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 July 2014

Appeal Ref: APP/G2245/D/14/2217119

Manor Cottage, Valley Road, Fawkham, Longfield, Kent DA3 8NA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr B Fothergill against the decision of Sevenoaks District Council.
 - The application Ref SE/14/00166/HOUSE, dated 21 January 2014, was refused by notice dated 21 March 2014.
 - The development proposed is the erection of a two storey flank extension together with loft conversion and internal alterations.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Government's Planning Practice Guidance was issued on 6 March 2014. I have taken this guidance into account in reaching my decision but, in the light of the facts of the case, this has not altered my conclusions.

Main Issues

3. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the host property and its neighbour
 - the effect of the proposed development on protected bat species, and
 - if the development is inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal is inappropriate development in the Green Belt

4. Paragraph 89 of the National Planning Policy Framework (Framework) indicates that, with some exceptions, the construction of new buildings is inappropriate

in the Green Belt. One of these exceptions is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Policy H14A of the Sevenoaks District Local Plan (LP) indicates that proposals to extend an existing dwelling in the Green Belt must comply with a number of criteria set out in that policy, including that the gross floor area of the existing dwelling plus the proposed extension does not exceed the gross floor area of the original dwelling by more than 50%.

5. The Council indicates that the original dwelling on this site had a gross floor area of 125m². The proposed extension would provide an additional gross floor area of some 96.2 m² which, in combination with a previous extension to the property, would result in total gross floor area of some 237.6 m². This figure, which is not disputed by the appellant, would equate to a percentage increase of 106% over the original dwelling on the site. In purely numerical terms, this would represent a disproportionate addition over and above the size of the original building in the context of paragraph 89 of the Framework, and would be over double the percentage increase in gross floor area normally considered acceptable under LP Policy H14A.
6. In assessing whether the development constitutes a disproportionate increase over and above the original dwelling, I accept that the increase in gross floor area is not the only consideration to be taken into account and that a visual assessment should also be made. The appeal proposal is a two-storey side extension and, although the roof over the extension would be fully hipped, the height of the roof would align with the existing ridge. The proposed extension would feature a prominent bay window and dormer feature to the front, with a dormer window extending to ridge height at the rear. These would be obvious additions to the existing dwelling and would result in a significant increase in the bulk of the building. The proposed extension would therefore be a disproportionate addition over and above the original dwelling in visual terms, as well as in numerical terms.
7. I conclude that the appeal proposal would be inappropriate development within the Green Belt, both in relation to the Framework and LP Policy H14A. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The effect of the proposal on the openness of the Green Belt

8. Paragraph 79 of the Framework confirms that the essential characteristics of Green Belts are their openness and their permanence. Openness may be defined as the absence of development. It follows that openness is not dependent upon whether a site is visible from a public vantage point.
9. The proposed two storey extension, with the prominent bay window, front dormer feature and rear dormer, would noticeably increase the amount of development on the site compared with the original dwelling. As such, the development would erode the openness of the Green Belt. In reaching this conclusion, I have had regard to the presence of the single storey side extension to the appeal property that is nearing completion, and to the fact that views of the proposed extension would to some extent be restricted by the vegetation on the site frontage. However, this does not change my opinion.

Character and appearance of the host property and its neighbour

10. The appeal property forms one half of a pair of semi-detached cottages, built circa 1911. The appeal property has been extended at the rear and to the side by the single storey extension that is nearing completion. The other property in the pair, 'Dene Cottage', has been slightly modified through the re-siting of the entrance to the side of the property, involving the construction of a porch entrance to the side. However, notwithstanding these alterations, the original symmetrical form of this pair of cottages remains apparent and makes an important contribution to the character of both properties.
11. The proposed two storey side extension would increase the width of Manor Cottage, and would introduce a set of design features on the front elevation that are not present on Dene Cottage. The proposed development would therefore upset the symmetry of this pair of semi-detached cottages, and would detract from this important element to the character and appearance of these properties.
12. I accept that the highway in front of these properties is narrow and that there is no footpath. I also accept that the extent to which these properties are visible from the public highway is further limited by the vegetation on the site frontage. However, whilst these factors reduce the extent to which the two properties can be viewed together, this does not negate the contribution that the symmetry of form makes to the character of these properties or the importance of retaining that symmetry from where they can be viewed together.
13. I conclude that the proposed development would unacceptably harm the character and appearance of the host property and its neighbour. The proposed development would therefore be contrary to LP Policies EN1 and HP14A which, amongst other things, require that development should be in harmony with adjoining buildings and that the design of the extension is sympathetic and well articulated to the existing dwelling. The proposed development would also fail to accord with the importance attached to good design in the Framework.

The effect of the proposed development on protected bat species

14. The appeal property is located in a rural area, close to woodland. The building is of early 20th Century construction, and the roof is warmed by direct sunlight. The standing advice published by Natural England indicates that these factors are amongst those likely to increase the probability of a building being used by bats in the summer months. No bat surveys have been undertaken and there is no evidence to indicate that bats are present on the site or within the building. I also understand that the loft space may have been cleared as part of implementing works carried out under permitted development, and accept that this reduces the probability that bats would occupy this space.
15. Nonetheless, on the limited information that is available to me and having regard to the standing advice published by Natural England, I cannot discount the possibility that bats are present. Bats are a protected species and, adopting the precautionary principle, I cannot be satisfied that the appeal proposal would not adversely affect these protected species. Accordingly, I

conclude that the proposed development would be contrary to Policy SP11 of the Sevenoaks District Core Strategy (CS) and to the objective of conserving biodiversity set out in the Framework.

Other Considerations

16. The appellant suggests that an extension of nearly the same gross floor area could be constructed under permitted development, including the larger extensions to domestic dwellings introduced as an amendment to the Town and Country Planning (General Permitted Development) Order 1995 (GPDO) in May 2013. However, the appellant has not demonstrated that an extension of equivalent gross floor area to the appeal proposal would be achievable on the site and, if so, what form that extension might take. I therefore cannot be certain that an extension constructed under permitted development rights would have the same impact on the openness on the Green Belt, even if an equivalent gross floor area could be achieved.
17. Moreover, the larger extensions permitted under the GPDO amendment in May 2013 require prior approval from the local planning authority. The appellant has provided no evidence to show that such prior approval has been granted, and this reduces the weight that I attach to the possibility of an equivalent gross floor area being achievable under permitted development. Accordingly, I attach only limited weight to the fallback position advanced by the appellant.
18. The properties on either side of the appeal property have been extended, with the appellant suggesting that the property to the north-east, 'Newbury Lodge', has been extended to more than 100% over the gross floor area of the original dwelling. However, although I have been provided with drawings showing an extension to that property, the appellant has provided no evidence to substantiate the suggested increase in gross floor area over the original dwelling. Moreover, I have not been provided with any details about the circumstances which led to planning permission being granted for that extension, and therefore cannot be certain that the extension to Newbury Lodge is directly comparable to the appeal proposal. For those reasons, I attach little weight to the extension to Newbury Lodge as justification for the proposed development.
19. The appellant explains that Mrs Fothergill operates an estate agent business in Gravesend, and that being closer to her place of work was one of the motives for moving to Manor Cottage. Although the Framework seeks to minimise journey lengths for employment purposes, in the particular circumstances of this case that encouragement does not translate into an overriding need for Mrs Fothergill to live at the appeal property for her employment purposes. Similarly, in the particular circumstances of this case, there is no overriding reason in planning policy terms for the property to be enlarged to accommodate the appellant's family. Other properties, including dwellings not in the Green Belt, could equally fulfil those requirements. Consequently, whilst I acknowledge the importance of these matters to the appellant, I attach little weight to them as material considerations in support of the appeal proposal.
20. The occupiers of both Dene Cottage and Newbury Lodge are concerned that the proposed dormer window in the rear roof slope would result in the overlooking of their properties and a subsequent loss of privacy. The position of both properties in relation to the appeal property is such that any overlooking would be at an angle and at some distance, and would therefore not result in an

unacceptable loss of privacy to the occupiers of either property. However, the lack of harm in that respect does not weigh in favour of the proposed development.

Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development

21. I have concluded that the appeal proposal constitutes inappropriate development within the Green Belt. In accordance with the guidance in the Framework, I attach substantial weight to the harm to the Green Belt by reason of the inappropriate nature of the development. I also attach substantial weight to the loss of openness of the Green Belt resulting from the development. The Framework confirms that applications for planning permission must be determined in accordance with the development plan unless material considerations otherwise, and I am mindful that the proposed development does not comply with LP Policy H14A.
22. I attach considerable weight to the harm caused by the appeal proposal to the character and appearance of the host property and its neighbour, and the conflict with LP Policies EN1 and HP14A in that respect. Because of the limited information available to me at this time, I attach moderate weight to the possible adverse affects on the protected bat species and the conflict with CS Policy SP11 in that regard.
23. Against this, I attach limited weight to the fallback position advanced by the appellant and little weight to the extension to Newbury Lodge as justification for the proposed development. I also attach little weight to the reduction in the journey length to Mrs Fothergill's business premises or the enlargement of the appeal property to accommodate the appellants' family. These considerations therefore do not outweigh the substantial harm to the Green Belt by reason of the inappropriate nature of the development and the loss of openness of the Green Belt, the harm to the character and appearance of the host property and its neighbour, and the potential effect on protected bat species.
24. Consequently, the harm by reason of inappropriateness and any other harm, is not clearly outweighed by other considerations, such that the very special circumstances necessary to justify the development do not exist. Accordingly, I conclude that this appeal should be dismissed.

Paul Freer

INSPECTOR

4.4 – SE/14/02209/HOUSE Date expired 22 September 2014

PROPOSAL: Erection of a ground and first floor front extension and installation of a new window to first floor side elevation.

LOCATION: 39 Redhill Wood, New Ash Green, Kent DA3 8QP

WARD(S): Ash And New Ash Green

ITEM FOR DECISION

The application has been referred to Development Control Committee by Councillor Cameron Clark so that the Parish Council objections regarding streetscene and neighbouring amenity can be considered.

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

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

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

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

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

3) The proposed 1st floor side facing window shall be obscure glazed and non opening.

To protect the amenity of the neighbouring property in accordance with Saved Local Plan Policy EN1.

4) The development hereby permitted shall be carried out in accordance with the following approved plans: DFH/1

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

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,

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- 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) Did not require any further assistance as the application was acceptable as submitted.

Description of Proposal

- 1 Planning permission is sought for the erection of a two storey front extension infilling an existing void within the property positioned to the side of the dwelling. The extension would measure 3.5m in width and 3.3m in depth with a height to the eaves and ridge to match the host dwelling. The proposal seeks to introduce a Juliet balcony on the front elevation of the extension and rooflights in the roof slope along with a number of other openings.

Description of Site

- 2 The site lies to the south east of New Ash Green settlement within a residential area. The property is a two storey dwelling set on a higher level than the road constructed of brick under a tiled roof with cladding detailing. The site lies in an area with no land constraints.

Constraints

- 3 No constraints

Policies

Sevenoaks District Local Plan

- 4 Policies - EN1, H6B, Appendix 4 Residential Extensions

Core Strategy:

- 5 Policy - SP1

Allocations and Development Management Plan, Draft submission (Nov 2013)

- 6 SC1, EN1 and EN2.

Other

- 7 National Planning Policy Framework (NPPF) and associated technical guidance
- 8 National Planning Practice Guidance (2013 – BETA)
- 9 Residential Extensions SPD

Planning History

- 10 89/01841/HIST Side extension - to form larger garage, conservatory master bedroom and bathroom. GRANT 20/11/1989

Consultations

Parish/Town Council

- 11 The Parish Council objects to this application due to its effect on the street scene and to its effect on the amenity of neighbouring properties.

Representations

- 12 1 letter of objection (14.8.2014)
- 13 Objections relate to: (summarised by case officer)
 - Massing and density in relation to neighbouring dwellings
 - Removing spacing between dwellings
 - Size in relation to host dwellings
 - Removing front garden within streetscene
 - Setting forward of building line of neighbour
 - Sunlight issues
 - Loss of privacy, disturbance and smells
 - Out of character

Chief Planning Officer's Appraisal

Principle of development

- 14 One of the core principles within the NPPF is achieving sustainable development and encouraging high quality design. Emerging policy SC1 (presumption in favour of sustainable development) seeks to ensure that there is a presumption in favour of sustainable development. Similarly, policy SP1 of the Core Strategy supports in principle new development subject to a number of requirements being met including design and ensuring that new development does not have any undue harm to neighbouring properties.
- 15 The remaining issues to consider in the determination of this application are:
 - Visual Impact on the character of the area/streetscene; and

Agenda Item 4.4

- The impact upon amenity of neighbouring occupiers.

Visual Impact on the character of the area/streetscene

- 16 The NPPF attaches great importance to and encourages good design due to its indivisible link with sustainability. Paragraph 56 seeks for development to 'contribute positively to making places better for people' through the implementation of high quality and inclusive designs. Policy SP1 of the Sevenoaks Core Strategy also seeks to ensure that all new development is designed to a high quality and reflect the character of the area in which it is located.
- 17 Saved Local Plan policy EN1 states that *'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'* to receive support. This policy broadly conforms with the NPPF and therefore can be afforded weight in this assessment. Emerging policy EN1 (Design Principles) of the ADMP carries significant weight and will in part replace adopted policy EN1 (Development Control: General Principles) of the Local Plan, this policy also requires high quality design.
- 18 The Council's Residential Extensions SPD guidance seeks to ensure that the scale, proportion and height of an extension relates to the character of the host dwelling. In addition the guidance also seeks to ensure that the pattern of gaps within the streetscene are maintained with a minimum of 1m gap maintained in most cases.
- 19 The streetscene is composed of a number of clusters of dwelling types which share similar but not identical design characteristics and sizes through Redhill Wood. The application dwelling forms one of three detached dwellings set on a higher level than the road which share similar proportions, design features and materials. The properties are laid out with a visual separation distance between each one. Other properties in the road are to a different design and layout. At present the side wall of the application dwelling is stepped and so is partially set back from the street scene with a garden to the front. Each of the three properties has an attached double garage to the side. The application dwelling is set at a slightly lower level from the road than the neighbouring dwellings and has previously been extended to provide first floor accommodation above the garage.
- 20 A number of objections have been received from the parish and a neighbour in relation to the impact of the proposed extension on the streetscene, more specifically the concerns relate to the size and position of the extension which would involve the removal of the front garden. These issues are addressed below.
- 21 The proposed extension seeks to infill the void currently set between the gable of the property and front of the two storey side element of the property. The proposed extension seeks to use matching materials to the host dwelling with cladding details proposed on the front elevation. The proposal would be set back from the front elevation of the property by 0.8m and continues the roof pitch of the main dwelling as it adjoins and is a continuation of the roofline of the existing two storey side element of the property. The extension is considered to be sympathetic in scale to the host dwelling with a relatively modest footprint of

approximately 11m² and whilst the property has previously been extended it is considered that cumulatively the extension would not harm the character of the property.

- 22 Due to the mixture of designs and properties sizes within the wider streetscene it is not considered that the introduction of rooflights or a balcony would have a significant adverse impact on the character of the streetscene even though there are none visible within the direct vicinity. The proposed extension would reduce the front garden of the property due to the siting of the extension, however, it is not considered that this would have a detrimental impact on the character of the wider area as some vegetation to the front of the driveway would remain to soften the extension within the streetscene.
- 23 The final element to consider whether there is the potential impact of the extension within the streetscene due to the relationship of the host dwelling with the adjacent neighbour and the size and position of the extension proposed. It is noted that number 40 Redhill Wood the closest neighbour to the proposed development has its front elevation closest to the application site set back from the application dwelling as the properties have staggered building lines along the road. Between the dwellings there is a 3m separation distance where both properties have side access along the side of the dwellings. The proposed extension is also set back from the main elevation of the host dwelling. The proposed extension due to its design set back, relationship with the neighbour including the separation distance between them is therefore not considered to introduce an adverse terracing effect within the streetscene.
- 24 In conclusion, the proposal is considered to comply with the above policy and the Council's Residential Extension SPD as the proposed extension is not considered to have a detrimental impact on the character of the host dwelling or streetscene.

Impact on Neighbouring Amenity

- 25 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.
- 26 Saved Policies EN1 and H6B of the Sevenoaks District Local Plan requires that proposals do not have an adverse impact on the amenity of the neighbouring properties and that new development ensures that a satisfactory environment of the original dwelling is maintained for future occupants. Both policies conform in broad terms with the NPPF and therefore can be afforded some weight in the assessment of the proposal. Emerging policy EN2 seeks to safeguard the amenities of existing and future occupants of nearby properties, including from excessive noise, activity or vehicle movements and can be given moderate weight in this assessment.
- 27 Objections to the proposal have been raised in relation to loss of privacy, overbearing impact, and concerns regarding noise and smells as part of the development. These issues are addressed below.
- 28 The property has neighbouring properties set to the north (Number 39), south west (Number 38) and opposite the site (Number 35).

Agenda Item 4.4

- 29 Due to the height, position and separation distance between the proposed extension and neighbouring properties to the south west and opposite, it is not considered the proposal would have an adverse impact on the neighbouring properties to the south west and east.
- 30 The closest neighbour, number 40 Redhill Wood has a staggered front elevation with the closest section set further back than the front elevation of the application dwelling. This neighbouring property has no side facing windows and but does have a front ground floor window which appears to serve a habitable room. The Council Residential Extensions SPD guidance sets out a 45 degree test which can identify if there would be any harm to a neighbouring property from a loss of daylight as a result of a proposed extension.
- 31 By reason of the height (6.9m), separation distance between the extension and the side wall of the neighbouring property (3m) the proposed extension would not lend to a loss of daylight to the neighbours habitable window on the front elevation when using this test. As such, any harm to the neighbouring property would not be so significant as to justify the refusal due to loss of daylight.
- 32 With regards to overlooking the proposal seeks to introduce a Juliet balcony on the front elevation of the property, this would not allow views over private amenity spaces of the closest neighbouring dwellings due to its position. Similarly due to the position of the rooflights and ground floor window facing into the streetscene I do not consider they would introduce an adverse overlooking impact over neighbouring properties private amenity spaces. To the side a first floor high level window is proposed, due to the height of it, it is unlikely to introduce adverse overlooking however subject to a condition to obscure glaze this window I am satisfied the private amenity space of the neighbour would be protected.
- 33 Concerns have been raised with regards to the introduction of noise and smells due to a side door being introduced along the side elevation of the property. As the door would serve the utility room of a single dwelling it is not considered that the proposal would introduce noise or smells that would have a detrimental impact on the neighbouring property due to the use of the property.
- 34 The proposal would therefore comply with the above policies as it would have no adverse impact on the amenity of the neighbouring dwellings.

CIL

- 35 With regard to Community Infrastructure Levy (CIL) liability, as set out in the CIL Regulations, this development is not creating floor area of more than 100m². Accordingly, this residential development qualifies as being exempt from liability for CIL payment.

Conclusion

- 36 The proposed extension is not considered to have a significant adverse impact on the character of the host dwelling or wider streetscene. In addition the proposal is not considered to have an adverse impact on the amenity of the occupiers of the neighbouring property. As such, subject to a number of appropriate conditions, the application is recommended for approval.

Background Papers

Site and Block plans

Contact Officer(s): Erin Weatherstone Extension: 7290

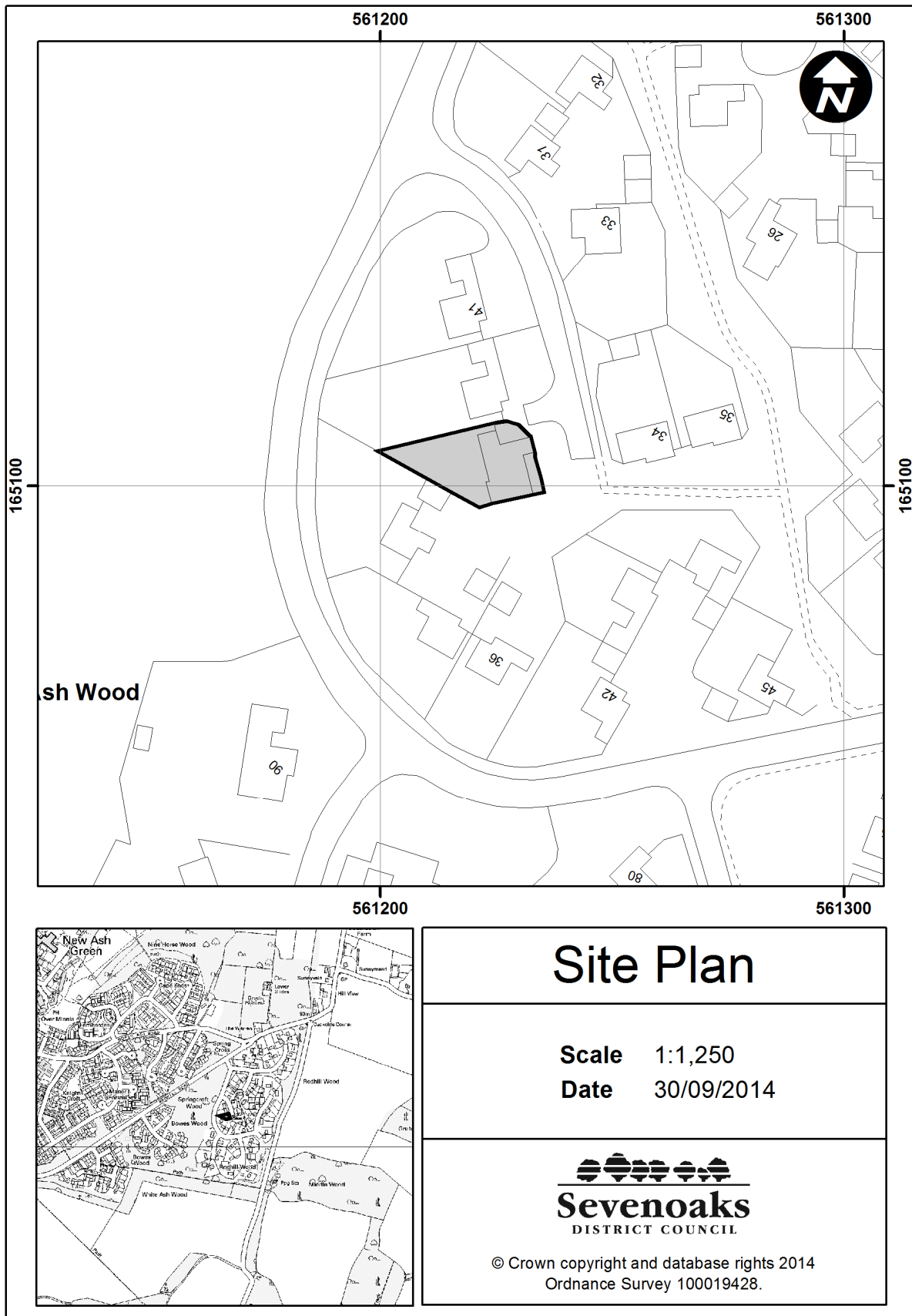
Richard Morris
Chief Planning Officer

Link to application details:

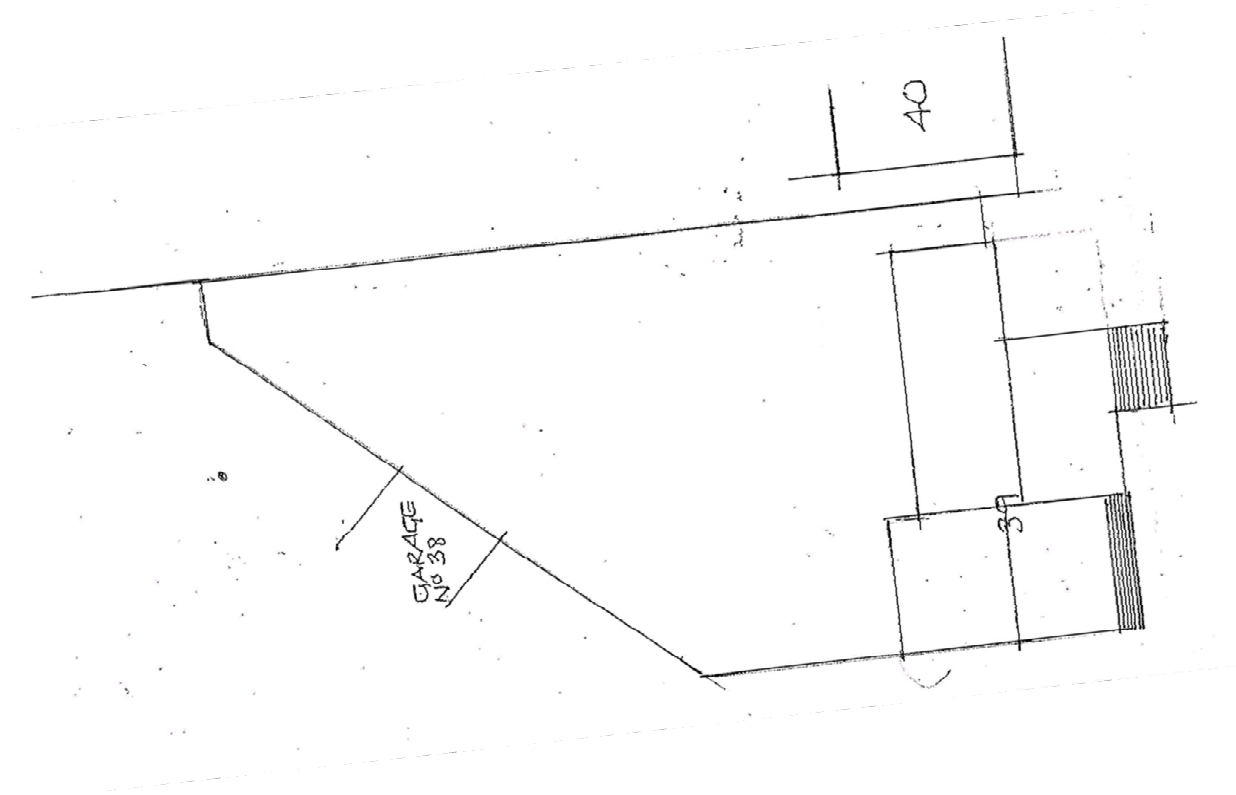
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Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N8E61ZBK0L000>



Block Plan



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4.5 - SE/13/03811/ADV Date expired 17 April 2014

PROPOSAL: Retention of Signage associated with existing surface pay and display car park.

LOCATION: Car Parks, Nightingale Way, Swanley

WARD(S): Swanley St Mary's

ITEM FOR DECISION

This application was deferred by the Development Control Committee on 20/05/2014 to enable consideration of the application alongside the planning application for the retention of the pay and display ticket machines (reference 14/01799/FUL).

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

1) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 in the interests of amenity and public safety.

2) No advertisement shall be sited or displayed so as to:-
a - endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military)
b - obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
c - hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 in the interests of amenity and public safety.

3) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 in the interests of amenity and public safety.

4) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 in the interests of amenity and public safety.

5) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 in the interests of amenity and public safety.

Agenda Item 4.5

Informatives

- 1) The applicant is requested to ensure that the length of time Blue Badge holders are entitled to park for free is clearly stated on relevant advertisements.

Description of Proposal

- 1 Advertisement consent is sought for the retention of signage associated with the existing surface pay and display car park. This application is limited to the display of 19 non-illuminated signs of varying size and design.
- 2 An amended plan showing the revised locations of the advertisements was received on 11/08/2014.

Description of Site

- 3 The application site comprises 4 ground level car parks located within Swanley town centre. The car parks are all accessed via Nightingale Way, a private road to the south of the site beyond which lies the railway. The car park benefits from a number of pedestrian routes linking to the shopping centre to the north east. To the west of the site lies a doctors surgery and Swanley recreation ground with Swanley library and information centre located to the north.

Constraints

- 4 Urban confines of Swanley

Policies

Sevenoaks Core Strategy

- 5 Policy - SP1

Sevenoaks District Local Plan (SDLP)

- 6 Policy - EN1

Emerging Allocations and Development Management Plan (ADMP)

- 7 Emerging Policy - EN1

Other

- 8 National Planning Policy Framework (NPPF)
- 9 National Planning Practice Guidance (NPPG)

Planning History

- 10 13/003810/FUL: Retention of 3 No. pay and display ticket machines and associated advertisements for car park facility. Withdrawn 15.04.2014

- 11 14/02451/FUL: Change of use to car washing and valeting facility (Sui Generis).
Refused 24.09.2014

Consultations

- 12 Following receipt of an amended plan consultees were reconsulted on
28/08/2014. Responses to both consultations are set out below.

Swanley Town Council (response dated 17/09/2014):

- 13 'Support. Members request that the length of time for Blue Badge holders parking
for free before a charge is payable is clearly stated on all signage.'

Swanley Town Council (previous response dated 06/03/2014):

- 14 Swanley Town Council objects to this application as the current signs are too large
and intrusive on the street scene and are out of character with other car parks in
the town. Swanley Town Council feels that the signage should be in line with other
car parks e.g. the District Council's car park in Bevan Place. Swanley Town Council
also feel that the current signs are too confusing and the wording for Blue Badge
holder parking needs to be made clearer as users enter the car parks; currently this
information is only mentioned clearly on the ticket machines which means that
disabled users have to alight from their vehicles and make their way to a ticket
machine before they ascertain that they can park free for a limited time. The
signage also needs to be well lit at night; Swanley Town Council is concerned that
Blue Badge holders especially may be put in a vulnerable situation due to
currently having to alight from their vehicle to ascertain correct information.

Kent County Council Highways (dated 14/03/2014 and 18/09/2014):

- 15 'Having considered the development proposals and the effect on the highway
network, raise no objection on behalf of the local highway authority'.

Representations

- 16 Notification letters were sent to the occupiers of 78 commercial and residential
properties surrounding the site. Further notification letters were sent on
28/08/2014 following receipt of the amended plan. The statutory consultation
period ended on 18/09/2014. No written representations received.

Chief Planning Officer's Appraisal

- 17 The display of advertisements is subject to a separate consent process within the
planning system which states that local planning authorities can only control the
display of advertisements in the interests of amenity and public safety, taking into
account the provisions of the development plan, in so far as they are material
and, and any other relevant factors. The main issues therefore relate to:
- Impact on amenity; and
 - Impact on public safety.

Agenda Item 4.5

Impact on amenity:

- 18 The Planning Practice Guidance sets out the principal considerations affecting visual and aural amenity and states that in practice, 'amenity' is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement. Adopted policies SP1 of the Core Strategy, policy EN1 of the SDLP and emerging policy EN1 of the ADMP do not refer explicitly to advertisements but contain general guidance on the requirement for developments to respect local context and character.
- 19 In assessing amenity it is necessary to consider the local characteristics of the neighbourhood, including whether the locality where the advertisement to be displayed has important scenic, historic, architectural or cultural features and whether the advertisements would be in scale and keeping with any of these.
- 20 The car parks comprise several large open spaces enclosed in part by the side and rear elevations of single, two and three storey buildings and in part by trees and shrubbery. By reason of its function the car park is heavily trafficked by both vehicles and pedestrians; however it is not a space of any particular merit, nor does it benefit from any of the features referred to above.
- 21 The advertisements, which include pole mounted signs and signs affixed to walls are located on the approach to and within the existing car parks. As amended the advertisements being applied for are considered to be acceptable in terms of number, size and location and do not have a cumulative harmful impact on the visual amenity of this particular location. They are not considered to be intrusive or out of character and do not adversely affect the amenity of this neighbourhood or site.

Impact on public safety:

- 22 Factors relevant to public safety are set out in the advertisement regulations. Public safety is not confined to road safety and includes all of the considerations which are relevant to the safe use and operation of any form of traffic or transport, including the safety of pedestrians.
- 23 The Planning Practice Guidance recognises that all advertisements are intended to attract attention but states that advertisements at points where drivers need to take more care are more likely to affect public safety. There are less likely to be road safety problems where advertisements are located on sites within commercial or industrial areas and where advertisements are not on the skyline.
- 24 The advertisements subject of this application are located on the approach to and within an established car park. They are located such that they do not obstruct or impair sightlines at any hazardous corners, bends or junctions and are not of such a size or scale that would be likely to distract road users. The fact that the signs are not illuminated and do not incorporate moving images or text further reduces their potential to adversely affect public safety.
- 25 The Planning Practice Guidance states that crime prevention is a public safety consideration and states that local planning authorities should consider whether granting express consent could block the view of CCTV cameras, or whether

illumination from an advertisement would cause glare on such cameras. None of the advertisements would block any views from CCTV cameras and by reason of being non-illuminated would not result in any glare.

Other matters:

- 26 The original objections raised by Swanley Town Council are noted; however all applications have to be considered on their own merits and in the context of the specific circumstances of this site. Therefore, whilst the signs referred to at Bevan Place may be preferable in terms of their size, scale and location it is not material to the acceptability of this application. It is noted that having been reconsulted the Town Council now support the application.
- 27 As previously noted, local planning authorities can only consider advertisements in relation to their impact on amenity and public safety. The local planning authority cannot consider the precise design or wording of advertisements, minor changes to which (for example, changing the name of an occupier) rarely require a formal application for express consent, particularly where the size and type of advertisement remains substantially unaltered.
- 28 Whilst the Town Council's request for an amendment to the text cannot be required by condition, it is recommended that an informative be applied to any consent issued relating to provision for Blue Badge holders. All advertisements are subject to 5 standard conditions set out in the advertisement regulations. No other planning conditions are considered to be reasonable or necessary.

Conclusion:

- 29 The advertisements applied for are considered to be acceptable in terms of their affect on amenity and public safety. Subject to the standard conditions relating to securing permission of the land owner, public safety, maintenance of the advertisements and ensuring the site is left in an appropriate condition upon their removal it is recommended these be granted advertisement consent.
- 30 Recommendation – Approve subject to conditions.

Contact Officer(s):

Matthew Durling Extension: 7448

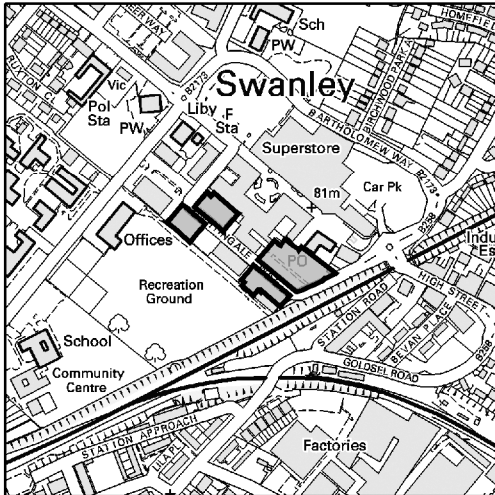
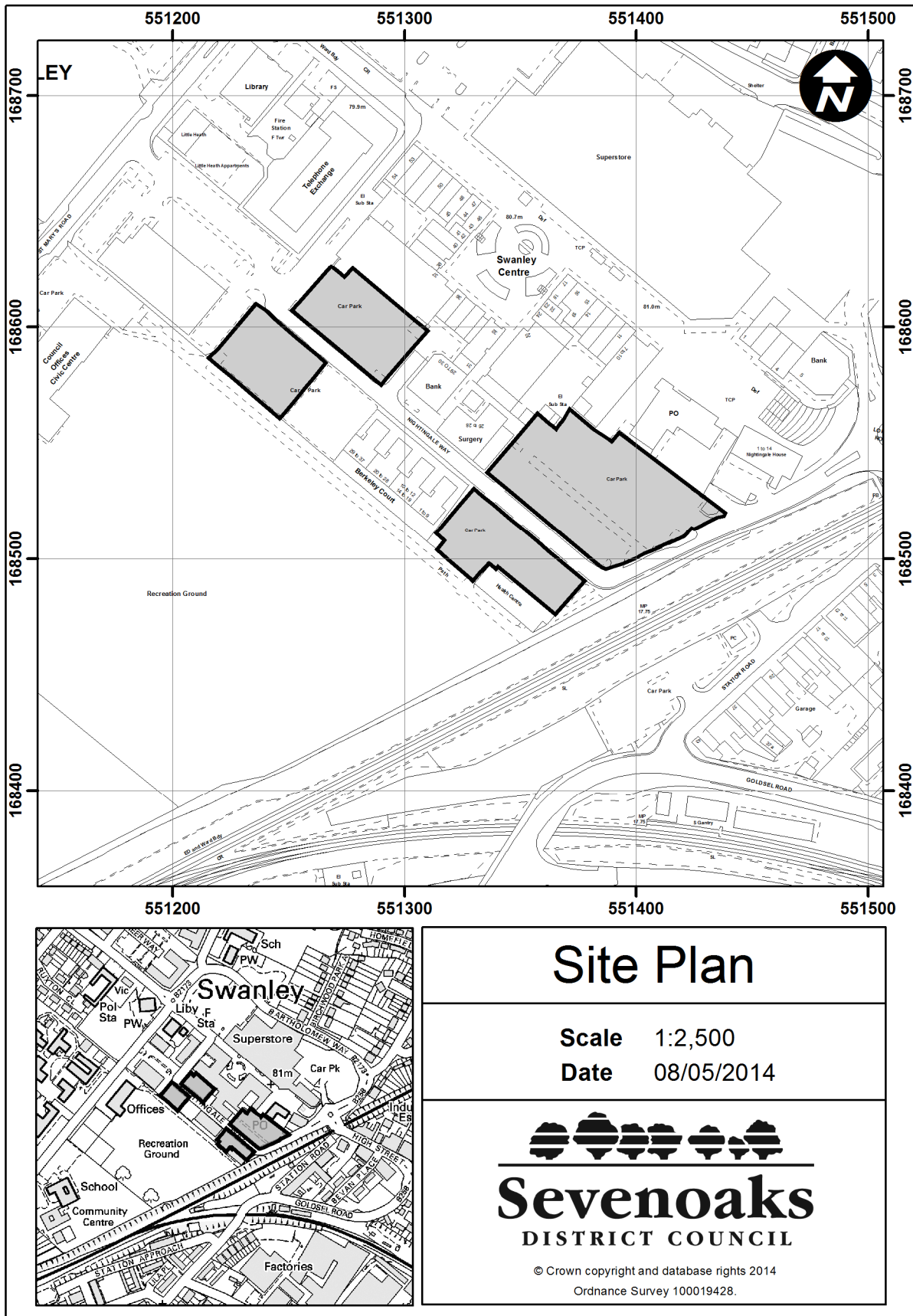
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MY3ICCBK8V00I>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MY3ICCBK8V00I>



Site Plan

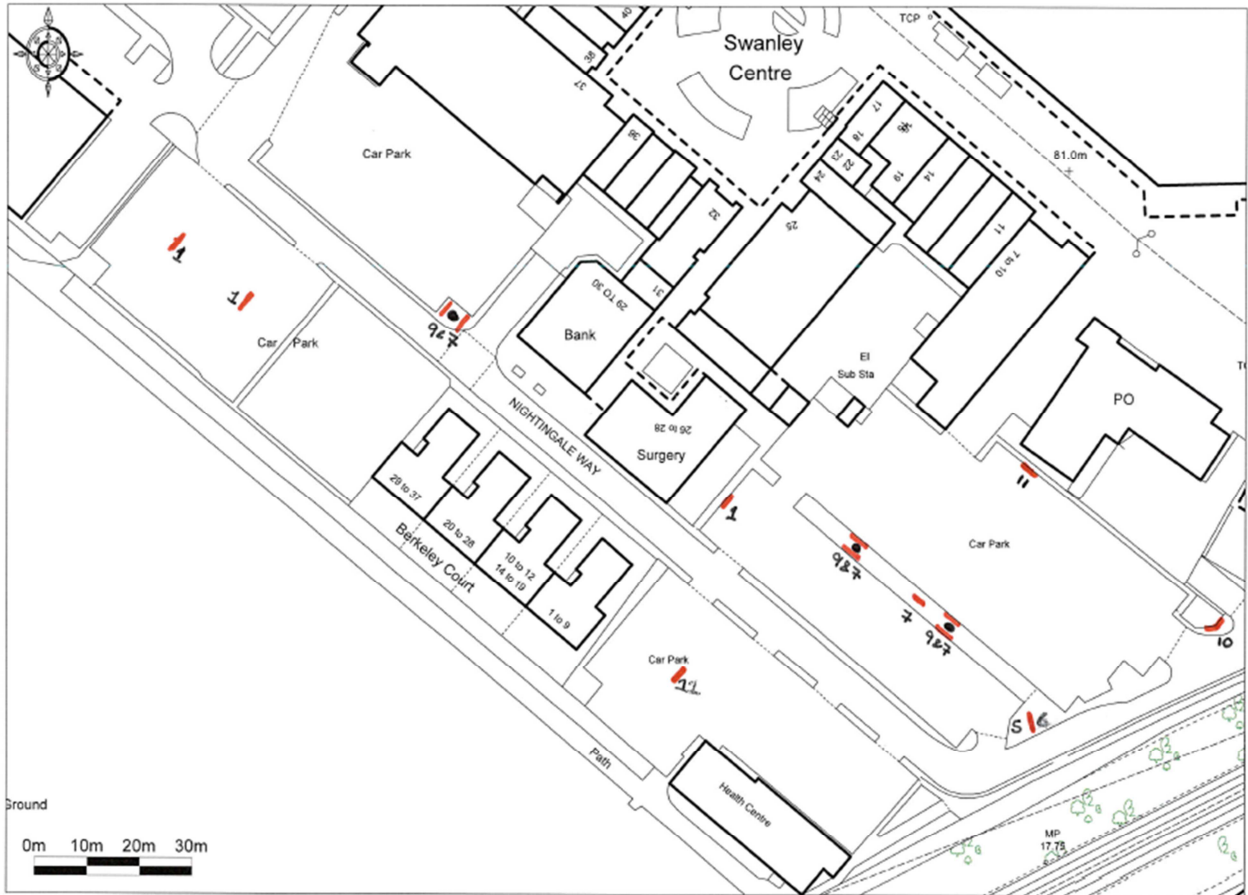
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Date 08/05/2014



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Block Plan



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- Pay and Display Machines
- Signage location and type.

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4.6 – SE/14/01799/FUL Date expired 5 August 2014

PROPOSAL: Retention of 3 no. pay and display ticket machines and provision of accessibility ramp.

LOCATION: Car Parks, Nightingale Way, Swanley

WARD(S): Swanley St Mary's

ITEM FOR DECISION

This application was referred by members of the Development Control Committee at the meeting held on 20/05/2014 to enable consideration of the application alongside the application for advertisement consent (reference 13/03811/ADV).

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

1) The hereby approved accessibility ramp shall be installed in strict accordance with the details hereby approved and made available for public use within 2 months of the date of this decision. The ramp shall be retained and maintained as such thereafter.

To ensure that the development is inclusive and makes satisfactory provision for the safe and easy access of those with disabilities in accordance with the NPPF, policy EN1 of the Sevenoaks District Local Plan (2008) and emerging policy EN1 of the Allocations and Development Management Plan (Submission Draft, November 2013).

2) The development hereby permitted shall be carried out in accordance with the following approved plans: ZEB 801/005, ZEB801-P-040.

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

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

Agenda Item 4.6

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 that led to improvements to the acceptability of the proposal.

Description of Proposal

- 1 Retrospective planning permission is sought for the retention of three pay and display ticket machines within the existing car parks. The application also proposes the installation of a single accessibility ramp to facilitate level access.

Description of Site

- 2 The application site comprises 4 ground level car parks located within Swanley town centre. The car parks are all accessed via Nightingale Way, a private road to the south of the site beyond which lies the railway. The car park benefits from a number of pedestrian routes linking to the shopping centre to the north east. To the west of the site lies a doctors surgery and Swanley recreation ground with Swanley library and information centre located to the north.
- 3 The site is not located within the Green Belt or AONB and it is not located within or adjacent to a Conservation Area.

Constraints

- 4 Urban confines of Swanley

Policies

Sevenoaks Core Strategy

- 5 Policies - SP1, L04, L05

Sevenoaks District Local Plan (SDLP)

- 6 Policy - EN1

Emerging Allocations and Development Management Plan (ADMP)

- 7 Emerging Policy – EN1

Other

- 8 National Planning Policy Framework (NPPF)
- 9 National Planning Practice Guidance (NPPG)

Planning History

- 10 13/003810/FUL: Retention of 3 no. pay and display ticket machines and associated advertisements for car park facility. Withdrawn 15.04.2014
- 11 14/02451/FUL: Change of use to car washing and valeting facility (Sui Generis). Refused 24.09.2014

Consultations

Swanley Town Council:

- 12 'No comments'.

Kent County Council (Highways):

- 13 'Having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority'.

Representations

- 14 Notification letters were sent to the occupiers of 79 commercial and residential properties surrounding the site. A press notice was published on 23.06.2014 and a site notice was displayed on 27.06.2014. The statutory consultation period ended on 20.07.2014.
- 15 5 objections received, including from employees of The Oaks Surgery and Child Health Clinic and from the Chairman of Patient Voice. Summary of objections below:
- Recreation ground and car park left to Swanley by the Hart Dyke family and their intention for parking to be free should be honoured;
 - Difficult for patients visiting surgery to know how long they will be, often leading to overpayment;
 - Unreasonable that staff of surgery on low incomes have to pay to park;
 - Money taken should be put back into the local community.

Chief Planning Officer's Appraisal

Principle of development

- 16 It is important to note that the site comprises an existing car park within Swanley town centre and that no planning controls exist to prevent the introduction of parking charges by the landowner. Covenants like those understood to relate to the use of this site cannot be enforced through the planning system; the existence of planning permission will not override the authority of those benefitting from a restriction. Whilst the objections to the imposition of parking charges are acknowledged it is not a matter over which the Council as local planning authority has any jurisdiction. The parking machines comprise modest sized structures related to the established use of the land and do not raise any land use implications. The main issues therefore relate to:

Agenda Item 4.6

- Design and impact on the character and appearance of the surrounding area; and
- Accessibility; and
- Safety and security.

Design and impact on the character and appearance of the surrounding area:

- 17 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. Adopted policy EN1 of the SDLP and emerging policy EN1 of the ADMP state that the form of 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.
- 18 The development comprises three terminals, two of which are located within the first (eastern) car park and one within the last (western) car park. The terminals comprise modestly sized free standing structures of less than 2m in height and approximately 0.3m in width and depth. The proposed ramp would comprise a simple low level timber structure. Although located in isolated positions away from surrounding buildings the structures are considered to be compatible in terms of height and scale with other items of street furniture in the locality. The terminals and ramp would be acceptable when read in the context of surrounding bollards and street lighting and would not detract from the general character or appearance of the car park in accordance with relevant policy.

Accessibility:

- 19 The NPPF states that planning decisions should aim to ensure that developments create safe and accessible environments. Policy SP1 of the Core Strategy states that new development should create safe, inclusive and attractive environments and adopted policy EN1 of the SDLP and emerging policy EN1 of the ADMP state that proposed development should be inclusive and where appropriate make satisfactory provision for the safe and easy access of those with disabilities. Both the eastern and western car parks provide designated accessible parking bays for disabled users. Notwithstanding confirmation from the agent that blue badge holders are exempt from parking charges (for the first 3 hours), none of the signs displayed within the car park confirm this and when visiting the site I observed cars parked within accessible parking bays displaying pay and display tickets. On this basis it is considered reasonable to require the terminals to be inclusive to all and to make appropriate provision for those with disabilities in accordance with relevant planning policy.
- 20 As a minimum I consider that appropriate provision should include step-free access to the terminals. All three terminals are located on a raised island equivalent to pavement level and set away from the kerb edge such that they are not accessible from the road. Whilst there is one crossover facilitating step-free access to the two terminals in the first (eastern) car park, there is currently no crossover facilitating level access to the single terminal in the western car park. The proposed ramp would provide level access to the single terminal in that location. Subject to a suitable condition requiring it to be installed within 2

months of the date of the decision and for it to be maintained and retained thereafter the proposals are considered to be acceptable in this regard.

Safety and security:

- 21 The NPPF states that planning decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. As existing the car park is open 24 hours and parking charges apply at all times. It is not considered that use of the terminals poses any significant threat to the safety or security of people using them. Although the terminals are not individually illuminated, the car park as a whole is lit by street lighting and the terminals benefit from good levels of natural surveillance by reason of their central and prominent locations. The Council's Community Safety team has no records of reported anti-social behaviour in this location since 2006 and it is not considered that the development would have any impact on actual crime or fear of crime.

Conclusion:

- 22 The terminals are considered to be acceptable in terms of size and design and subject to an appropriate condition to require provision of the accessibility ramp the development would be inclusive and provide appropriate facilities for those with disabilities in accordance with the NPPF, policy SP1 of the Core Strategy, policy EN1 of the SDLP and emerging policy EN1 of the ADMP.
- 23 Recommendation: Approve subject to conditions.

Contact Officer(s): Matthew Durling Extension: 7448

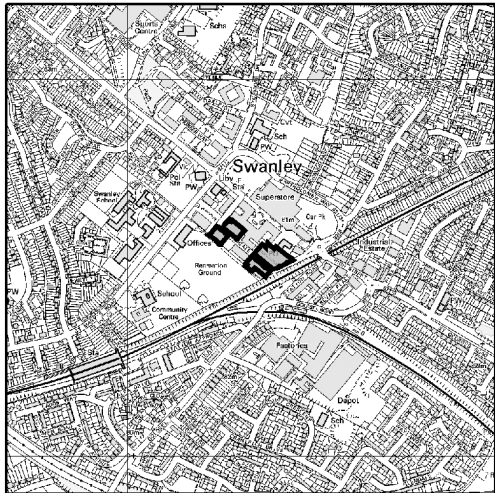
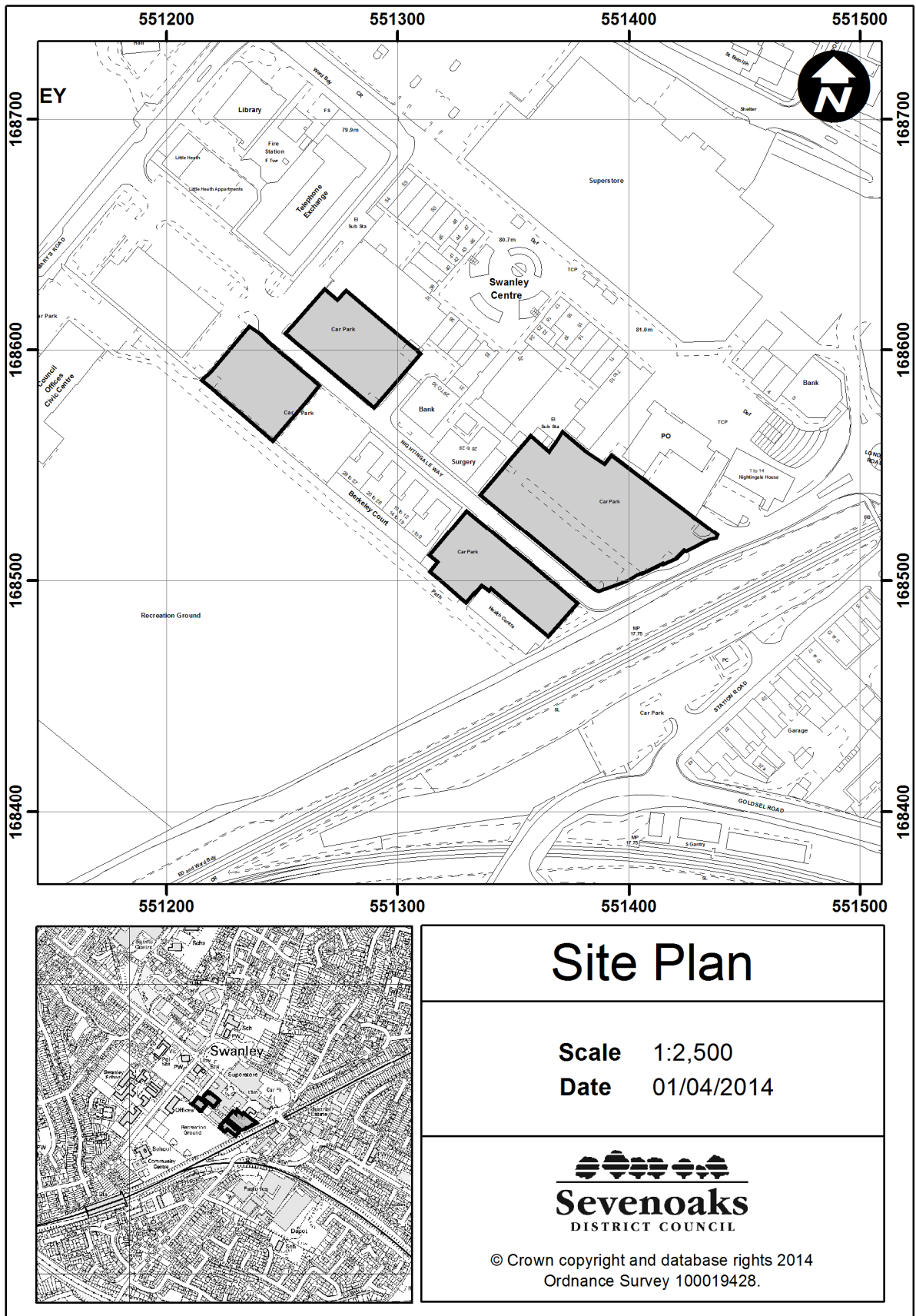
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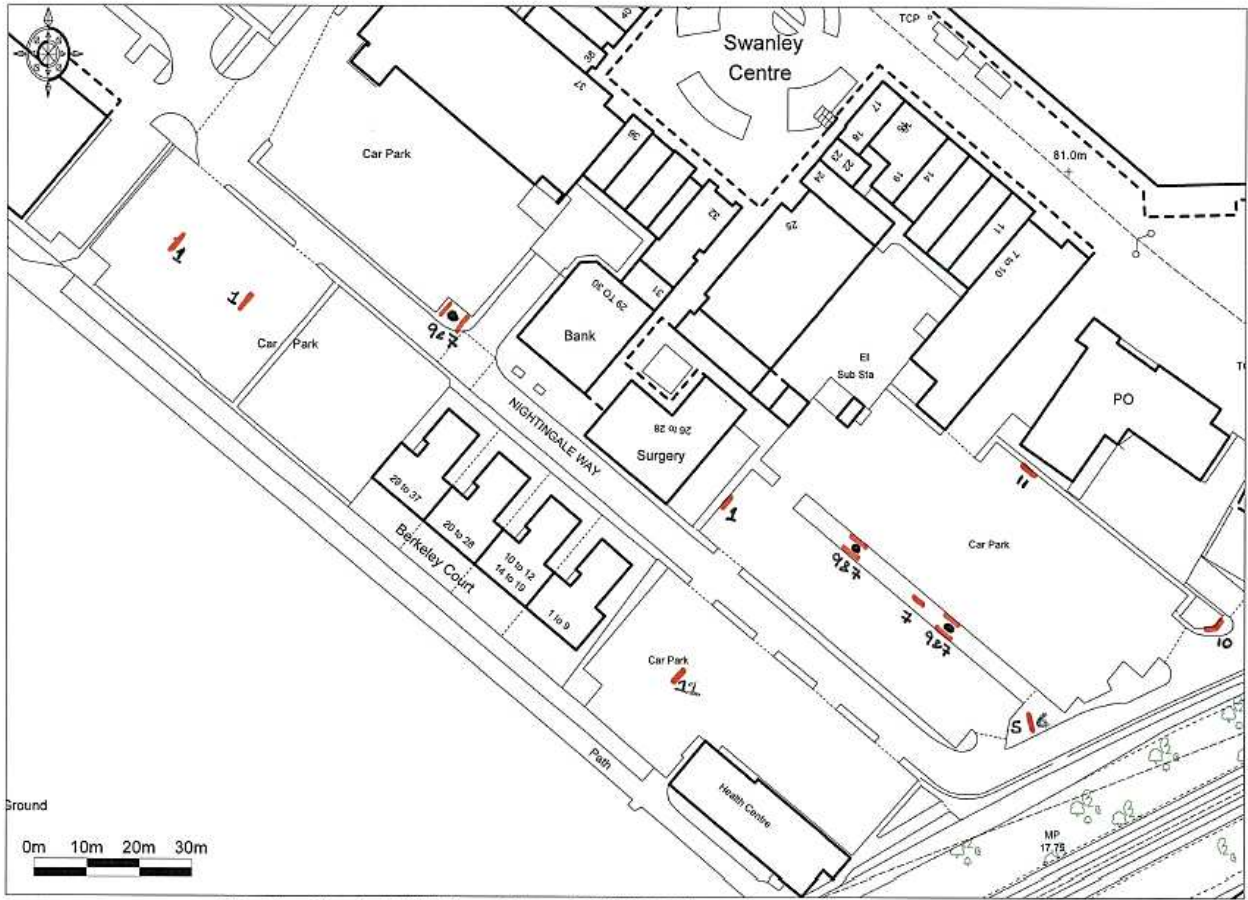
Site Plan

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Date 01/04/2014



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Block Plan



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- Pay and Display Machines
- Signage location and type.

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5.1 **Objection to Tree Preservation Order number 11 of 2014**

Located on land situated to the East of Swanley Park, New Barn Road, Swanley

ITEM FOR DECISION

This report sets out details of objections and support received following this order.

RECOMMENDATION

That the Tree Preservation Order No 11 of 2014 be confirmed without amendment.

The Site and Background

- 1 Tree Preservation Order (TPO) No. 11 of 2014 relates to an area of land, which is approximately 10.70 Hectares in size. It is located due east of Swanley Park in Swanley and is mainly wooded throughout with differing tree species, age classes and conditions over its area.
- 2 It was brought to our attention that following many years of being in the same ownership and left unmanaged, it was to be sold at auction. Concern was raised regarding the possibility of a new owner looking to develop the land and removing all/or areas of trees. TPO 11 of 2014 was therefore served due to the uncertainty of the future of the land and to protect its future amenity.

Representations

- 3 Swanley Town Council have written in support of the serving of the TPO as follows;
“This area of land has been a woodland for in excess of 50 years and is directly attached to Swanley Park, which is within the Green Belt and is a critical part of the green wedge which separates the communities of Swanley and Hextable. Together with the park, the woodland is an extremely popular amenity which is greatly used by residents and visitors from outside the town and Swanley Town Council is keen to protect the woodland against possible future development so that enjoyment of the amenity by all can be continued”.
- 4 A further nine letters have been received from local residents in support of the serving of the order. Most have stated their concern about losing an amenity that they have enjoyed for many years. Reference has also been made regarding the noted wildlife inclusive of many variety of bird. All have strongly urged the Council to make the TPO permanent.
- 5 A further five e-mailed letters have been received with names and e-mail addresses claiming to be Swanley residents with no postal addresses. The comments are varied but tend to mirror the correspondence received within paragraph 4.
- 6 A formal letter of objection has also been received from Middlemarch Environmental on behalf of the new owner. The objector has agreed with certain areas of the TPO being justified, but objects to the TPO on two points:

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a) **The objection is on the grounds that the Order does not properly take into account the variance in visual amenity of the trees present. It also refers to the lack of age of an amount of the trees, especially within areas to the north of the site.** A walk through the woodland has taken place as well as a walk along the eastern perimeter of Swanley Park. It is clear from this visual survey that there are differing ages, species and values of trees throughout the site. Within the objection details, the author has stated quite rightly that some areas of trees have greater amenity value than other parts. A large part of the southern area for instance has mature Oaks, whereas a large part of the northern area consists mainly of Hawthorn. The TPO legislation does not grade trees in order of their amenity. The legislation simply requires a degree of amenity value be present. It is then a subjective issue for the deciding officer to make a recommendation on the way forward. In this instance there are many footpaths present throughout the site, all of which appear well trodden. The potential for amenity is therefore clearly present. The quality of the trees within the northern sector of the land is not what I would consider high grade, but nonetheless affective in providing a degree of amenity. If they were to be removed, it would detract from the visual amenity that currently exists.

b) **The objector also raises the issue of expediency in serving the order. The objector has stated that the trees cannot all be felled as they are protected by means of the Forestry Act, which would only allow 5 cubic metres to be felled in any one calendar quarter.** The Forestry Act refers to the felling of 5 cubic metres of timber within any one calendar quarter being allowed without application. Any more than this would require a felling licence from the Forestry Commission. A felling licence would be required for the felling of timber but not young smaller stems without commercial value, which would cover a large quantity of the trees within the northern sector of the land. This formal protection would not therefore afford full protection as stated within the objection. The only protective legislation therefore available is a TPO. The objector has queried the expediency of serving this order. Planning practice guidance on this matter states; "In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order". The new owner has stated that he would like to build a family home on the site. The amenity of the trees has been demonstrated as existing from various viewpoints within and externally to the wood. It is therefore considered that the TPO is justified and expedient.

- 7 The treescape could be managed to create an improved amenity. Such a proposal could be negotiated. A woodland grant scheme could also be sought from the Forestry Commission. Any such improvements would be encouraged. In the meantime TPO 11 of 2014 remains the only protection for the trees upon this land.

Conclusion

- 11 TPO 11 of 2014 was served in order to halt any tree works following the sale of this land. The new owner has referred to the possibility of constructing a family home for his own large family. Amenity value is present and a perceived threat to that amenity has been identified. A proposal to build can be looked at in more detail during a formal planning application. This would be the time to fully assess what is required by the owner and what may be acceptable for this part of Swanley. It is the recommendation that this TPO be confirmed without amendment.

Please find attached TPO/11/2014 (Appendix 1).

Contact Officer(s): Mr L Jones Arboricultural & Landscape Officer
Extension 7289

Richard Morris
Chief Planning Officer



SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

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

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

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

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

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

Woodlands
(within a continuous black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
W1	Mixed deciduous woodland	Situated on land to the east of Swanley Park, New Barn Road, Swanley.

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

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5.2 **Objection to Tree Preservation Order number 9 of 2014**

Located within the garden of Pilgrims Way Cottage, Pilgrims Way, Otford

ITEM FOR DECISION

This report sets out details of objections and support received following this order.

RECOMMENDATION

That the Tree Preservation Order No 9 of 2014 be confirmed without amendment.

The Site and Background

- 1 Tree Preservation Order (TPO) No 9 of 2014 relates to the protection of one Birch tree (T1) and one Maple tree (T2). The two trees are located adjacent to the far southern boundary of Pilgrims Way Cottage (PWC) in Otford.
- 2 These trees were brought to my attention following a consultation to assess the proposal to construct 2 new detached dwellings within the garden (14/01779/FUL). This application would necessitate the clearing of most of the existing vegetation inclusive of lawns, a vegetable patch, various shrubs, fruit trees and other deciduous trees. Of the aforementioned vegetation losses, it was felt that the loss of the two trees would have been to the detriment of the adjoining residents and the users of the area inclusive of the nearby Public Right of Way (SR54). TPO 9 of 2014 was therefore served to afford them formal protection against removal.

Representations

- 3 To date, five local residents have registered their support for the serving of the TPO, and request that it be made permanent. Varying comments made by the authors of the support letters include, benefits to the environment, Visual amenity enjoyed over many years, enhancement of the rural nature of the village of Otford to list but a few.
- 4 A further two e-mailed letters have been received in support of the serving of the TPO without postal addresses. I only have names and e-mail addresses for these two comments, which mostly mirror the support comments referred to in paragraph three.
- 5 An objection to the TPO has been received from Sylvan Arb, who are arboricultural consultants. This objection has been made on behalf of the owner of PWC. The objection states that *“The trees do not make a significant contribution to local landscape quality and amenity of the area”*. The author of the objection then went on to compare the quality of these two trees with the previously protected Beech tree located in the south western corner. I agree that this tree is superior to the two trees the subject of this TPO. There is however no grading ability of how important a TPO tree is, it is either of the quality to be protected or it is not. It is quite common therefore for some trees to be of better quality than others and all still to be afforded protection by TPO. The visibility of the tree was also referred to given the limited visibility from the nearby footpath. The visibility is limited in some places along the footpath, it is however visible. It is also very visible from various

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neighbouring residential properties. This is especially so for the residents of 5 Broughton Road, which is immediately adjacent to the southern boundary of PWC.

- 6 The objector has stated: *“In my view it is without doubt that were the Birch and Maple to be removed overnight the general perception of the treescape within the locality would be unaltered within the minds of residents passing on their general day to day activities”*. I have demonstrated that the trees are visible from various locations around the area inclusive of resident’s gardens and the nearby public footpath. In addition to this the aforementioned letters of support for the serving of the order and the requests to make the TPO permanent have voiced very clearly that they would not like to lose these trees. A number have stated that they have enjoyed the visual aspects of these trees over a number of years. The objector has also queried the expediency of serving the order. Planning practice guidance on this matter states; *“In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order”*. Both of the trees referred to within this order were shown to be removed to accommodate the aforementioned development. The amenity of the trees has been demonstrated as existing from various viewpoints within the neighbourhood. It is therefore considered that the TPO is justified and expedient.

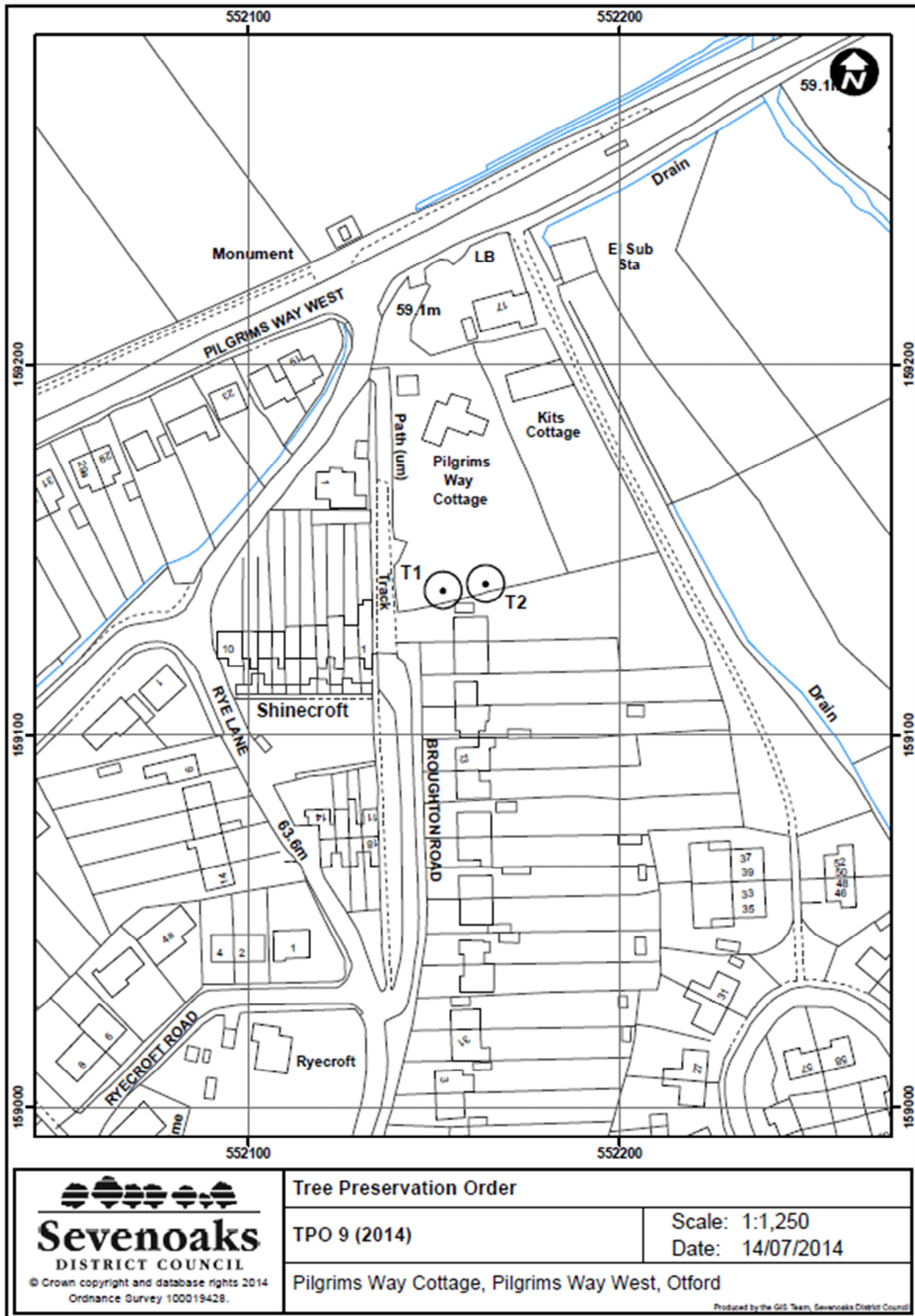
Conclusion

- 7 A clear threat to trees, that it has been demonstrated are of a suitable quality to ensure their retention, has been identified. Local support for the confirmation of the order has been received from several local residents. It is therefore my recommendation that this order be confirmed without amendment.

Please find attached TPO/9/2014 (Appendix 1).

Contact Officer(s): Mr L Jones Arboricultural & Landscape Officer
Extension 7289

Richard Morris
Chief Planning Officer



SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
T1	Birch	Situated on the southern boundary of Pilgrims Way Cottage, Pilgrims Way West, <u>Oxford</u> .
T2	Maple	Situated on the southern boundary of Pilgrims Way Cottage, Pilgrims Way West, <u>Oxford</u> .

|

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

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

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

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

Woodlands
(within a continuous black line on the map)

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