

DEVELOPMENT CONTROL COMMITTEE

28 May 2015 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

AGENDA

Membership:

TBC

	<u>Pages</u>
Apologies for Absence	
1. Minutes To approve the minutes of the meeting of the Committee held on 30 April 2015, as a correct record.	(Pages 1 - 20)
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/14/03298/FUL Dunton Green Faithworks, The Old Chapel , London Road, Dunton Green Sevenoaks TN13 2TB External alterations to existing single-storey chapel to include remodelling of the entrance lobby with a new front single-storey extension, installation of high level window to the main frontage and infill extension to kitchen, alteration to fenestration and new perimeter fencing on north elevation.	(Pages 21 - 36)
4.2. SE-14-03783-OUT Land North Of Railway Line And West Of St Johns Way, St Johns Way, Edenbridge TN8 6HF Outline application for mixed use development comprising up to 300 new homes, up to 2.6 hectares of public open space and vehicular access with some matters reserved	(Pages 37 - 88)
4.3. SE/15/0216/OUT - Meeting Point Day Centre Rural Age Concern, 27 - 37 High Street, Swanley BR8 8AE Outline application for Demolition of existing buildings and construction of a mixed use development to include 14 flats and retail premises with some matters reserved.	(Pages 89 - 102)

4.4. **SE-15-00045-HOUSE Nuffield Road, Hextable BR8 7SL** (Pages 103 - 112)
Two storey side extension.

4.5. **SE-15-00240-FUL Land North Of Ivy Cottage , Stonehouse Road, Halstead TN14 7HN** (Pages 113 - 130)
Demolition of the existing garage and the erection of a new detached chalet bungalow on the land adjacent to Ivy Cottage.

EXEMPT ITEMS

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

Public Access Links

Late Observations

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate 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 Friday 22 May 2015.

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.

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 30 April 2015 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Miss. Thornton (Vice Chairman)

Cllrs. Mrs. Ayres, Brookbank, Clark, Cooke, Edwards-Winsler, McGarvey, Orridge, Raikes, Miss. Stack and Walshe

Apologies for absence were received from Cllrs. Bosley, Firth, Gaywood, Mrs. Parkin and Underwood

Cllrs. Ayres, Mrs. Dawson, Fleming, Hogarth and Piper were also present.

119. Minutes

Resolved: That the minutes of the Development Control Committee held on 1 April 2015 be approved and signed by the Chairman as a correct record.

120. Declarations of Interest or Predetermination

Cllr. Raikes declared a pecuniary interest in minute items 123, 124 and 125 - Wildernesse House, Wildernesse Avenue Sevenoaks TN15 0EB (SE/14/01562/OUT, SE/14/01563/LBCALT and SE/14/01531/FUL). Upon their consideration he left the Chamber and did not take part in the debate or voting thereon.

Cllr. Raikes also declared that he was a Member of Sevenoaks Town Council for minute item 126 - SE/14/02434/FUL 10 The Drive, Sevenoaks TN13 3AE and had been party to decisions of Sevenoaks Town Council but remained open minded.

Cllr. Miss. Thornton declared that she was the Local Member for minute items 123, 124 and 125 - Wildernesse House, Wildernesse Avenue Sevenoaks TN15 0EB (SE/14/01562/OUT, SE/14/01563/LBCALT and SE/14/01531/FUL) and that she had communication with local residents but remained open minded.

Cllr. Miss. Thornton also declared that she knew an immediate neighbour of the property in minute item 126 - SE/14/02434/FUL 10 The Drive, Sevenoaks TN13 3AE.

121. Declarations of Lobbying

All Members declared that they had been lobbied in respect of minute items 123, 124 and 125 - Wildernesse House, Wildernesse Avenue Sevenoaks TN15 0EB (SE/14/01562/OUT, SE/14/01563/LBCALT and SE/14/01531/FUL).

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Unreserved Planning Applications

There were no public speakers against the following item and no Member reserved the item for debate. Therefore, in accordance with Part 7.3(e) of the constitution, the following matter was considered without debate:

122. SE/14/03983/FUL Henmans, High Street, Cowden Kent TN8 7JL

The proposal was for demolition of existing detached dwelling and garage and erection of a replacement detached dwelling with basement, including introduction of new garage outbuilding currently permitted by lawful development certificate; introduction of outdoor swimming pool in rear garden (Amended proposal reduced in size and height to that refused planning permission under SE/14/02079/FUL). It had been referred to Committee in the absence of a Ward Member for the Cowden and Hever Ward and the Officer's recommendation being contrary to that of the Parish Council.

Members' attention was brought to the main agenda papers and the late observation sheet which proposed amendments and changes to the recommendations before the Committee.

Resolved: That That planning permission be GRANTED subject to the following conditions:

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

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

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

To ensure that the appearance of the development is in harmony with the existing character of the locality as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted

- 3) No development shall take place until details of the: existing levels of the land; any proposed slab levels and any changes in levels have been submitted for approval. The development shall be carried out in accordance with the approved details.

To safeguard the visual appearance of the area as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan. The Local

Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted

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

To preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted

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

To preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted

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

In the interests of environmental sustainability and reducing the risk of climate change as supported in Policy SP2 of the Sevenoaks Core Strategy. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted

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- 7) Prior to the commencement of development, the existing dwelling known as Henmans and garaging identified on submitted drawing 1205/106 A, shall be demolished and removed from the site, including the removal of all resultant materials.

To protect the openness of the Metropolitan Green Belt and the character of the landscape as supported by policy GB1 of the Sevenoaks Allocations and Development Management Plan and the guidance outlined within the National Planning Policy Framework.

- 8) No extension or external alterations shall be carried out to the replacement dwelling hereby approved, despite the provisions of any Development Order.

To prevent inappropriate development in the Green Belt as supported by policy GB1 of the Sevenoaks Allocations and Development Management Plan.

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

To prevent inappropriate development in the Green Belt as supported by of the Sevenoaks Allocations and Development Management Plan.

- 10) The development hereby permitted shall be carried out in accordance with the following approved plan: Site Plan, Drawing No's 1205/98 A, 1205/99 A, 1205 100 B, 1205/101 C, 1205/02 C, 1205/103 A, 1205/104 B, 1205/105 A, 1205 106/A, 1205/108 A, 1205/109 A, received 23.02.14 and 03.02.15.

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

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.

The Committee considered the following planning applications:

123. SE/14/01562/OUT Wildernesse House, Wildernesse Avenue, Sevenoaks TN15 OEB

The proposal was for a development comprising of: (a) detailed permission for the demolition of existing buildings and structures and the construction of new/replacement floorspace, extra care accommodation for older people (sui generis use); conversion of

the existing grade II listed Wildernesse House to provide extra care accommodation (sui generis use) to comprise extra care units, staff accommodation and communal facilities, including a kitchen, restaurant/bar, a gym and treatment rooms, communal lounge/library and storage facilities; car parking for up to 118 cars for residents, visitors and staff of the extra care community; the creation of a new vehicular access onto Park Lane and an access driveway; a comprehensive landscape strategy comprising communal and private spaces and gardens for use by residents of the proposed extra care community and the provision of new/replacement storage structure to house plant, maintenance equipment, mobility scooters and cycles; and (b) outline permission, with all matters reserved, for the erection of three residential units (class C3) description amended 12 December 2014 and 6 February 2015.

It had been referred to Committee as the Officer's recommendation was at variance to the view of the Parish Council and at the request of Councillor Hogarth who was of the view that the proposal would potentially result in a detrimental impact on the Metropolitan Green Belt, highways safety, the listed building and the conservation area.

Members' attention was brought to the main agenda papers and the late observation sheet which proposed amendments and changes to the recommendations before the Committee.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Guy Flintoft
Parish Representative:	Parish Cllr. Tony Bulleid
Local Member:	Cllr. Hogarth

Members asked questions of clarification from the speakers and officers.

It was moved by the Chairman and duly seconded that the recommendation in the agenda papers as amended by the late observations, to grant planning permission subject to conditions be agreed.

Members considered the Parish Council's concerns with regards to the construction traffic and it was suggested that the informative could be strengthened as the word 'endeavour' was not strong enough.

Subject to the amendment to the second informative by the deletion of the words 'endeavour to', the motion was put to the vote and it was

Resolved: That planning permission be granted subject to the following conditions:

- 1) The development hereby permitted (with the exception of the three residential units) 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.

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- 2) Details relating to the layout, scale and appearance of each of the proposed three residential units, the means of access, and the landscaping associated with each residential unit (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the District Planning Authority before the development of each residential unit is commenced.
- 3) Application for approval of the reserved matters relating to the three residential units shall be made to the District Planning Authority before the expiration of three years from the date of this permission.

In Pursuance of section 92(2) of the Town and Country Planning Act 1990.

- 4) The development relating to the erection of three residential units must be begun before: -The expiration of three years from the date of this permission; or -The expiration of two years from the final approval of the reserved matters whichever is the later.

In Pursuance of section 92(2) of the Town and Country Planning Act 1990.

- 5) The development hereby permitted shall be carried out in accordance with the following approved plans: 5433/P/002, 234852-140-B Revision A, 234852-140-LG Revision A, 234852-140-00 Revision A, 234852-140-01 Revision A, 234852-140-02 Revision A, 234852-140, 234852-141, 234852-142, 234852-143, 234852-144, 234852-145, 234852-146, 234852-147, 234852-148, 234852-14L, 234852-150-B Revision A, 234852-150-LG Revision A, 234852-150-00 Revision A, 234852-150-01 Revision A, 234852-150-02 Revision A, 234852-160, 234852-161, 234852-162, 234852-163, 234852-200-B Revision P2, 234852-200-LG Revision P2, 234852-200-00 Revision P2, 234852-200-01 Revision P2, 234852-200-02 Revision P2, 234852-200-04 Revision P2 234852-220, 234852-221, 234852-222, 234852-223, 234852-2LG, 234852-450, 234852-451, A211-A-Z0-(01)P101 Revision B, A211-A-Z1-E-(01)P101, A211-A-Z1-E-(01)P102, A211-A-Z1-E-(01)P103, A211-A-Z1-E-(01)P201, A211-A-Z1-E-(01)P202, A211-A-Z1-E-(01)P203, A211-A-Z1-E-(01)P301, A211-A-Z1-E-(01)P302, A211-A-Z1-E-(01)P303, A211-A-Z1-E-(01)P304, A211-A-Z1-BC-(01)P101 Revision A, A211-A-Z1-BC-(01)P102 Revision A A211-A-Z1-BC-(01)P103 Revision A, A211-A-Z1-BC-(01)P104 Revision A, A211-A-Z1-BC-(01)P201 Revision A, A211-A-Z1-BC-(01)P202 Revision A, A211-A-Z1-BC-(01)P301 Revision A, A211-A-Z1-BC-(01)P302 Revision A, A211-A-Z1-BC-(01)P303 Revision A, A211-A-Z1-BC-(01)P304 Revision A, A211-A-Z2-(01)P101 Revision B, A211-A-Z2-(01)P102 Revision A, A211-A-Z2-(01)P103 Revision A, A211-A-Z2-(01)P104 Revision A, A211-A-Z2-(01)P201 Revision A, A211-A-Z2-(01)P202 Revision A, A211-A-Z2-A-(01)P101 Revision B, A211-A-Z2-A-(01)P102 Revision A, A211-A-Z2-A-(01)P103, A211-A-Z2-A-(01)P104, A211-A-Z2-A-(01)P201, A211-A-Z2-A-(01)P202, A211-A-Z2-A-(01)P301, A211-A-Z2-B-(01)P101, A211-A-Z2-B-(01)P102 Revision A, A211-A-Z2-B-(01)P103 Revision A, A211-A-Z2-B-(01)P104 Revision A, A211-A-Z2-B-(01)P201 Revision A, A211-A-Z2-B-(01)P202 Revision A, A211-A-Z2-B-(01)P301 Revision A, A211-A-Z2-C-(01)P101 Revision B, A211-A-Z2-C-(01)P102, A211-A-Z2-C-(01)P103, A211-A-

Z2-C-(01)P104, A211-A-Z2-C-(01)P201, A211-A-Z2-C-(01)P202, A211-A-Z2-C-(01)P301, A211-A-Z2-D-(01)P101 Revision A, A211-A-Z2-D-(01)P102 Revision A, A211-A-Z2-D-(01)P103, A211-A-Z2-D-(01)P104, A211-A-Z2-D-(01)P201, A211-A-Z2-D-(01)P202, A211-A-Z2-D-(01)P301, A211-A-Z2-E-(01)P101, A211-A-Z2-E-(01)P102 Revision A, A211-A-Z2-E-(01)P103, A211-A-Z2-E-(01)P104, A211-A-Z2-E-(01)P201, A211-A-Z2-E-(01)P202 and A211-A-Z2-E-(01)P301.

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

- 6) The reserved matters for the three residential units shall be in accordance with the parameters set out in the College Site Development Specification Document (Supporting Document 14).

To preserve the openness of the Green Belt, the setting of Wildernesse House, the character and appearance of the area and residential amenities as supported by policies LO1, LO8 and SP1 of the Sevenoaks District Core Strategy and policies EN1, EN2, EN4 of the Sevenoaks District Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

- 7) No works shall take place in relation to the erection of the approved extension to the main house until samples of the materials to be used in the construction of the external surfaces of the new extension hereby granted consent have been submitted to and approved in writing by the Council. The works shall be carried out using the approved materials.

To conserve the significance of the listed building as supported by policy EN4 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

- 8) No works shall take place in relation to the erection of the approved extension to the main house and alterations to doors and windows until all door and window details of the approved extension and of the new openings in the main house, at a scale of not less than 1:20, have been submitted to and approved in writing by the Council. The works shall be carried out in accordance with the approved details.

To conserve the significance of the listed building as supported by policy EN4 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

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- 9) No development shall take place in relation to the erection of the new buildings in each phase of development until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted in each phase have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.
- 10) No new development shall take place until detailed plans of the proposed new access onto Park Lane, including dimensions, surface materials, drainage and proposed traffic signs, and also showing acceptable visibility splays to the left, to the right and forwards along Park Lane have been submitted to and approved in writing by the Local Planning Authority. These plans should be accompanied by a Stage One safety audit prepared by an independent Safety Auditor and the development shall be carried out in accordance with the approved details.

In the interests of highway safety and visual amenity as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

- 11) No new development shall take place until full details of turning and parking areas within the southern part of the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

In the interest of highway safety as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

- 12) The development in relation to the new extra care accommodation units created within the main house shall achieve a BREEAM standard of "Very Good". Prior to the occupation of this part of the development evidence shall be provided to the Local Authority that the development has achieved a BREEAM Post Construction Certificate minimum standard of "Very Good" or alternative as agreed in writing by the Local Planning Authority.

In the interests of environmental sustainability and reducing the risk of climate change as supported in Policy SP2 of the Sevenoaks Core Strategy. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

- 13) To protect the amenity of the area and nearby residents as supported by policies EN1 and EN2 of the Sevenoaks Allocations and Development

Management Plan and R18 of the Seal Village Design Statement. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

- 14) Notwithstanding the information submitted, no new development in each of the identified phase shall be carried out until full details of the proposed hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. Those details shall include: - hard landscaping plans (identifying existing hard standing to be retained and proposed hard standing to be laid); - planting plans (identifying existing planting, plants to be retained and new planting); - a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); and - a programme of implementation.
- 15) Hard and soft landscape works shall be carried out before first occupation of any phase of the development. The landscape works shall be carried out in accordance with the approved details.
- 16) If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To safeguard the visual appearance of the area as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 17) Notwithstanding the information submitted, no new development shall be carried out on the land until full details of the proposed location of new services to the development, particularly in relation to the root protection areas of retained trees, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

To secure the retention of the trees and to safeguard their long-term health as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

- 18) Notwithstanding the information submitted, no new development shall be carried out on the land until full details of the position of the new access driveway, particularly in relation to the root protection areas of retained trees, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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To secure the retention of the trees and to safeguard their long-term health as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

- 19) No development shall be carried out on the land until a Construction Management Plan, which should include (i) permitted routes for construction traffic including lorries, (ii) details of car parking for construction personnel, (iii) undertaking that no vehicles will be permitted to reverse into or out of the site except under the supervision of a banksman, (iv) details of wheel washing facilities and procedures, and (v) proposed times for construction work to be carried out, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out fully in accordance with the approved Construction Management Plan.

In the interests of highway safety and visual amenity as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

- 20) With the exception of the three C3 dwellings approved in outline (to which no part of this condition shall apply) the development hereby approved shall be used and managed only as a scheme of leasehold accommodation with integrated services and facilities for older people (sui generis). No unit of accommodation shall be occupied at any time other than by a person aged 60+ together with their spouse, partner or companion as appropriate, except that where a person aged less than 60 years is predeceased having resided within the development as a spouse, partner or companion, that person may continue to reside within the development. The operator of the development shall at all times, following occupation of the development, provide a range of well being services and facilities as described in the Planning, Design and Access Statement (SD1), submitted in support of the planning application including procuring an agency registered for the provision of on site personal care to provide services to residents.

To ensure the retention of the approved use of the site.

- 21) The existing buildings as shown on the approved plan drawing number A211-A-Z0-(00) P101 shall be demolished and, apart from those to be re-used in relation to the construction of the proposed new access road from Park Lane, all materials resulting therefrom shall be removed from the land before development commences, or within such period as shall have been agreed in writing by the Council.

- 22) The development shall be carried out in accordance with the Landscape Statement and the Strategic Landscape Management Plan submitted as part of the planning application.

To safeguard the visual appearance of the area as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

- 23) The development shall be carried out in accordance with the Ecological and Biodiversity Report submitted as part of the planning application.

To ensure the long term retention of species on the site and in the surrounding area as supported by policy SP11 of the Sevenoaks District Core Strategy. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

- 24) No development shall be carried out on the land until a precautionary reptile mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out wholly in accordance with the approved mitigation strategy.

Reason: To ensure the long term retention of reptiles on the site and in the surrounding area as supported by policy SP11 of the Sevenoaks District Core Strategy. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

- 25) No development shall be carried out on the land in relation to the new build development until a detailed contamination investigation has been submitted to and approved in writing by the Local Planning Authority. The investigation shall comprise the following: 1) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology. 2) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. Prior to any remediation commencing on site, approval shall be obtained from the Local Planning Authority of any such remedial works required. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters. 3) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance (ref 3). If during any works contamination is encountered which has not previously been identified

then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.4) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include details of the proposed remediation works and the quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. This shall include photographic evidence. Details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report, together with the necessary documentation detailing what waste materials have been removed from the site and evidence of the final point of disposal of any contaminated material, i.e. Waste Transfer Notes.

To ensure that risks from land contamination to both future users or the land and adjoining land are minimised as supported by the National Planning Policy Framework. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

- 26) If any infill material is to be brought onto the site, only naturally occurring rocks, sub-soils and soils (including those containing <20% organic matter) and recycled construction and/or demolition materials (but excluding those containing bricks and concrete >70mm, metal, plasterboard, asbestos cement or other contaminated materials) shall be used. This shall be from a certified source to ensure that it is not contaminated in terms of its intended end use. The relevant Certification Documents shall be sent to the Local Planning Authority (LPA) prior to any development commencing on the site. No development shall commence until the LPA has given written approval of the documents. No sludges or slurries may be used. Analytical evidence shall be provided to verify imported soils are suitable for the proposed end use. This will require characterisation of the source and target sites in accordance with BS ISO 15176:2002 and subsequent relevant soil analyses. The sampling protocols and soil guideline values to be used for assessment of suitability will be dependant on the source of the soil and the proposed use of the target site and this shall be agreed with the LPA prior to any development commencing on the site. As a minimum, for large volumes of homogenous natural soils for use in non-sensitive areas, such as commercial end uses, sampling frequency shall be at least one per thousand cubic metres (1:1000m³). Soils for use in sensitive areas, such as domestic gardens, and where imported soils are less homogenous, the sampling frequency shall be greater (i.e. up to one per hundred and fifty cubic metres (1:150m³)). A closure report shall be submitted once remediation works have been completed. This shall include results of all sampling undertaken and certification of imported soils. This condition shall not be discharged until a closure report has been submitted to and approved by the LPA.

To ensure that risks from land contamination to both future users or the land and adjoining land are minimised as supported by the National Planning

Policy Framework. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

- 27) In the interests of highway safety as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan.
- 28) No new development shall take place until a phasing plan for the development is submitted.

Reason: No such details have been submitted. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

- 29) No demolition/site clearance work shall be carried out on the land until a Demolition Management Plan is submitted and approved in writing by the Local Planning Authority, which should include (i) permitted routes for construction traffic including lorries, (ii) details of car parking for construction personnel, (iii) undertaking that no vehicles will be permitted to reverse into or out of the site except under the supervision of a banksman, (iv) details of wheel washing facilities and procedures, and (v) proposed times for construction work to be carried out, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out fully in accordance with the approved Demolition Management Plan.

Reason: In the interests of highway safety and visual amenity as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

- 30) The development shall be carried out wholly in accordance with the Flood Risk Assessment submitted as part of the outline planning application.

Reason: To avoid overload of any existing drainage systems, to ensure the development site and other land does not suffer an unacceptable or increased risk of flooding and/or pollution and to ensure that sustainability and environmental objectives are met as supported by the National Planning Policy Framework.

- 31) No development shall be carried out on the land until a detailed bat mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out wholly in accordance with the approved mitigation strategy.

Reason: To ensure the long term retention of bats on the site and in the surrounding area as supported by policy SP11 of the Sevenoaks District Core

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Strategy. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

Informatives

- 1) The proposed development of the three residential units 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.
- 2) The Council's preferred option in terms of the main route taken by the demolition/site clearance traffic and construction traffic is Seal Drive. Clearly other roads in the locality will also be required to be utilised. However, to acknowledge the sensitivity of this matter the Council will carry out a consultation process for any application to discharge the Demolition Management Plan and Construction Management Plan conditions.

(Cllr. Raikes left the room for this item and did not take part in the debate or voting thereon)

124. SE/14/01563/LBCALT Wildernesse House, Wildernesse Avenue, Sevenoaks TN15 OEB

The proposal was for partial demolition of and alterations to the grade II listed Wildernesse House. It had been referred to Committee at the request of Councillor Hogarth who was of the view that the proposal should be considered in conjunction with planning application SE/14/01562/OUT so that the development could be considered as a whole.

Members' attention was brought to the main agenda papers and the late observation sheet which added planning history and clarification to the report but did not change the recommendations before the Committee.

The Chairman asked whether the speakers wished to address the Committee again and they confirmed that they were all satisfied that their points had already been made when speaking to minute 123 - SE/14/01562/OUT Wildernesse House, Wildernesse Avenue, Sevenoaks TN15 OEB.

It was moved by the Chairman and duly seconded that the recommendation in the agenda papers as amended by the late observations, to grant planning permission subject to conditions be agreed.

The motion was put to the vote and it was

Resolved: That planning permission be GRANTED subject to the following conditions:

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

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

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 5433/P/002, 234852-140-B Revision A, 234852-140-LG Revision A, 234852-140-00 Revision A, 234852-140-01 Revision A, 234852-140-02 Revision A, 234852-140, 234852-141, 234852-142, 234852-143, 234852-144, 234852-145, 234852-146, 234852-147, 234852-148, 234852-14L, 234852-150-B Revision A, 234852-150-LG Revision A, 234852-150-00 Revision A, 234852-150-01 Revision A, 234852-150-02 Revision A, 234852-160, 234852-161, 234852-162, 234852-163, 234852-200-B Revision P2, 234852-200-LG Revision P2, 234852-200-00 Revision P2, 234852-200-01 Revision P2, 234852-200-02 Revision P2, 234852-200-04 Revision P2 234852-220, 234852-221, 234852-222, 234852-223, 234852-2LG, 234852-450, 234852-451, A211-A-Z1-E-(01)P101, A211-A-Z1-E-(01)P102, A211-A-Z1-E-(01)P103, A211-A-Z1-E-(01)P201, A211-A-Z1-E-(01)P202, A211-A-Z1-E-(01)P203, A211-A-Z1-E-(01)P301, A211-A-Z1-E-(01)P302, A211-A-Z1-E-(01)P303 and A211-A-Z1-E-(01)P304.

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

- 3) No works shall take place until full details of the making good of the main house where demolition works are hereby granted consent have been submitted to and approved in writing by the Council. The works shall be carried out using the approved details.

To conserve the significance of the listed building as supported by policy EN4 of the Sevenoaks Allocations and Development Management Plan.4) No works shall take place until samples of the materials to be used in the construction of the external surfaces of the new extension hereby granted consent have been submitted to and approved in writing by the Council. The works shall be carried out using the approved materials.

To conserve the significance of the listed building as supported by policy EN4 of the Sevenoaks Allocations and Development Management Plan.

- 5) No works shall take place until all door and window details of the approved extension and of the new openings in the main house, at a scale of not less than 1:20, have been submitted to and approved in writing by the Council. The works shall be carried out in accordance with the approved details.

To conserve the significance of the listed building as supported by policy EN4 of the Sevenoaks Allocations and Development Management Plan.

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(Cllr. Raikes left the room for this item and did not take part in the debate or voting thereon)

125. SE/14/01561/FUL Wildernesse House, Wildernesse Avenue, Sevenoaks TN15 0EB

The proposal was for planning permission for demolition of existing buildings and structures in a conservation area. It had been referred to Committee at the request of Councillor Hogarth who was of the view that the proposal should be considered in conjunction with planning application SE/14/01562/OUT so that the development can be considered as a whole.

Members' attention was brought to the main agenda papers and the late observation sheet which proposed an amendment but did not change the recommendation before the Committee.

The Chairman asked whether the speakers wished to address the Committee again and they confirmed that they were all satisfied that their points had already been made when speaking to minute 123 - SE/14/01562/OUT Wildernesse House, Wildernesse Avenue, Sevenoaks TN15 0EB.

Members asked questions of clarification from the speakers and officers concerning potential noise and dust nuisance from any rock grinding and demolitions plans. It was confirmed that this was covered within the conditions.

It was moved by the Chairman and duly seconded that the recommendation in the agenda papers as amended by the late observations, to grant planning permission subject to conditions, and in light of Members' concerns subject to discussing the matter of controlled demolition either through a condition or informative with the Local Members, be agreed.

The motion was put to the vote and it was

Resolved: That That planning permission be GRANTED subject to discussing the matter of controlled demolition either through a condition or informative with the Local Members and the following conditions:

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

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

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 5433/P/001 and A211-A-Z0-(00) P101.

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

- 3) The demolition hereby permitted shall not be undertaken before a contract agreement for the carrying out of the works of redevelopment of the site has

been made and planning permission has been granted for the redevelopment for which the contract provides.

(Cllr. Raikes left the room for this item and did not take part in the debate or voting thereon)

126. SE/14/02434/FUL 10 The Drive, Sevenoaks TN13 3AE

The proposal was for the demolition of existing garage, lean to shed and greenhouse, to facilitate a two storey rear extension single storey front extension and alterations to fenestration to the former garage and mews cottage at the rear of 10 The Drive into a small three bedroom house. It had been referred to Committee by Councillor on the basis of overdevelopment, impact upon the Conservation Area and the change in use class.

Members' attention was brought to the main agenda papers and the late observation sheet which added a condition but did not change the recommendations before the Committee.

The Committee was addressed by the following speakers:

Against the Application:	Roy Walker
For the Application:	Richard Reid
Parish Representative:	-
Local Members:	Cllr. Fleming Mrs. Dawson

Members asked questions of clarification from the speakers and officers concerning why it was not back land development and concerning distances and obscured glazing. It was confirmed that it was not back land development as the buildings were already there and that the first floor bathroom window in the south elevation was conditioned to be obscurely glazed.

It was moved by the Chairman and duly seconded that the recommendation in the agenda papers as amended by the late observations, to grant planning permission subject to conditions be agreed.

Members discussed the issue of back land development, some Members thought it would enhance the area and liked the sympathetic design.

The motion was put to the vote and it was

Resolved: That 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.

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- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL.01A, PL.02A, PL.03A, PL.04A, PL.10B, PL.11B, PL.12B, PL.20, D.01, DIAG.01, S.03, SLP.01A

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

To ensure that the appearance of the development enhances the character and appearance of the locality as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 4) Prior to occupation of the dwelling, the first floor bathroom window in the south elevation shall be obscurely glazed and shall be retained as such thereafter.

To safeguard the privacy of residents as supported by Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

- 5) 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 level very good or alternative as agreed in writing by the Local Planning Authority; and
 - ii) Prior to the occupation of the development, that the development has achieved a BREEAM post construction certificate minimum level very good or alternative as agreed in writing by the Local Planning Authority.

In the interests of sustainability and in accordance with SP2 of the Core Strategy.

- 6) No development shall take place until full details of the proposed foul and surface water drainage, and sewerage 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 occupation of the development.

To ensure the development site and other land does not suffer an unacceptable or increased risk of flooding and/or pollution and to ensure that sustainability and environmental objectives are met.

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

To safeguard the privacy of residents as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 8) If within a period of 5 years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To safeguard the privacy of residents as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 9) 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:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) measures to control the emission of dust and dirt during construction

Reason: In the interests of neighbouring amenity.

Informative

- 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.

Show of Appreciation

As it was the last meeting before the election, the Committee expressed their appreciation of all Mrs Dawson's years of dedication and service, by standing ovation.

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Urgent and Unreserved Planning Application

The Chairman had agreed to take the following prior notification application as a matter of urgency as it had been submitted by a member of staff on 27 April 2015 and such applications must be determined within a given timescale or they benefit from an automatic permission. As the application had been submitted by a member of staff it had to be determined by the Development Control Committee, and of the matter was not considered at the meeting the next Committee was on the 28 May which was 3 days after the application expired and automatic permission would have to be granted.

There were no public speakers against the following item and no Member reserved the item for debate. Therefore, in accordance with Part 7.3(e) of the constitution, the matter was considered without debate:

127. Grange Farm, Pootings Road, Crockham Hill TN8 6SA

The proposal was for an extension to an existing steel framed portal building. It had been referred to Committee as the applicant's wife was a serving officer of the Council.

Resolved: That the decision be delegated to the Chief Planning Officer, with any adverse comments received during the statutory consultation period being first discussed with Chairman of the Development Control Committee before the decision is issued.

At this time and in the absence of comments, the Officer recommends that Prior Approval is Not Required.

Informatives

- 1) As cited by Schedule Two, Part 6 Class A, paragraphs (i) and (k), the extension hereby permitted will not be used for the storage of fuel or waste from biomass boilers or anaerobic digestion system, storage of slurry or sewage sludge or to be used for the accommodation of livestock except in circumstances described in Part 6 Class A, paragraph D.1(3) of the Town and Country Planning General Permitted Development Order 2015.

THE MEETING WAS CONCLUDED AT 8.57 PM

CHAIRMAN

4.1 – SE/14/03298/FUL Date expired 6 February 2015

PROPOSAL: External alterations to existing single-storey chapel to include remodelling of the entrance lobby with a new front single-storey extension, installation of high level window to the main frontage and infill extension to kitchen, alteration to fenestration and new perimeter fencing on north elevation.

LOCATION: Dunton Green Faithworks, The Old Chapel , London Road, Dunton Green Sevenoaks TN13 2TB

WARD(S): Dunton Green & Riverhead

ITEM FOR DECISION

The application has been called to the Development Control Committee by the Chief Planning Officer due to the sensitive and complex nature of the site's planning history.

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 area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan..

3) The development shall be carried out in accordance with the following plans, 13051 205 P2 (proposed only) 13051 204 P2 (proposed only), 13051 201 P1, 13051 203 P1 (proposed only), 13051 206 P1 (proposed only), 13051 202 P1 (proposed only)

For the avoidance of doubt and in accordance with proper planning as supported by policy EN1 of the Allocations and Development Management Plan and the National Planning Policy Framework.

4) The use hereby permitted shall only be carried out between the hours of 0800 and 1730 Monday to Friday and not at all of Saturdays, Sundays and Bank/Public Holidays.

To safeguard the amenity of the area and the amenities of 187 London Road as supported by Policy EN1 of the Allocations and Development management 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

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

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

In this instance the applicant/agent:

- 1) Was updated on the progress of the planning application.

Background

- 1 The application was originally called to the Development Control Committee on 12.03.15, by Cllr. Brown so that the highways implications and the impact on the street scene could be discussed.
- 2 The original recommendation was for approval. The original report is attached as **Appendix 1**.
- 3 In summary the officer's report stated that;
 - The original application was for external works to the building (single storey lobby, infill kitchen, high level window, perimeter fencing and changes to fenestration.)
 - The application was not for a change of use. The officer's report stated that both the use as a chapel and as a nursery fall within D1 of the Use Class Order, and therefore using the property as a nursery could be carried out without planning permission.
 - Kent Highway's raised concerns regarding the impact of the nursery use on highway safety. However, they also said that as these concerns were related to the use and not the development proposed, it would be unreasonable to refuse the application on highways grounds.
 - The proposed works would not have an impact on the amenity of the neighbouring property, 187 London Road.

- The proposed works had been designed to reflect the character of the existing building and would not have an unacceptable impact on the street scene.
- 4 The application was deferred for approval, subject to the agreement of the local ward member. It was agreed that officers would gain more evidence as to when the chapel was last in use, and to gain a legal opinion in regard to whether or not the D1 use as a chapel had been abandoned.
- 5 The legal advice received by the Council was received on 2.04.15.
- 6 In summary the legal advice states that;
- The application site is a lawful D1 use, and that this use has not been abandoned.
 - That it is not open to the Council to argue that the proposed nursery amounts to a material change of use in the use of the building, by way of intensification which would require planning permission.
 - That it would not be appropriate for the Council to refuse planning permission for the operational development on the basis that it would facilitate the use of the Old Chapel as a nursery.

Conclusion

- 7 Given the above, the D1 use of the application site is not considered to be abandoned, and therefore the site can be used as a nursery without consent. In addition, it would be unreasonable to refuse the application for the operational development on the grounds that it would facilitate the nursery use or lead to a possible intensification of the use of the site.
- 8 Whilst the Highways comments are noted, as the D1 use of the site has now been established, it would be unreasonable to refuse the application on the grounds of highways safety.
- 9 The proposal would not have an unacceptable impact on the street scene or the amenities of the neighbouring properties. It would therefore comply with the National Planning Policy Framework and policies EN1 and EN2 of the Allocations and Development Management Plan.
- 10 Therefore, the officers' recommendation remains unchanged.

Contact Officer(s): Deborah Miles Extension: 7360

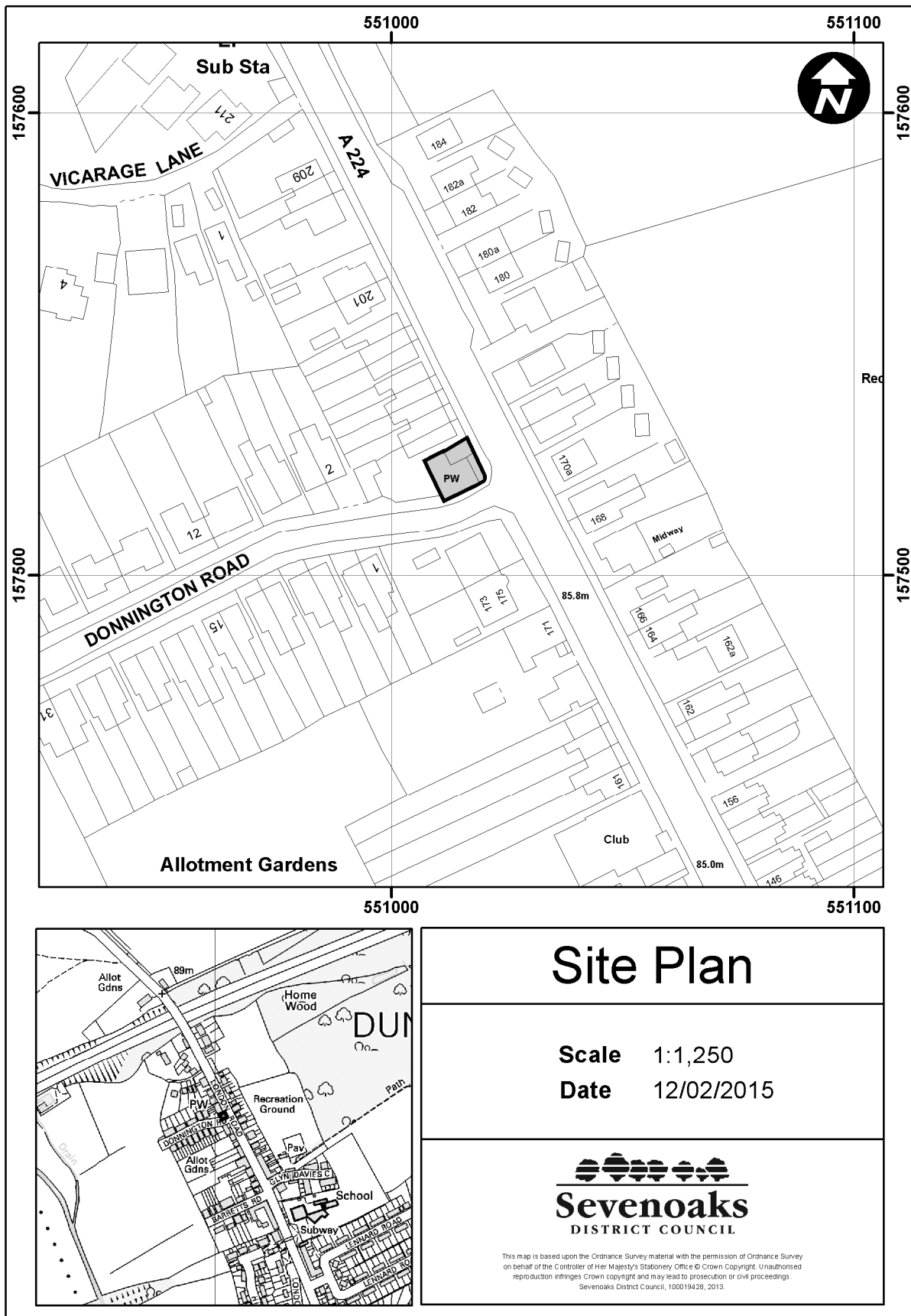
Richard Morris
Chief Planning Officer

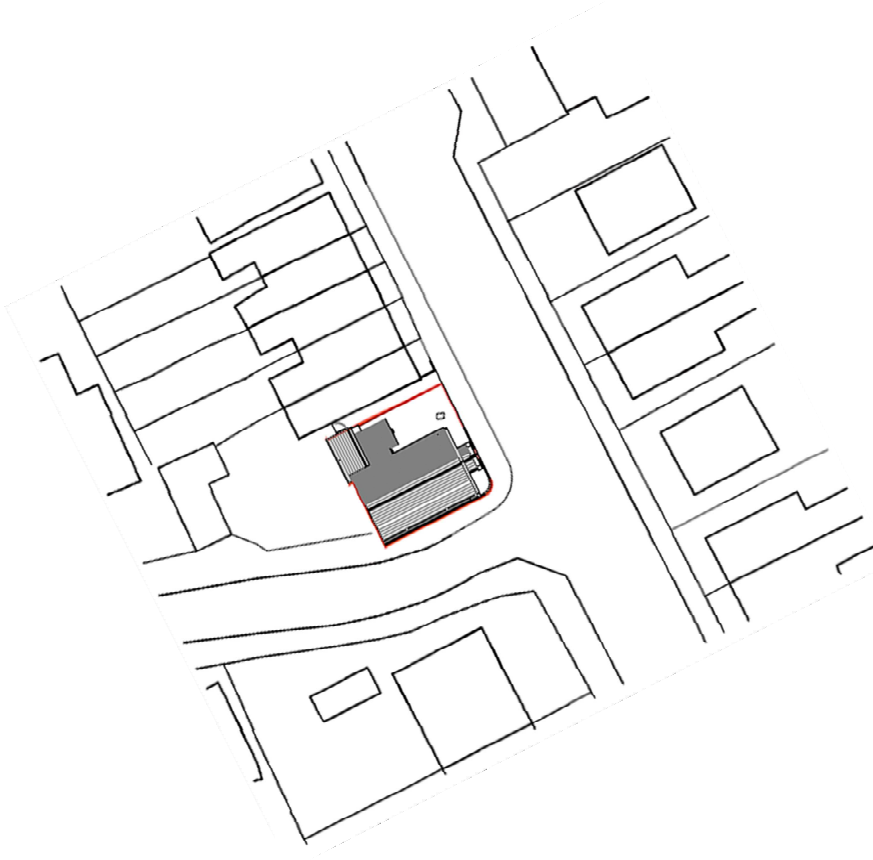
Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NDIZJ5BKHG300>

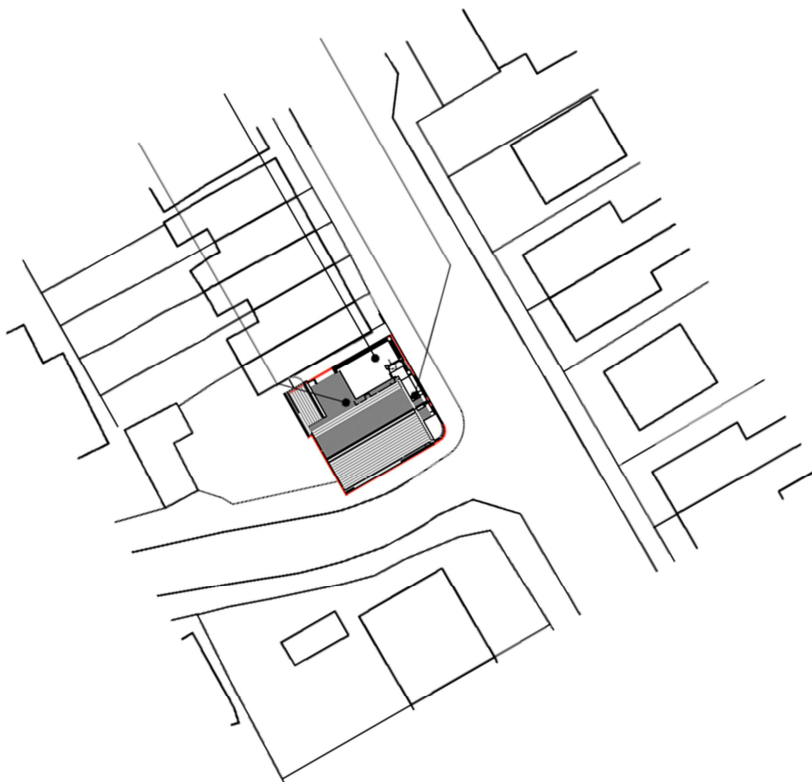
Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NDIZJ5BKHG300>





EXISTING



PROPOSED

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Original report (DC Committee 12.03.2015) – **APPENDIX 1**

4.1 – SE/14/03298/FUL Date expired 6 February 2015

PROPOSAL: External alterations to existing single-storey chapel to include remodelling of the entrance lobby with a new front single-storey extension, installation of high level window to the main frontage and infill extension to kitchen, alteration to fenestration and new perimeter fencing on north elevation.

LOCATION: Dunton Green Faithworks, The Old Chapel , London Road, Dunton Green Sevenoaks TN13 2TB

WARD(S): Dunton Green & Riverhead

ITEM FOR DECISION

The application has been referred to Development Control Committee by Councillor Brown so that highways implications and the impact on the streetscene can be discussed.

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 area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan..

3) The development shall be carried out in accordance with the following plans, 13051 205 P2 (proposed only) 13051 204 P2 (proposed only), 13051 201 P1, 13051 203 P1 (proposed only), 13051 206 P1 (proposed only), 13051 202 P1 (proposed only)

For the avoidance of doubt and in accordance with proper planning as supported by policy EN1 of the Allocations and Development Management Plan and the National Planning Policy Framework.

Note to Applicant

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

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

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- 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 and in the light of the advice amended the application to address these issues.

Description of Proposal

- 1 This Planning Application is a re-submission (planning reference SE/13/03560/FUL refers). This application was refused on the following grounds:

By virtue of the scale, setting and design of the dormer windows, entrance lobby and fencing the proposal would result in a form of development that would appear detrimental to the character of the existing building and be an incongruous feature within the wider street scene. This is not in accordance with policies EN1 of the Sevenoaks District Local Plan, SP1 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

- 2 The current scheme seeks to overcome these grounds for refusal by reducing the size of the fence to the front of the proposed play area (from 1.8m to 1.3m) and changed from a close boarded fence to a wall (0.5m) with railings above.
- 3 The entrance to the site has also been altered to maintain more of the original features of the building. The dormer windows have also been removed.
- 4 Please note - The proposal is not for the change of use from a church to a day nursery as both of these uses fall within Class D1 of the Use Class Order. Therefore this change of occupier can be carried out without the need for planning permission.
- 5 The applicant has confirmed that there will be 15 children's places and five staff members. No opening hours have been provided by the applicant. However, as

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this application is not for a change of use, it is not considered that this information is necessary.

Officer Note: It would also not be reasonable to limit the hours of use as all they are applying for are the external changes.

Description of Site

- 6 The site is a detached building on a corner plot with London Road and Donnington Road. Although currently empty the site has been previously used as church, which would fall within Class D1. The site faces a busy main road through Dunton Green.
- 7 The character of the area is residential although there is a parade of shops to the south of the site. There is a grassed area to the north of the building which is currently overgrown. It is proposed to enclose this area of land for use as an outdoor play area.
- 8 The land to the rear of the Old Chapel is not included in the application site.

Constraints

- 9 Airfield Safeguarding Zone
- 10 Air Quality Management Area
- 11 Landfill Site

Policies

Sevenoaks Core Strategy

- 12 Policy - SP1

Allocations and Development Management Plan

- 13 Policies - EN1, EN2, T2

Other

- 14 National Planning Policy Framework
- 15 Sevenoaks Residential Character Area Assessment.

Relevant Planning History

- 16 SE/ 13/02074/FUL - External alterations to an existing single storey chapel to include partial demolitions and the construction of a new single storey front and side extension, alterations to fenestration, construction of 3 no. new roof dormers, new mezzanine floor level, new perimeter fencing and new outdoor play area. REFUSED.
- 17 SE/13/03560/FUL - Planning Application re-submission for proposed external alterations to an existing single storey chapel to include the construction of 3 no. new roof dormers, infill portion of kitchen, remodelling of the entrance lobby with

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a new front single storey extension, new high level window to the main frontage and new perimeter fencing. REFUSED. (For reason see Paragraph 1)

Consultations

Parish Council

- 18 Objection and reasons: Dunton Green Parish Council feels that this submission does not address the main concerns that were raised with regard to the original applications (SE/13/02074/FUL & SE 13/03560/FUL) and as a result its original objections are still valid.
- 19 Dunton Green Parish Council objects to this application on a number of grounds:
- 20 Traffic impact: there is no information about the impact of additional traffic and parking requirements. There are no details about the number of staff and any staff that park in the area will negatively impact on what is already an oversubscribed area in terms of parking demand. There is no room in Donnington Road for additional parking and the impact on London Road will be significant. In addition, there is no detail with regard to the impact of additional demand for parking for the drop off and collection of children to and from the nursery. Again, the Parish Council is concerned about the impact on residents and other organisations in the immediate locality and the fact that the increased volume of cars at peak times will create a significant traffic hazard.
- 21 Whilst there is no application for change of use, the Chapel has not been used as a meeting place on a daily basis for decades and the highways impact of its intended use as a nursery cannot and should not be underestimated.
- 22 Street Scene: the Old Chapel is one of the oldest buildings in Dunton Green. The proposed changes, to what is the current entrance and the fenestration, change the look of the building and have a detrimental impact on the street scene.
- 23 Air quality: the provision of a children's play area of limited size and its proximity to the main road is of concern given that London Road is a major commuter road and is affected by low air quality.

Kent Highways

- 24 Number of staff, pupils and hours of opening not specified. As we stressed in our response to 13/02074, this is an unsuitable location for a nursery due to lack of available places to park. This results in highway safety concerns. I visited the site at approximately 8am on a weekday morning at which time there were few places to park nearby, specifically one free space on the nearside of the road, one space in the layby almost opposite, and three spaces in Donnington Road. Clearly the availability of parking places will vary from day to day and according to the hour. As can be seen at another nursery less than a mile away, some parents park their cars inappropriately (e.g. on the verge, even on a traffic island) when delivering their children to their nursery. It is likely that, due to lack of obvious places to park, the proposals will result in parents parking on the double yellow lines flanking the junction with Donnington Road, thereby reducing visibility and causing a safety hazard. Pictures of the site on Google Streetview show an example of a car apparently parked on the double yellow lines at this junction.

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- 25 However, unfortunately planning legislation allows the use of the Chapel as a nursery without planning permission, so there appears to be no viable highways basis for objecting to the present proposals.

Further comments:

- 26 Whilst the Parish Council welcomes the prospect of the chapel being utilised any alterations should be sympathetic to the heritage of the building and not alter the street scene be that in terms of physical changes to the external appearance of the building or in terms of a significantly increased demand for on road parking on an already overstretched area.

Representations

- 27 12 neighbours have been consulted
- 28 One neighbour response has been received which objects, on the following grounds,
- Rubbish
 - Noise pollution
 - Highways

Chief Planning Officer's Appraisal

Impact on the Existing Building and the Street Scene

- 29 Paragraph 60 of the National Planning Framework states that planning decisions should not attempt to impose architectural styles through unsubstantiated requirements to conform to certain development forms or styles.
- 30 Policy EN1 of the Allocations and Development Management Plan states that new development should meet a number of criterion including, development responding to the scale, height, materials and site coverage of the area. Policy SP1 of the Core Strategy supports.
- 31 The Sevenoaks Character Area Assessment includes a section on the Donnington Road/London Road Area, and lists both distinctive positive features in the area and design guidance for future development.
- 32 The existing building is single storey with a pitched roof. It has a lower ridge height than the surrounding dwellings which is a mix of styles.
- 33 With regard to the alterations proposed to the entrance way, this part of the proposal will also be subservient to the main building, and has been designed to maintain the fenestrations, style and shape of the original building.
- 34 The alterations to the side extension involve infilling a current gap adjacent to the main dwelling and continuing the roof. This will not be widely visible from the neighbouring properties or the street scene.
- 35 The overall height of the structure will not be increased. The proposed fence will enclose the site to a greater degree and result in a loss of greenery to the street scene. However the street scene is already urban in character and although there

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- are no similar fences in the immediate area it is not felt that this form of development would be out of place, as it has been designed to retain a degree of openness.
- 36 The Parish have raised concerns regarding the character of the building referring to it as one of the oldest in Dunton Green. The Sevenoaks Residential Character Area Assessment does refer to the area as a residential area with some business use and the buildings being early 1890's to 1900s. The Old Chapel is not picked out individually in the Assessment, but it does make a valuable contribution to the character of the area
- 37 Although the proposals will alter the appearance of the building to some extent they will not be an incongruous feature or so harmful to the character of the building and the wider area as to be detrimental to the street scene.
- 38 Given the above it is felt that the proposal will not have an unacceptable impact on the character of the existing building or the wider area. The development would comply with local and national policies.

Impact on residential amenity:

- 39 Policy EN2 of the Allocations and Development Management Plan states that adequate residential amenities should be safeguarded for existing and future occupiers. Development which results in excessive form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements.
- 40 The proposal most likely to be affected by the proposal is 187 London Road, immediately adjacent to the site.
- 41 There are a number of windows on the facing elevation of 187 London Road, two at ground floor level, three at first floor level and one on the roof. None of these windows are obscure glazed and it is likely that they serve habitable rooms.
- 42 In terms of outlook and loss of daylight/sunlight the windows in the upper storeys are unlikely to be affected.
- 43 The windows on the ground floor already look on to the existing single storey extension to the building. As part of the current scheme the existing side projection on the chapel will not be altered and therefore in terms of daylight and outlook the existing situation on site will not be altered.
- 44 The flank elevation of this property is 1 metre from the boundary with the Old Chapel. The two buildings are separated by an access path which appears to be in the curtilage of 187 London Road and leads to their rear amenity area. Due to the close proximity of the two properties I do still have some concerns regarding the noise from the play area that will be immediately adjacent to this access track. As previously mentioned however, permission is not required to use this area as a play area and therefore it would be unreasonable to refuse the application on these grounds.
- 45 A fence is proposed around this area which would be 1.8 metres in height, however this will be posts set on a low wall (0.5m) with rails on top. Previously, concerns were raised about the impact on outlook to the ground floor windows

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on the flank elevation of 187 London Road. However it was concluded that the impact of the previous scheme on the amenities of this neighbour was not considered sufficient grounds for refusal.

- 46 The changes proposed reduce the feeling of enclosure on the site, and the impact on outlook from facing windows.
- 47 There is no policy in the Local Plan which relates to assessing the impact of proposals that are directly opposite neighbours' windows. However The BRE (Building Research Establishment) do set out a 25 degree test that can be useful in assessing the impact of daylight. A 25 degree line is drawn from the centre of the window likely to be affected. If an obstructing building creates an angle of greater than 25 degrees from the horizontal, measured from the centre of the lowest window, then a more detailed check is required.
- 48 In this case the 25 degree line is obstructed by the existing building on site; however the 25 degree line will pass over the top of the proposed fence. Therefore, the existing situation on site will not be altered and there will be no further loss of light as a result of this proposal.
- 49 Whilst it is understood that there will be concerns in regard to the impact of the use on residential amenity, planning permission is not required for the use. The external works proposed are considered to be in accordance with policy and would not have a detrimental impact on the residential amenity of adjacent properties or warrant refusal of the application.

Highway Safety

- 50 Kent Highways have raised concerns regarding the impact of the proposal on highway safety, however they conclude by saying that these concerns are related to the use and not the development proposed. As permission is not required for the change of use it would be unreasonable to refuse the application on these grounds.

Air Quality

- 51 The Parish Council have raised concerns with regard to the Air Quality and the impact of a play area so close to a main road. Paragraph 109 of the National Planning Policy Framework states that new and existing development should not be put at an unacceptable risk from air pollution. Environmental Health were not a required consultee on either application although they have provided informal views. Environmental Health have raised no objections as the amount of time children are likely to be exposed to poor air quality is limited. Based on this view it is considered that a refusal on Air Quality grounds would not be justified.

Other issues

- 52 There are a limited number of ways in which an existing use of land can be lost at law. One such way is by abandonment as stated by *Hartley v Minister of Housing and Local Government [1970] 1 Q.B.413*. Where a use is abandoned, the land will have a nil use and planning permission would be required to resume the former use.

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- 53 In *Castell-y-Mynach Estate (Trustees of) v Secretary of State for Wales [1985] J.P.L. 40* the Court of Appeal held that four factors should be considered. They are:
- *the physical condition of the building(s),*
 - *the period of non-use,*
 - *whether there had been any other use and,*
 - *the owner's intentions.*
- 54 The building is still in physically good condition, and there has been no other use on the site since the chapel ceased to operate. In addition the owner has intended to use the site as a nursery since 21.08.13 when the first application was submitted. In light of the above officers would take the view that the site had not been abandoned in this instance.

Conclusion

- 55 The proposal would not have an unacceptable impact on the street scene or the amenities of the neighbouring properties.
- 56 The concerns with regards to highways have been noted however as the building can be currently used as a nursery without planning permission it would be unreasonable to refuse the application on the grounds of highway safety.
- 57 Given this I recommend the application for approval.

Background Papers

Site and Block plans

Contact Officer(s): Deborah Miles Extension: 7360

Richard Morris
Chief Planning Officer

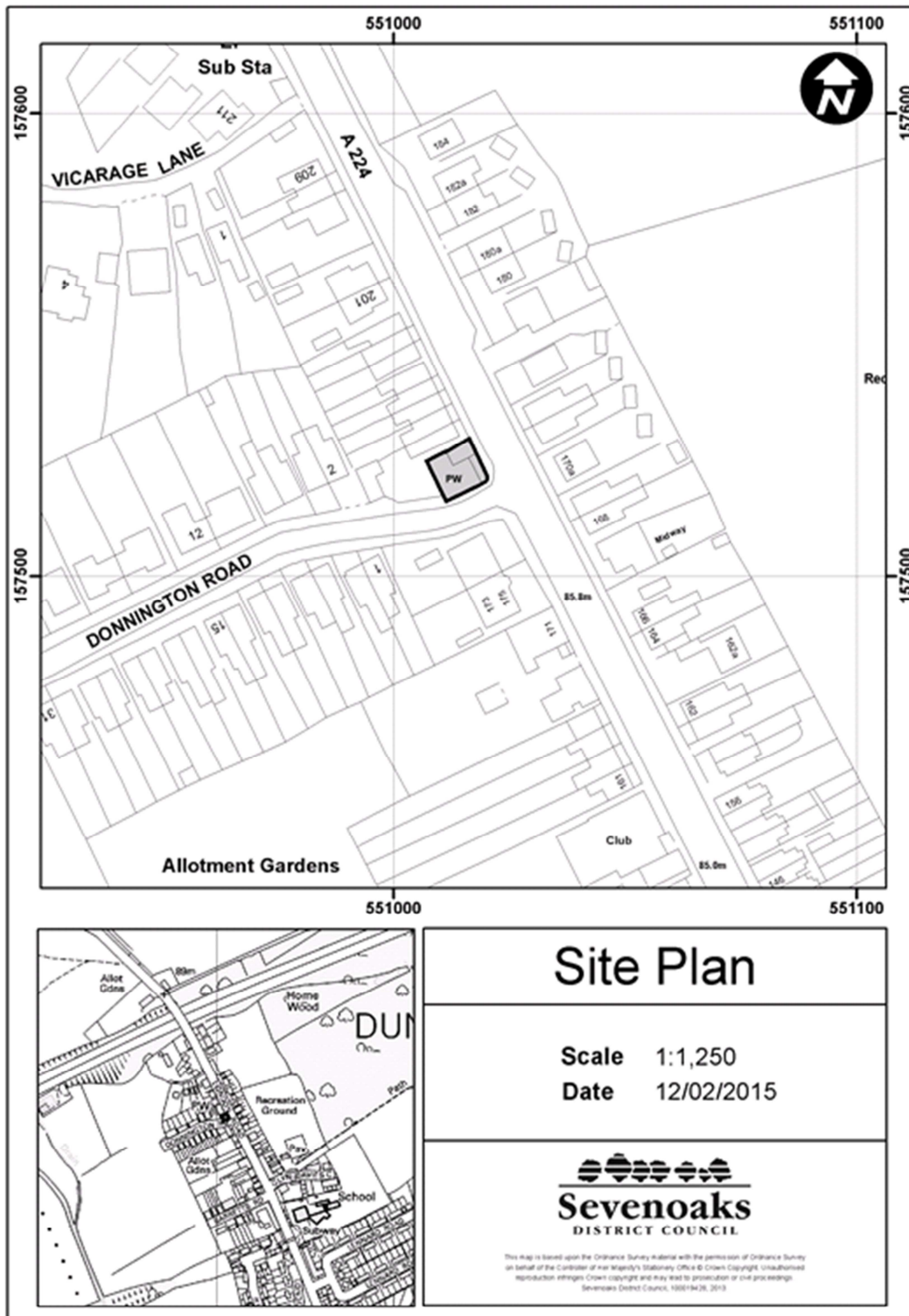
Link to application details

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NDIZJ5BKHG300>

Link to associated documents

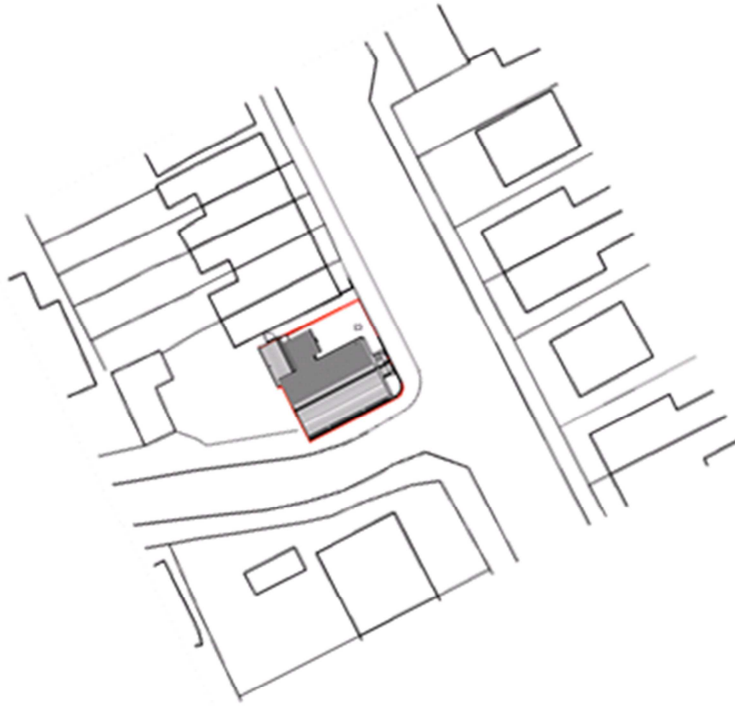
<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NDIZJ5BKHG300>

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Block Plan



EXISTING



PROPOSED

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4.2 - SE/14/03783/OUT Date expired 9 March 2015

PROPOSAL: Outline application for mixed use development comprising up to 300 new homes, up to 2.6 hectares of public open space and vehicular access with some matters reserved.

LOCATION: Land North Of Railway Line And West Of St Johns Way, St Johns Way, Edenbridge TN8 6HF

WARD(S): Edenbridge North & East

ITEM FOR DECISION

This application has been referred to Development Control Committee at the discretion of the Chief Planning Officer, due to the scale of the development and wider public interest.

RECOMMENDATION A: That delegated powers are given to officers to grant planning permission, subject to the completion within 3 months of a S106 Agreement to secure affordable housing, off-site highways works, a travel plan monitoring contribution, and the provision, management and long-term maintenance of open space.

1) Details relating to the layout, scale and appearance of the proposed development and the landscaping of the site (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced.

In Pursuance of section 92(2) of the Town and Country Planning Act 1990.

2) The development to which this permission relates must be begun before: -The expiration of three years from the date of this permission; or -The expiration of two years from the final approval of the reserved matters, whichever is the later.

In Pursuance of section 92(2) of the Town and Country Planning Act 1990.

3) Application for approval of the reserved matters shall be made to the District Planning Authority before the expiration of three years from the date of this permission.

In Pursuance of section 92(2) of the Town and Country Planning Act 1990.

4) The reserved matters shall incorporate ridge heights for the proposed dwellings to be no higher than shown on the illustrative layout drawing submitted with this application numbered 3408 P 02.

To ensure a satisfactory appearance to the development, in accordance with Policy SP1 of the Sevenoaks Core Strategy, and EN1 of the Sevenoaks Allocations and Development Management Plan.

5) The layout and scale of the reserved matters shall be designed so that the density of development of dwellings adjacent to the western boundary of the site shall not exceed 30 dwellings per hectare, and the maximum height of any dwelling adjacent to the western boundary shall not exceed 8.5 metres in height.

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To ensure a satisfactory edge to the development on the boundary with the green belt, in accordance with Policies SP1 and SP7 of the Sevenoaks Core Strategy, and Policies EN1 and H1(p) (Appendix 3) of the Sevenoaks Allocations and Development Management Plan.

6) No development shall take place until details of the phasing of the development have been submitted to and approved by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

To ensure an acceptable sequence of development in order to safeguard the amenities of the area and the provision of affordable housing within the development, in accordance with Policies SP1 and SP3 of the Sevenoaks Core Strategy, and Policy EN1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted

7) The reserved matters shall provide for a mix of housing units. At least 50% of all units across the development shall be two bedrooms or less.

To ensure an appropriate mix of housing units to meet identified needs within the District, in accordance with Policy SP5 of the Sevenoaks Core Strategy.

8) The development shall be designed and constructed so that at least 50% of the total number of units hereby approved are in accordance with the Lifetimes Homes Standard. Details of measures to meet lifetime homes standards shall be provided with the reserved matters.

To make provision for a range of housing that can be adapted to meet the needs of older persons and those with disabilities, in accordance with Policy SP5 of the Sevenoaks Core Strategy.

9) The reserved matters shall include full details of resident and visitor parking, which shall be designed to accord with the Council's parking standards as set out in Appendix 2 of the Sevenoaks Allocations and Development Management Plan. No units within any phase of the development shall be occupied until resident and visitor parking has been provided in accordance with the approved details. The approved parking spaces shall thereafter be maintained solely for vehicle parking only.

To ensure suitable parking provision for the development, in accordance with Policy T2 of the Sevenoaks Allocations and Development Management Plan.

10) No development shall be carried out within any phase until samples of the materials to be used in the construction of the external surfaces of the buildings within that phase have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To ensure a satisfactory appearance to the development, in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan and SP1 of the Sevenoaks Core Strategy. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

11) No development or demolition works shall be commenced until measures to protect all trees to be retained on site have been submitted to and approved in writing by the Local Planning Authority. The protection measures shall be designed to be in accordance with BS5837: 2012. No works shall be carried out, nor any fires lit, or vehicles, materials or equipment stored within the protected areas. The protection measures shall remain in place for the duration of construction works unless agreed otherwise in writing by the Local Planning Authority

To safeguard the visual appearance of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

12) The landscaping details required under the reserved matters shall incorporate -- planting plans (identifying existing planting, plants to be retained and new planting); a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); a scheme to provide a landscaped buffer zone along the western boundary of the site; and a programme of implementation. The development shall be carried out in accordance with the approved details. If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To safeguard the visual appearance of the area as supported by Policy SP1 of the Sevenoaks Core Strategy, and Policy EN1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

13) No development shall take place within any phase, until details of proposed site and slab levels for that phase have been submitted to and approved in writing by the Council. The development shall be carried out in accordance with the approved details.

To safeguard the visual appearance of the area as supported by Policy SP1 of the Sevenoaks Core Strategy, and Policy EN1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

14) No development shall be carried out within any phase until full details of the surface materials for all roads, accesses, driveways, parking areas, paths and other hard surface areas for that phase have been submitted to and approved in writing by the Council. The development shall be carried out in accordance with the approved details.

To safeguard the visual appearance of the area as supported by Policy SP1 of the Sevenoaks Core Strategy, and Policy EN1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

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15) Prior to the installation of any external lighting serving any phase of the development, full details of the lighting for that phase shall be submitted to and approved by the Local Planning Authority and the development shall be carried out in strict accordance with those details. Such lighting shall be designed to accord with recommendations within the ecology report submitted with the application, to be sensitive to wildlife and minimise light spill..

To safeguard the visual appearance of the area, and to protect wildlife, as supported by Policies SP1 and SP11 of the Sevenoaks Core Strategy, and Policy EN1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

16) Before development commences in any phase, full details of all boundary enclosures to be erected within that phase (or in relation to the commercial land), shall be submitted to and approved in writing by the local planning authority. No walls, fences or other means of enclosure shall be erected beyond the front elevation of any dwelling or building on site, unless agreed in writing by the local planning authority.

To safeguard the visual appearance of the area as supported by Policy SP1 of the Sevenoaks Core Strategy, and Policy EN1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

17) The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

In the interest of Security, Crime Prevention and Community Safety and in accordance with Policy SP1 of the Sevenoaks Core Strategy, Policy EN1 of the Sevenoaks Allocations and Development Management Plan, and guidance within The Kent Design Initiative (KDI) and protocol dated April 2013. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted

18) The layout of the reserved matters shall be designed so that any proposed residential units adjacent to the industrial units on Enterprise Way would achieve internal and external noise levels in accordance with the World Health Organisation Community Noise Guidelines, as set out in Table 2 of the WSP acoustic report no: AC/70003999/A1 revision 2 dated 19 March 2015 submitted with the planning application. No development shall take place until full details of noise levels together with acoustic protection measures necessary to achieve these Guidelines have been submitted to and approved in writing by the Local Planning Authority.

To ensure a satisfactory level of amenity can be provided to future occupants of the development, and that the existing industrial units can operate as existing without likelihood of future complaints, in accordance with policies EN1, EN2 and EN7 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue

before development commences and that without this safeguard planning permission should not be granted.

19) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:- Provision of compensatory flood storage on / or in the vicinity of the site to a 1 in 100yr climate change level. (Drawing 3999-FLD-01 in appendix H of the FRA)

To prevent flooding elsewhere in the locality, in accordance with the National Planning Policy Framework.

20) No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall:- Specify the responsibilities of any party for the implementation of the SUDS scheme- Specify a timetable for implementation- Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The scheme shall subsequently be implemented in accordance with the approved details.

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, in accordance with the National Planning Policy Framework. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

21) The reserved matters shall include full construction details of any bridges to be built over the St Brelades stream. The bridges shall be designed to avoid obstruction to the free flow of flood water through the site and to avoid increased flood risk elsewhere in the locality. The development shall be carried out in accordance with the approved details.

To prevent an increased risk of flooding, in accordance with the National Planning Policy Framework.

22) No development shall take place until a detailed assessment of the capacity of the local sewer network, and any works required to increase capacity to service the needs of the approved development, has been submitted to and approved in writing by the Local Planning Authority. No residential unit in any phase of the development shall be occupied until it has been demonstrated that sufficient capacity in the local sewer network has been provided.

To ensure that existing sewer facilities are not overloaded, and to provide sufficient facilities to service the development, in accordance with Policy SP9 of the Sevenoaks Core Strategy. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

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23) No development in any phase shall be commenced until details of the proposed means of foul and surface water sewerage disposal for that phase have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

To ensure the provision of suitable drainage facilities, in accordance with the National Planning Policy Framework. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted

24) All dwellings with vehicle parking within the residential curtilage shall be provided within an electrical socket with suitable voltage and wiring for the safe charging of electric vehicles prior to the occupation of any such unit.

To encourage the use of low emission vehicles, to reduce CO2 emissions and energy consumption levels within the District, in accordance with Policy T3 of the Sevenoaks Allocations and Development Management Plan.

25) All residential units with communal parking shall be provided with access to communal electric charging points. Full details of the number and location of such points in each phase of development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant phase, and shall be provided as approved prior to the occupation of any unit within that phase.

To encourage the use of low emission vehicles, to reduce CO2 emissions and energy consumption levels within the District, in accordance with Policy T3 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted

26) The development shall be constructed to provide on-site modern communication and technology infrastructure, which should include Broadband, high speed internet cabling and digital TV cabling. Details relating to the provision of such infrastructure shall be submitted prior to the commencement of each phase of the development. No residential unit in any phase shall be occupied until the approved infrastructure has been provided in each relevant phase.

To provide residents with modern communication infrastructure, in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

27) Construction traffic in relation to the development hereby approved shall only access and exit the site via Enterprise Way. 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 safeguard the amenities of surrounding residential properties and in the interests of highways safety, in accordance with Policies EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

28) The reserved matters shall include full details of road layouts, which should be designed to emphasise pedestrian and cycle movement through the site. The proposed road through the area of open space shall be designed to be "under-engineered" in order to downplay the impact of the road through the open space.

To ensure a suitable layout and permeability through the site for all users, and to ensure that the road design does not dominate the open space, in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

29) Before development commences, full details of the following off-site highways works shall be submitted to and approved in writing by the local planning authority:- widening measures to the Four Elms Road / Station Road junction, to facilitate a right turn lane on Station Road when travelling north.- measures to provide traffic calming on St Johns Way adjacent to the area of open space, to improve pedestrian safety No residential unit within the development hereby permitted shall be occupied until the off-site highways works have been completed.

In the interest of highways and pedestrian safety and the free flow of traffic, in accordance with Policies EN1 and T1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

30) No development in any phase shall be commenced until a detailed mitigation strategy for Great Crested Newts and reptiles, based on the findings of the Corylus Ecology survey submitted with the application, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved mitigation strategy.

To safeguard protected species and in the interests of biodiversity, in accordance with Policy SP11 of the Sevenoaks Core Strategy and G11 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

31) No development shall take place until a detailed ecological management and enhancement plan has been submitted to and approved in writing by the local planning authority. The plan shall include measures for management of open space for biodiversity, including the grassland as identified by Corylus Ecology in their letter dated 20/03/15, and shall include biodiversity enhancements measures across the entire site. The development shall be undertaken in accordance with the approved details.

To safeguard protected species and in the interests of biodiversity, in accordance with Policy SP11 of the Sevenoaks Core Strategy and G11 of the Sevenoaks Allocations and

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Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

32) No development shall be commenced until the following components to deal with the risks associated with contamination of the site have been submitted to and approved in writing by the Local Planning Authority: 1. A detailed site investigation scheme, based on the findings of the WSP Preliminary Environmental and Geotechnical Risk Assessment submitted with this application, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. 2. Details of a remediation strategy giving full details of the remediation measures required to deal with any contamination identified under (1), and how they are to be undertaken. 3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components shall require the express written consent of the local planning authority. The scheme shall be implemented as approved.

To ensure the appropriate identification and treatment of contamination risks on site, in accordance with the National Planning Policy Framework. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

33) No occupation of any phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy for that phase, and the effectiveness of the remediation, has been submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

To ensure the appropriate identification and treatment of contamination risks on site, in accordance with the National Planning Policy Framework.

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

To ensure the appropriate identification and treatment of contamination risks on site, in accordance with the National Planning Policy Framework.

35) No residential unit hereby permitted shall be occupied until a full Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and been approved in writing by the Local Planning Authority. The Travel Plan shall be based upon the findings and recommendations of the Interim Travel Plan by WSP submitted with this

application. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed travel Plan Targets to the satisfaction of the council.

In order to deliver sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking & cycling, in accordance with Policy T1 of the Sevenoaks Allocations and Development Management Plan.

Informatives

1) The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 03303030119) or www.southernwater.co.uk.

Note to Applicant

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

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

In this instance the applicant/agent:

- 1) The applicant was provided the opportunity to submit amendments to the scheme/address issues.
- 2) The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

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RECOMMENDATION B: That, in the event a S106 Agreement has not been signed within 3 months, planning permission is refused on the following grounds –

In the absence of a completed S106 Agreement to secure the provision of affordable housing, off site highways works, a travel plan contribution, and the provision, management and maintenance of land as public open space, the development would fail to provide suitable housing and necessary on/off site infrastructure and open space, contrary to policies SP2, SP9 and SP10 of the Sevenoaks Core Strategy, and Policies H1, G11 and T1 of the Sevenoaks Allocations and Development Management Plan.

Description of Proposal

- 1 This application seeks outline planning permission for up to 300 new dwellings, together with the provision of up to 2.6 hectares of public open space. Means of access are to be considered at outline stage, with the appearance, layout, scale and landscaping of the site reserved for future consideration.
- 2 The application includes an illustrative site layout, which defines two means of access to the development via St Johns Way and Enterprise Way. These would join a link road through the site, allowing both points of access into and out of the site to be used by all properties.
- 3 The illustrative plans show that the residential development would be concentrated in the northern and southern parts of the site, with the central area, which falls within a flood zone, designated as open space / allotments. The layout shows how a mix of unit sizes could be incorporated on the site, and illustrates provision for 15 x 1 bed units, 110 x 2 bed units, 130 x 3 bed units and 45 x 4 + bed units. These are shown to be accommodated in a mix of detached, semi detached, terraced and flatted buildings, and in a mix of single storey, 2, 2.5 and 3 storey buildings. The building heights would range from 5 metres maximum (single storey) to 11.5 metres maximum (three storeys).
- 4 The application proposes that 40% of the development would be provided as affordable housing. This is shown to be split 65% as social rented and 35% intermediate housing.
- 5 The central area of the site is shown to contain a large area of open / natural space, consisting of landscaped areas, a new pond, a kick-about area, a Local Equipped Area of Play and 14 x allotments. The St Brelades stream runs through this area. In addition, two Local Areas of Play are shown to be provided in the north and south housing developments respectively.
- 6 The application has been submitted with the following supporting statements –
 - Planning statement
 - Design and Access statement
 - Landscape and Visual Impact Assessment
 - Noise Impact Assessment

- Protected Species / Habitat Survey
- Tree survey and Tree Protection Plan
- Transport Assessment
- Travel Plan
- Flood Risk Assessment
- Utilities Assessment
- Soakaway Feasibility Assessment
- Contaminated Land Assessment

Description of Site

- 7 The application site is a 10.86 hectare area of land, roughly rectangular in shape, sited to the west of the residential development at St Johns Way and the industrial estates on Enterprise Way. The land is bounded to the north and south by the two railway lines that run through Edenbridge.
- 8 The land consists of open fields in agricultural use. The majority of the site has most recently been largely used for arable farming, whilst the north part of the site is partly in use for horse grazing. An agricultural building stands on the north section of the land, otherwise it is free from buildings.
- 9 The northern part of the site wraps around Hamsell Mead Farm, which is excluded from the application site. This property is in residential use and no longer part of a working farm.
- 10 The land further to the west of the site is open countryside.
- 11 The central part of the site falls within a designated flood zone, and the St Brelades stream runs through this part of the site before entering culvert by the industrial estate. This flood zone area extends to 2.6 hectares in total.
- 12 The application site falls outside of the existing Edenbridge Town confines, but has been excluded from the green belt, given its status over many years as safeguarded / reserve land for long term future development. Two trees within the southern part of the site are protected by a Tree Preservation Order.

Constraints

- 13 Two trees protected by a Tree Preservation Order
- 14 Part of the land is designated as an Air Pollution Control Site
- 15 The central part of the site falls within a designated flood zone.

Policies

Sevenoaks Allocations and Development Management Plan:

- 16 Policies – SC1, EN1, EN2, EN5, EN6, EN7, H1 (P), GI1, T1, T2.

Sevenoaks Core Strategy:

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- 17 Policies – L01, L06, SP1, SP2, SP3, SP5, SP7, SP9, SP10, SP11

Other:

- 18 National Planning Policy Framework

- 19 Edenbridge Town Design Statement

Planning History

- 20 SE/09/03027 - Erection of building for provision of nursing care and accommodation for older persons, associated access road, car parking and circulation areas, landscaped gardens and tree planting – Refused. Allowed on appeal.

Consultations

Edenbridge Town Council

Original comments - Objection:

Reasons:

- 21 Although members welcome the commitment from the applicant that if development goes ahead there will be a second entrance to the site from Enterprise Way, they object to this proposal on multiple grounds.
- 22 The number of dwellings proposed exceeds the number in the allocations DPD and members would wish to see housing of similar density to that existing on the Beeches Estate, as this would be in keeping with the area.
- 23 Members would wish to see more shared ownership properties included in the 40% affordable housing balance. The need for social housing is also acknowledged.
- 24 Members would wish to reserve judgement on the proposed height and scale of the development due to the varying levels of the proposed site and visibility from existing properties. This is thought to be a particular concern from Shires Walk.
- 25 The other major concerns raised relate to the inadequacies of the current infrastructure and services within the town to support development of this size.
- 26 The current Doctors' Surgery is already running at an estimated shortfall of ½ a doctor and has an urgent need to find new premises. If the number of houses was to be reduced, to that proposed in the Allocations DPD, it may be possible to find space within the application site to meet this need.
- 27 Any expansion to the number of places required at local primary schools would require additional classrooms and other facilities being provided. Currently there is no secondary school in Edenbridge and insufficient places are available at schools within a reasonable distance. This would need to be addressed and solutions planned and implemented before construction could start. The Children's Centre is also at full stretch.

- 28 Commuter overcrowding on the Uckfield line from Edenbridge Town Station has been acknowledged and some additional capacity promised from 2015. A further assessment would be needed if this application was to be granted, to take into account additional travellers. It is suggested that the inclusion of a pedestrian and cycle route to access Edenbridge Station, on the Redhill - Tonbridge line from the new homes could be of benefit.
- 29 Members welcomed the inclusion of the sustainable urban drainage system included in the plans, but residents expressed strong reservations over the proximity of the pond and open water swales in relation to the proposed children's playground and amenity areas.
- 30 It is clear from the paperwork provided that additional capacity will be needed in regard to the removal of waste water, and recent power cuts have raised concerns over the electrical capacity.
- 31 A review of the policing levels should also be requested, to accommodate the increased number of residents.
- 32 In light of these shortcomings in the services and utilities, members request that should the application be granted, these issues should be resolved in advance and the building be phased at a maximum of 50 properties completed per year.
- 33 Members would wish to see opportunities offered to local companies to quote for building and service provision during the construction phase, and would wish to see the offer to restrict access during the build phase extended to make Enterprise Way permanently the premier access route once building is complete, with people directed to use the northern access.
- 34 To accommodate additional vehicles, improvements to the roundabout at Commerce Way and St John's Road should be made, at the very least aesthetically, and the junction from Enterprise Way and Station Road reconsidered in light of the application that has been granted for Sainsbury's supermarket.
- 35 Finally if allotments are to be provided, the soil will need improvement to be of a suitable condition and with a water supply installed.
- 36 Most importantly, without the statutory reports from utility providers and only an indicative layout, it is impossible for members of Edenbridge Town Council and the local community to properly assess this application. Members request that copies of statutory reports be provided, as they are received, and request the opportunity to be consulted and make further comment on design, layout, heights, etc if the proposal is to be taken forward.

Further comments (following the submission of further information) –

- 37 Members object.
1. The developer still has not prepared a response to Southern Water's reason for objecting, namely that there is insufficient capacity in the sewers to take the foul water which will be produced.
 2. The Town Council agrees with Upper Medway Internal Drainage Board that the surface water run-off should be stored above ground in ponds and swales rather

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than underground in oversized pipes, because the former can be readily maintained for the life of the houses, whereas underground storage methods tend to get blocked with silt etc and are very difficult to clear. The Town Council is of the opinion that this issue must be dealt with at the outline stage of the planning process, as it should be a matter of principle whether the proposal is acceptable, and not left to later stages.

3. The Town Council is disappointed that the developer has not taken the opportunity to improve the appearance of the junction of St Johns Way and Station Road in line with NPPF 17 "always seek to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings."

External Consultees

Kent Highways

- 38 The proposed development site is located on Land North Of Railway Line And West Of St
- 39 Johns Way St Johns Way Edenbridge, Kent, TN8 6HF and this is in response to an outline planning application for mixed use development comprising up to 300 new dwellings, up to 2.6 hectares of public open space and vehicular access with some matters reserved.
- 40 The proposed development site is in a sustainable location and is well served by local public transport services. Two train stations - serving both regional and local destinations - are located within a 15 minute walk of the site. Local bus services provide links to three secondary schools by way of dedicated school services.
- 41 Proposed access by way of two existing points of vehicular access is acceptable to the Highways Authority. The primary access is through the existing residential area via St. Johns Way, the secondary access being via a light industrial/business park along Enterprise Way.
- 42 St.Johns Way was also designed to serve the future development of the site. All of the local roads adjacent to the site have footways and/or Homezone areas that provide connection onto Station Road and other connecting routes.
- 43 St. Johns Way is a residential road with a carriageway width of 6.7m and currently facilitates access to 106 dwellings. The nature of the area is very much that of a "Home Zone" with a 20mph speed limit in place along the road and surrounding streets. Vertical deflection traffic calming measures by way of a series of raised speed cushions are in situ.
- 44 Adjoining streets to St. Johns Way reflect the Home Zone approach with the shared surface arrangement affording a level of improved pedestrian safety. The main site access spine road has a carriageway width of 5.5m which accords with Kent Design Guide standards. Enterprise Way has a carriageway width of 7.3m and an existing 30mph speed limit, with footways provided on both sides and currently provides access to the industrial estate. A review of the local accident records was undertaken and this demonstrated the good safety record of the existing local highway network.

- 45 The level of parking proposed is sufficient with a total of 543 resident spaces to be provided within curtilage which will help discourage on-street parking. All houses are provided with 2 parking spaces and some 47 houses will also benefit from their own garage, although these have not been counted towards the minimum parking levels. Proposed flats are provided with separate communal parking areas that are located adjacent to the buildings and provided for the minimum standard of 1 space per unit, in addition to a visitor parking at a level of 0.5 spaces/unit. This accords with KCC vehicle parking standards (Interim Guidance Note 3 to the Kent Design Guide [KDG] Residential Parking Standards and KDG review 2008). Cycle parking provision is acceptable and reflects KCC design guidance. As per pre-application discussions, the applicant has agreed to provide covered facilities particularly for communal areas/flats, with 1 space per unit (flats) and 1 space per bedroom (houses).
- 46 Pedestrian safety will be further improved in the future by way of a signalised pedestrian crossing to be provided across Station Road immediately to the north of Fircroft Way with a pedestrian refuge island crossing provided to the south. Existing and new residents will benefit from these local improvements. It is noted that a school crossing patrol operates north of the Station Road / Station Approach signal-controlled junction during school opening and closing hours.
- 47 KCC welcomes the submission of an interim Travel Plan supporting this application. The measures presented should be reflected in the full Residential Travel Plan which should encompass a fully costed, practicable and deliverable suite of measures to support the sustainable transport aspects of the development going forward. Measures presented in the full Travel Plan should be delivered by an appointed Travel Plan Coordinator. The delivery of the full Travel Plan, measures contained therein and the Travel Plan Coordinator should be secured by way of a planning condition and form part of the S106 Agreement.
- 48 The proposed development will have a negligible impact on the local highways network.
- 49 One area of slight concern is the impact the development will have on the Station Road / Four Elms junction. Development traffic adds 0.04 to the Ratio of Flow to Capacity (RFC) figures. However, even without the development traffic, in future years this roundabout will be operating with an RFC value of 0.88. Development traffic would increase this to an RFC of 0.92. In general terms, roundabouts are said to be operating satisfactorily if all arms of the intersection operate with RFC values below 0.85.
- 50 The applicant has proposed mitigation which reduces the RFC at the aforementioned roundabout back to a value of 0.84. This involves localised widening at the junction so that vehicles waiting to turn right into the Four Elms Road do not block the through flow of northbound vehicles. This would serve to improve the existing situation, meaning that existing residents would also benefit from reduced queuing at this location. Measures should be secured by way of Planning Condition / future S278 Agreement. The mitigation described should be constructed/completed by the developer prior to first occupation of the first dwelling.
- 51 So as to relieve some vehicular movements from St. Johns Way, and to facilitate movement relating to future residents that wish to turn left out of the site and travel north-bound on the A2026, the Enterprise Way access should be

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constructed so that it is suitable for car use, and not solely Emergency Vehicle access or to act as pedestrian/cyclist link. This should be secured by way of a planning condition linked to any future planning permission.

- 52 Construction access is proposed via Enterprise Way access and KCC Highways is in agreement that this is a far more suitable route than St. Johns Way. A construction management plan should be submitted and agreed prior to construction and this should detail permitted access routes, hours of operation and wheel washing facilities). This should be secured by way of a condition linked to any future planning permission.
- 53 In conclusion, the impact of the proposed development upon the existing highways network would be negligible. The local highways network would be able to efficiently accommodate the increase in local (vehicular) trip generation associated with the proposed quantum of development and resultantly there are no highways or transportation objections to this planning application.

Environment Agency

- 54 Original comments – Thank you for your consultation, which we received on 18 December 2014. We object to the proposal for the following reasons.
- 55 There should be no houses, garages or outbuildings constructed within Flood Zone 3b; the functional floodplain. This is land that should be allowed to flood during an event and will flood as often as 1 in 5 years (20% Annual Exceedance Probability).
The road, allotments, kickabout area and other communal areas, which are located within Flood Zone 3b, would therefore be flooded on a regular basis and will be waterlogged – wet for most of the year and may prove to be unusable. No changes in drainage arrangement would be permitted.
- 56 The road and communal facilities should be built in a way that does not result in a net loss of floodplain storage, does not impede water flows and does not increase flood risk elsewhere. Therefore, any raising of land in this communal zone between the housing areas is not permitted. No land raising for the purpose of road construction is permitted.
- 57 No houses should be permitted to be constructed within the 1% AEP CC modelled flood outline. This is not clear within Drawing 3408 P02 and should be clearly indicated on the plans that no houses will be built in this zone.

Overcoming our objection:

- 58 You should demonstrate that surface water run-off generated up to and including the 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event and so not increase the risk of flooding both on or off site. Satisfactory storage and disposal of surface water from the site should be demonstrated. As this site is entirely Greenfield, the drainage should be proven to mimic that of Greenfield land.
- 59 It should be shown that there will be no raising of ground levels in flood zone 3b.
- 60 There is very little provision of SUDS within this development. Surface water run-off should be controlled as near to its source as possible through a sustainable

drainage approach to surface water management (SUDS). SUDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity.

- 61 The variety of SUDS techniques available means that virtually any development should be able to include a scheme based around these principles.
- 62 Erection of flow control structures or any culverting of a watercourse requires the prior written approval of the Environment Agency under s.23 of the Land Drainage Act 1991 or s.109 of the Water Resources Act 1991. The Environment Agency resists culverting on nature conservation and other grounds and consent for such works will not normally be granted except for access crossings.
- 63 It should be demonstrated that the bridges to be built over the St Brelades stream, do not prevent the free flow of flood water through the site and do not increase flood risk in surrounding areas. Construction details of the bridges should be provided to ensure all flows can pass through the site without increase flood risk.
- 64 Further comments (dated 16/03/15) - Further to our recent correspondence, we can now remove our objection.
- 65 The proposed development will only be acceptable if the following measure(s) as detailed in the Flood Risk Assessment and the additional drainage details submitted with this application are implemented and secured by way of a planning condition on any planning permission.
- 66 *Condition 1:* The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:
- Provision of compensatory flood storage on / or in the vicinity of the site to a 1 in 100yr climate change level. (Drawing 3999-FLD-01 in appendix H of the FRA)

Reason: To prevent flooding elsewhere

- 67 *Condition 2:* No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of

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surface water from the site.

- 68 We would encourage greater use of SuDS within this development than is currently proposed. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity.
- 69 The variety of SUDS techniques available means that virtually any development should be able to include a scheme based around these principles.

Informatives:

- 70 Erection of flow control structures or any culverting of a watercourse requires the prior written approval of the Environment Agency under s.23 of the Land Drainage Act 1991 or s.109 of the Water Resources Act 1991. The Environment Agency resists culverting on nature conservation and other grounds and consent for such works will not normally be granted except for access crossings.
- 71 It should be demonstrated that the bridges to be built over the St Brelades stream, do not prevent the free flow of flood water through the site and do not push the flood risk to surrounding areas. Construction details of the bridges should be provided to ensure all flows can pass through the site without increase flood risk.

Upper Medway Internal Drainage Board

- 72 The site of the above development proposal, whilst being located outside of the Upper Medway Internal Drainage Board's district, drains to it via the St Brelade's Stream. The proposal therefore has the potential to affect the Board's interests.
- 73 The applicant proposes to restrict runoff to that of the Greenfield site with on-site storage to be provided to accommodate the 1 in 100 year storm + Climate Change, which is fairly standard and appropriate. However, it is disappointing that storage is predominantly proposed to be provided underground (by permeable paving and oversized pipes), other than for the inclusion of a small swale. On a site of this size, nearly 11 hectares, the applicant should be requested to maximise the use of open SuDS (ponds and swales) due to the additional benefits open systems provide to local biodiversity and amenity.
- 74 Other than stating that that runoff will be controlled by installing a complex control structure, there is very little detail available at this stage. Also, exceedance arrangements for the final SuDS must be detailed. Future maintenance of the SuDS must also be assured. If the Council is minded to approve this application it is requested that details of drainage be made subject to a condition requiring separate LPA approval taking the above points into account.

- 75 The proposal appears to include development within the floodplain. Details of any such development proposal must be agreed with the Environment Agency to ensure that flood risk, both on and off-site, is not exacerbated.

Further comments:

- 76 I note the applicant's comments in respect of floodplain issues, and also note that the Environment Agency has removed its objection related to this.
- 77 It is disappointing that the applicant is unwilling to consider the use of open storage of surface water and remains intent on providing underground storage (probably to maximise the number of new units). As I stated in my original response, on a site of this size (nearly 11 hectares) the use of open SuDS (ponds and swales) is considered appropriate and deliverable, and I believe would result in a much improved final development. I note that the Environment Agency has also encouraged the greater use of open SuDS. The Council may in future, if it does not already have a specific SuDS policy, benefit from liaising with Ashford Borough Council which has adopted an excellent SuDS SPD which is helping to deliver high quality and more sustainable developments.
- 78 The applicant has provided no more detail of the drainage system, although it is acknowledged that this application is for outline permission. I would be grateful to be consulted further on detailed drainage proposals in due course; in particular exceedance arrangements (a concern raised to which the applicant has not responded). It is agreed that future maintenance of the SuDS can be agreed at a later stage, but this should be specifically conditioned for separate LPA approval.

Southern Water

- 79 Please find attached a plan of the sewer records showing the approximate position of a public foul and surface water sewer within the access of site. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

Please note:

-No development or new tree planting should be located within 3 metres either side of the centreline of the public foul sewer and all existing infrastructure should be protected during the course of construction works.

-No development or new tree planting should be located within 3.5 metres either side of the centreline of the public surface water sewer and all existing infrastructure should be protected during the course of construction works.

-No new soakaways should be located within 5 metres of a public sewer.

- 80 Due to changes in legislation that came in to force on 1 st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

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- 81 The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".
- 82 Following initial investigations, there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development.
- 83 Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location.
- 84 Should this application receive planning approval, please include, as an informative to the permission, the following requirement:
- "The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 03303030119) or www.southernwater.co.uk".
- 85 The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:
- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 86 The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.
- 87 We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

KCC Ecology

Original Comments

88 Thank you for the opportunity to comment on this application. We have the following response to make:

Under the Natural Environment and Rural Communities Act (2006), “*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*”. In order to comply with this ‘Biodiversity Duty’, planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.

89 The National Planning Policy Framework states that “*the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible.*”

90 Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that “*It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision.*”

91 Natural England has published Standing Advice on protected species and Ancient Woodland. When determining an application for development that is covered by the Standing Advice, Local Planning Authorities must take into account the Standing Advice. The Standing Advice is a material consideration in the determination of applications in the same way as a letter received from Natural England following consultation.

92 We are satisfied with the protected species surveys which have been carried out within the proposed development site however prior to determination we advise that there is a need for clarification on classification of the grassland within the site.

Grassland

93 The *Extended Phase 1 Habitat Survey* identified that the grassland included areas of semi-improved grassland. Information from the 2012 and 2003 Kent Habitat Survey shows the area to have been identified as neutral semi-improved grassland – which suggests that the grassland may be more species diverse than highlighted within the ecological survey.

94 There is potential for the timing of the survey to have resulted in key Lowland Grassland species not being present, as the initial survey was carried out in August 2013. However we acknowledge that updated surveys in May 2014 – please provide clarification if the updated survey also carried out a botanical survey of the site.

95 Please provide additional information clarifying why the ecologists are satisfied with the conclusions of the submitted reports and identify if there is a need for additional botanical surveys to be carried out.

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Great Crested Newt

- 96 The great crested newt surveys have established that there is a good population of GCN within the pond to the north of the site. Although the pond will not be directly impacted, the proposed development will result in a loss of suitable terrestrial habitat for GCN.
- 97 A detailed mitigation strategy has not been submitted but the submitted information has confirmed that there will be sufficient terrestrial habitat within the proposed development which can be enhanced to maintain the GCN population within the local area and ensure the continued ecological functionality of the newts in the local environment.
- 98 We advise that this is sufficient to determine the outline planning application but we advise that if planning permission is granted a detailed mitigation strategy is submitted as part of the reserve matters.

Reptiles

- 99 Slow worms and common lizards have been recorded within the proposed development site and the majority of habitats will be lost or impacted by the proposed works. A detailed mitigation strategy has not been submitted however the submitted information has confirmed that there is sufficient information within the proposed open space area to include an on-site receptor site.
- 100 We advise that this is sufficient to determine the outline planning application but we advise that if planning permission is granted a detailed mitigation strategy is submitted as part of the reserve matters.

Bats

- 101 Bat activity surveys have been carried out and identified that bats were foraging within the majority of the site but the main areas of bat usage are the northern boundary, the south eastern corner and along the mature hedgerows through the centre of the site. The survey results highlight that the main impact will be from lighting and we advise that the lighting must be designed to incorporate the recommendations within the ecological report and ensure that *light sensitive areas* have minimal light spill.

Breeding Birds

- 102 The site has suitable habitat for breeding birds and all nesting birds and their young are legally protected under the Wildlife and Countryside Act 1981 (as amended). As such all the work impacting suitable nesting habitat must be carried out, outside of the breeding bird season – March to August inclusive. If that is not possible an ecologist must examine the site prior to works starting and if any nesting birds are recorded all works in that area must cease until all the young have fledged.

Protected Species surveys

- 103 Please be aware that there may be a requirement for updated protected species surveys to be carried out if there is a delay in the submission of the reserve matters (if planning permission is granted.) We advise the applicant takes advice from their ecologists.

Ecological Management and Enhancement Plan

- 104 The proposed site plan details that an area of open space is proposed for the development. We advise that if planning permission is granted a detailed ecological management plan for the areas is submitted as part of the reserve matters.
- 105 It must take in to account the management requirements of the species detailed above.
- 106 One of the principles of the National Planning Policy Framework is that “opportunities to incorporate biodiversity in and around developments should be encouraged”.
- 107 We advise that the ecological management and enhancement plan must be provide details of any ecological enhancements which must be incorporated in to the proposed development.

Further comments

- 108 We are satisfied that sufficient information has been provided to determine the planning application.

Grassland

- 109 The *Extended Phase 1 Habitat Survey* identified that the grassland included areas of semi-improved grassland. Information from the 2012 and 2003 Kent Habitat Survey shows the area to have been identified as neutral semi-improved grassland. As a result we had some concerns that the grassland may be more species diverse than highlighted within the ecological survey.
- 110 The ecologist has provided memo detailing why they are satisfied that the majority of the grassland is species poor with fragments which are more species rich. The additional information has detailed that the grassland within the west of central section does have an area of higher diversity and has the potential to develop in to high quality grassland – this area of grassland will be retained within the proposed development.
- 111 We advise that if planning permission is granted this area is managed to create high quality species rich grassland. We recommend that the management of the grassland is included within the Ecological Management and Enhancement Plan.

The following comments provided on the 5th January are still relevant:

Great Crested Newt

- 112 The great crested newt surveys have established that there is a good population of GCN within the pond to the north of the site. Although the pond will not be directly impacted, the proposed development will result in a loss of suitable terrestrial habitat for GCN.
- 113 A detailed mitigation strategy has not been submitted but the submitted information has confirmed that there will be sufficient terrestrial habitat within the proposed development which can be We advise that this is sufficient to determine

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the outline planning application but we advise that if planning permission is granted a detailed mitigation strategy is submitted as part of the reserve matters.

Reptiles

- 114 Slow worms and common lizards have been recorded within the proposed development site and the majority of habitats will be lost or impacted by the proposed works. A detailed mitigation strategy has not been submitted however the submitted information has confirmed that there is sufficient information within the proposed open space area to include an on-site receptor site. We advise that this is sufficient to determine the outline planning application but we advise that if planning permission is granted a detailed mitigation strategy is submitted as part of the reserve matters.

Bats

- 115 Bat activity surveys have been carried out and identified that bats were foraging within the majority of the site but the main areas of bat usage are the northern boundary, the south eastern corner and along the mature hedgerows through the centre of the site.
- 116 The survey results highlight that the main impact will be from lighting and we advise that the lighting must be designed to incorporate the recommendations within the ecological report and ensure that *light sensitive areas* have minimal light spill.

Breeding Birds

- 117 The site has suitable habitat for breeding birds and all nesting birds and their young are legally protected under the Wildlife and Countryside Act 1981 (as amended). As such all the work impacting suitable nesting habitat must be carried out, outside of the breeding bird season – March to August inclusive. If that is not possible an ecologist must examine the site prior to works starting and if any nesting birds are recorded all works in that area must cease until all the young have fledged.

Protected Species surveys

- 118 Please be aware that there may be a requirement for updated protected species surveys to be carried out if there is a delay in the submission of the reserve matters (if planning permission is granted.) We advise the applicant takes advice from their ecologists.

Ecological Management and Enhancement Plan

- 119 The proposed site plan details that an area of open space is proposed for the development. We advise that if planning permission is granted a detailed ecological management and enhancement plan for the areas is submitted as part of the reserve matters. It must take in to account the management requirements of the species detailed above.
- 120 One of the principles of the National Planning Policy Framework is that “opportunities to incorporate biodiversity in and around developments should be encouraged”.

- 121 We advise that the ecological management and enhancement plan must provide details of any ecological enhancements which must be incorporated in to the proposed development.

Natural England

- 122 Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended)

- 123 The lack of specific comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated sites, landscapes. It is for the local authority to determine whether or not this application is consistent with national or local policies on biodiversity and landscape and other bodies and individuals may be able to help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process, LPAs should seek the views of their own ecologists when determining the environmental impacts of this development.

- 124 We would, in any event, expect the LPA to assess and consider the possible impacts resulting from this proposal on the following issues when determining this application:

Protected species

- 125 We have not assessed this application and associated documents for impacts on protected species.

- 126 Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

- 127 You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

- 128 The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

- 129 If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this

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application please contact us at with details at
consultations@naturalengland.org.uk.

Local sites

- 130 If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements

- 131 This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*'. Section 40(3) of the same Act also states that '*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*'.

Impact Risk Zones for Sites of Special Scientific Interest

- 132 Natural England has recently published a set of mapped Impact Risk Zones (IRZs) for Sites of Special Scientific Interest (SSSIs). This helpful GIS tool can be used by LPAs and developers to consider whether a proposed development is likely to affect a SSSI and determine whether they will need to consult Natural England to seek advice on the nature of any potential SSSI impacts and how they might be avoided or mitigated. Further information and guidance on how to access and use the IRZs is available on the Natural England website.
- 133 Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Kent Wildlife Trust

- 134 I note that development of this site appears to be generally consistent with policy, considering that its allocation is a proposed modification to the Allocations and Development Management Plan. For this reason, I will not comment further upon policy matters.
- 135 Kent Wildlife Trust welcomes the proposed biodiversity enhancements outlined and the public open space set out as part of the development scheme. The information provided in the Extended Phase 1 Habitat Survey and the Protected Species Survey Report appears to be satisfactory and appropriate to the

development site concerned. However, mitigation measures have not been included in the scope of these surveys as yet.

- 136 The Trust would strongly recommend to Sevenoaks District Council that a Mitigation Plan should be drawn up for this site, alongside the full planning application. This should be supported by condition. Given the outcome of the Protected Species Survey, the mitigation should focus in particular on great crested newts and reptiles. Retention of species-rich hedgerows throughout construction and their subsequent enhancement should be included. Avoidance of light spill at boundaries and existing hedgerow edges in order to avoid negative impact upon foraging bats should also be considered.
- 137 Kent Wildlife Trust looks forward to receiving more information on this at the full application stage. The Trust offers no objection to the outline planning permission, subject to the above recommendations.

Sport England

- 138 The site is not considered to form part of, or constitute a playing field as defined The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No.2184), therefore Sport England has considered this a non-statutory consultation.
- 139 It is understood that the application proposes the provision of 300 dwellings and up to 2.6 hectares of public open space and vehicular access.
- 140 No formal sports facilities are currently proposed as part of the proposed development.
- 141 Sport England has assessed the application against its adopted planning policy objectives. The focus of these objectives is that a planned approach to the provision of facilities and opportunities for sport is necessary in order to meet the needs of local communities. The occupiers of any new development, especially residential, will generate demand for sporting provision. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new developments should be required to contribute towards meeting the demand they generate through the provision of on-site facilities and/or providing additional capacity off-site. The level and nature of any provision should be informed by a robust evidence base such as an up to date Sports Facility Strategy, Playing Pitch Strategy or other relevant needs assessment.
- 142 This requirement is supported by the Governments National Planning Policy Framework, which states:
- “Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. (Principle 12 is) that planning should:

Take account of and support local strategies to improve health, social, and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.” [Paragraph 17]

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“To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- *Plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses, and places of worship) and other local services to enhance the sustainability of communities and residential environments...*
- *Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.” [Paragraph 70]*

- 143 The population of the proposed development is 750 (based on the national average occupancy rate of 2.5 people per dwelling). This additional population will generate additional demand for sports facilities. If this demand is not adequately met then it may place additional pressure on existing sports facilities, thereby creating deficiencies in facility provision. In accordance with paragraphs 203 – 205 of the National Planning Policy Framework (NPPF), Sport England seeks to ensure that the development meets any new sports facility needs arising as a result of the development.
- 144 You may be aware that Sport England’s Sports Facilities Calculator (SFC) can help to provide an indication of the likely demand that will be generated by a development for certain facility types. The SFC indicates that a population of 750 will generate a demand for 0.04 swimming pools (£122,024), 0.05 sports halls (£138,271), 0.06 indoor bowls centres (£17,145) and 0.02 artificial turf pitches (£19,248 3G or £16,964 Sand).
- 145 Furthermore, the requirement for natural turf playing pitch provision arising from the proposed population should be considered.
- 146 Securing planning obligations towards the provision of indoor and outdoor sports facilities would be supported by Sevenoaks District Council Core Strategy (February 2011) policies SP9 (Infrastructure Provision) and SP10 (Green Infrastructure, Open Space, Sport and Recreation Provision). Furthermore, the requirement of this provision is also supported by Saved Local Plan (July 2008) Policy H9 (6).
- 147 In light of the above, Sport England wishes to object to this application.

UK Power Networks

- 148 No objections.

Kent Police

- 149 I have considered the planning application detailed above with regards to Crime Prevention Through Environmental Design (CPTED) matters, in accordance with the DCLG Planning Practice Guidance March 2014 (Para’s 10 & 11) – Crime Prevention and the Kent Design Initiative (KDI) - Design For Crime Prevention document dated April 2013.
- 150 I would like the following comments and recommendations to be taken into consideration to ensure that CPTED and the KDI protocol are fully addressed:

- 151 The applicant/agent has not fully considered crime prevention and has not attempted to apply the seven attributes of CPTED in their Design and Access Statement (D&AS), and to date we have had no communication from the applicant/agent and there are other issues that need to be discussed and addressed including a formal application for Codes, BREEAM and Secured By Design (SBD) if appropriate.
- 152 I would be grateful if you could draw the applicant's attention to the Kent Design Initiative (KDI), which will also assist them with Crime Prevention and Community Safety. I would welcome a meeting with the applicant/agent to discuss Crime Prevention in more detail and any notes from a meeting/consultation will be passed back to the Planning Officer dealing with the application as part of my full response to this planning application.
- 153 If the applicant fails to contact us, this may have an effect the development with regards to Secure By Design (SBD), Codes for Sustainable Homes (CfSH) and BREEAM, as awarding these items retrospectively can prove difficult and costly. This could also have knock on effects for the future services and duties of the Community Safety Unit (CSU) and local policing.
- 154 If this planning application is given approval and no contact has been made to the Crime Prevention Design Advisors (CPDAs) by the applicant/agent, then we would suggest that a condition be included as part of the planning approval to ensure that Crime Prevention is addressed effectively:
- 155 If a condition is to be used we suggest something similar to :
- The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.
- Reason - For the condition: In the interest of Security, Crime Prevention and Community Safety and in accordance with Policies of the Borough/District Council's Core Strategy Plan (dated, page, section) and the guidance within The Kent Design Initiative (KDI) and protocol dated April 2013.
- 156 Alternatively if you have already undertaken pre-application discussions with the applicant/agent you might want to consider issuing a letter including the below statement:
- 157 The applicant/agent is advised to seek the input of the Kent Police Crime Prevention Design Advisors (CPDAs) to ensure that all efforts are made to incorporate the principles of Designing out Crime (A Kent Design Guide for Developers Designers and Planners) into the high quality design of any proposal.
- 158 The contact details of the Kent Police CPDAs are ; John Grant & Adrian Fromm, Kent Police Headquarters, Sutton Road, Maidstone ME15 9BZ email: pandcr@kent.pnn.police.uk Tel No- 01622 653209/3234
- 159 If neither a condition nor letter is appropriate, we suggest you consider using an informative, something similar to the below, to encourage the applicant/agent to contact the CPDA:

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- 160 Prior to the submission of any reserved matters application, the applicant, agents, or successors in title, are encouraged to undertake pre-application (reserved matters) discussion with the local Planning Authority. As part of this pre-application discussion, it may well be necessary to consult with external bodies such as Kent Police Crime Prevention Design Advisors (CPDAs) to ensure that a comprehensive approach is taken to Crime Prevention and Community Safety.
- 161 The contact details of the Kent Police CPDAs are ; John Grant & Adrian Fromm, Kent Police Headquarters, Sutton Road, Maidstone ME15 9BZ email: pandcr@kent.pnn.police.uk Tel No- 01622 653209/3234
- Note that this informative would only be imposed upon outline planning permissions prior to the submission of reserved matters application.
- 162 The use of a condition, a letter or an informative will address both our statutory duties under Section 17 of the Crime and Disorder Act 1998 and will show a clear audit trail for Design for Crime Prevention and Community Safety.
- 163 Please be advised that the information contained within this response is provided by Kent Police Crime Prevention Design Advisors and refers to situational crime prevention. This advice focuses on Designing out Crime and improving Community Safety with regards to this specific development/planning application.
- 164 It is possible that you may receive additional comments from Mr Trevor Hall of Kent Police with regards Community Infrastructure Levy and 106 Agreements in response to core strategies and local/neighbourhood plans. Please note that such matters and any queries surrounding them need to be addressed with Mr Hall who coordinates these issues on behalf of Kent Police.

NHS Property Services

- 165 NHS Property Services Ltd is now the body which will request Section 106 health care contributions on behalf of NHS England (Kent and Medway Area Team). Just as NHS West Kent had historically worked with Sevenoaks Borough Council our approach is the same in securing Section 106 (s106) healthcare contributions and working with our local partners on healthcare issues to ensure that healthcare provisions improve the health and wellbeing of our population.
- 166 NHS Property Services Ltd wishes to continue to apply for such assistance and a healthcare contribution is therefore requested in accordance with the recognised Planning Obligations Guidance for Communities and Local Government and the adopted Sevenoaks Borough Council development plans.
- 167 Inevitably, any increase in the local population has a knock-on effect in terms of health care and NHS Property Services Ltd would seek to apply this s106 contribution to meet these extra demands placed upon the local primary and community health service.
- 168 In terms of this particular application, a need has been identified for contributions to support the delivery of investments highlighted within the Strategic Service Development Plan. These improvements to the primary care infrastructure will enable support in the registrations of the new population, in addition to the commissioning and delivery of health services to all. This proposed development noted above is expected to result in a need to invest in a number of local surgery premises:

-Edenbridge Medical Practice

The above surgery is within a 4 mile radius of the development at St Johns Way. This contribution will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity.

- 169 NHS Property Services Ltd will continue with NHS West Kent formulae for calculating s106 contributions for which have been used for some time and are calculated as fair and reasonable.
- 170 NHS Property Services will not apply for contributions if the units are identified for affordable/social housing.
- 171 The application identifies unit sizes to calculate predicted occupancy multiplied by £360 per person. When the unit sizes are not identified then an assumed occupancy of 2.34 persons will be used.

Predicted Occupancy rates

1 bed unit @ 1.4 persons

2 bed unit @ 2 persons

3 bed unit @ 2.8 persons

4 bed unit @ 3.5 persons

5 bed unit @ 4.8 persons

- 172 NHS Property Services Ltd therefore seeks a healthcare contribution of £176,760 plus support for our legal costs in connection with securing this contribution. This figure has been calculated as the cost per person needed to enhance healthcare needs within the NHS services.

Network Rail

- 173 The proposed development site is located in close proximity to Edenbridge and Edenbridge Town railway stations. The proposed mixed use residential development which contains up to 300 new homes is likely to result in an increase in usage of the stations. Network Rail would therefore be interested in reviewing information and figures that detail how the development will impact on the usage of the stations. It appears that this information has not been included within the application's Transport Assessment. Therefore I would be very grateful if the applicant could provide Network Rail with this information?

Internal Consultees

Environmental Health (Contaminated Land)

- 174 As recommended in the conclusion in the WSP geotechnical risk assessment dated November 2014, a phase II(intrusive) investigation should be undertaken. Due to the intended final uses on the site a remediation proposal to be agreed by the local planning authority prior to commencement of works on the site.

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- 175 On completion of all works the applicant must submit a validation report detailing all investigations and remediation works undertaken for final approval by the local planning authority.

Environmental Health (Noise)

- 176 I believe that further acoustic assessment of the site is required as the potential impact of the adjacent Enterprise Way commercial/industrial area has not been adequately assessed. BS4142:2014 assessments should be undertaken to demonstrate that any proposed residential area is not exposed to noise likely to give rise to complaints from the existing commercial site. Unfortunately noise modelling does not effectively portray annoyance and the psychoacoustic effects of some types of tonal and cyclic industrial noise.
- 177 Consideration should also be given to the need for expansion or further development of Enterprise Way for commercial and industrial use and how this might impact on the proposed development.
- 178 Further comments - I have considered the new information, it doesn't actually meet the requirements of BS4142:2014, the reporting not meeting the requirements of section 12 of the standard. However the additional monitoring does indicate that compliance with WHO community noise standards is likely. Despite the shortcomings of the acoustic assessment there is sufficient information to suggest that a standard condition relating to acoustic protection can cover all eventualities.
- 179 A condition such as:-
- “The applicant shall submit details of acoustic protection to ensure that the WHO Community Noise Guidelines are achieved both internally and externally as per Table 2 of the WSP acoustic report no: AC/70003999/A1 revision 2 dated 19 March 2015. The proposal and assessment to be agreed in writing by the planning authority prior to installation.”

Planning Policy

- 180 There is no planning policy objection to this outline application, subject to the comments below.
- 181 The key strategic planning policy issues are considered to be:
- Compliance with Core Strategy policy LO6 and proposed modification to ADMP site allocation H1(p) and associated development guidance including:
- Housing density
 - Layout
 - The provision of affordable housing
 - Access
 - Flood risk and surface water run off
 - The provision of open space

- Impact on the Green Belt and open countryside

182 Core Strategy policy L06 allocates the application site as reserve land to be brought forward for development after 2015 only if required to maintain a five year supply of housing land in the District. However, following examination of the Allocations and Development Management Plan (ADMP), the Inspector considered that there is a need for a more flexible policy to bring forward the reserve site now to boost the supply of housing in the District, in accordance with the NPPF.

183 Therefore, the allocation of this site is a proposed modification and it is anticipated that the ADMP will be adopted in February 2015. As such, the development of this site is considered consistent with policy.

Housing density

184 The site is allocated for approximately 276 dwellings. Core Strategy policy SP7 requires new residential development in this area to achieve a density of 40 DPH, however due to the edge of settlement location of this site, and in order to minimise the impact of development on the adjacent Green Belt and countryside, it was considered that a more appropriate density would be 30 DPH, as set out in ADMP policy H1(p). The application proposes 300 dwellings, increasing the density to 33 DPH. It is considered that this is broadly in line with policy H1(p) and is therefore considered acceptable, subject to an appropriate site layout.

Layout

185 The development guidance set out in ADMP policy H1(p) sets out the requirements for how this site should be developed, including layout, landscaping, access, provision of open space and infrastructure considerations. Once adopted it will form part of the development plan for the District. The development proposed as part of this application should be in accordance with this development guidance.

186 Core Strategy policy SP1 promotes high quality design and once built out, this site will be subject to a Building for Life assessment. It is considered that a design stage Building for Life assessment would be beneficial at this stage.

The provision of affordable housing

187 Core Strategy policy SP3 requires 40% affordable housing for residential developments of 15 dwellings or more. In addition, of the 40% affordable housing, at least 65% of the units should be social rented. The proposal is in accordance with policy SP3 in terms of the quantity of provision and the tenure split.

188 The development guidance in ADMP policy H1(p) states that the site is considered suitable for housing designed for older people (including those with special needs). A small section of the site has extant planning permission for accommodation for older persons, but it is unclear whether this permission will be implemented. In any case, the applicant should consider the provision of older persons housing. Whilst the Planning Statement suggests that housing designed and suitable for older persons is proposed, a quantity is not specified nor does the illustrative site layout plan demonstrate where this will be located.

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Access

- 189 The applicant proposes that the site is accessed via St Johns Way and Enterprise Way, with only Enterprise Way being used during the construction phase. This approach is in accordance with policy H1(p). A transport assessment has been submitted which supports the approach taken.
- 190 Consideration should be given to any improvements required in respect of walking and cycling routes from the site into Edenbridge town centre and to Edenbridge and Edenbridge Town train stations.

Flood risk and surface water run off

- 191 A flood risk assessment has been submitted with the planning application. The assessment has informed the illustrative site layout plan, which locates development in flood zone 1 only, mitigating the risk of fluvial flooding. The applicant also proposes suitable and appropriate sustainable drainage systems (SuDS), to be located within the area of open space, on some of the lower and wetter parts of the site.
- 192 These approaches are in accordance with policy H1(p).

The provision of open space

- 193 Up to 2.6 hectares of open space is proposed including natural and semi-natural green space, amenity green space, children and young people space and allotment space. This proposed provision is in accordance with Core Strategy policy SP10 and the Open Space Study 2009.

Impact on the countryside and natural environment

- 194 The site is located adjacent to the Green Belt boundary and open countryside. Core Strategy policy LO8 is concerned with the conservation of the countryside and the protection and enhancement of the distinctive features that contribute to the special character of its landscape, and requires all development to conserve and enhance local landscape character and that appropriate mitigation is provided where damage to local character cannot be avoided. The application proposes varied building heights and density of development across the site, in accordance with the development guidance under policy H1(p), in order to minimise the impact on the Green Belt and open farmland to the west.
- 195 The Development Management team would need to be satisfied that the proposed development does not negatively impact on the adjacent Green Belt and countryside or its distinctive features.

Tree Officer

- 196 The answer in general terms to the question of whether up to 300 homes could be constructed on this site is yes. The implications and possible costs to the landscape have to be taken into account however when forming an official response to this outline application.
- 197 There are two Protected mature Oak trees located within the southern sector of the land shown for development (TPO 9 of 2010), both of which I am pleased to see have been incorporated within the scheme. Indeed a large percentage of the

important site vegetation is shown to be retained. It is important to understand that the hedgerows shown to be retained within proposed rear gardens will be cut back to the basic linear boundary. No future resident will accept the gardens as shown inclusive of such a wide self generated hedge. I would therefore like to see this acknowledged by the applicant and shown on any future drawings. A large number of the existing boundary hedges are shown for retention but their management needs to be addressed i.e. what height are they to be managed at.

- 198 A number of conditions although not fully relevant at this stage will need to be attached to any future full application, such as; tree pruning, tree protection including no dig construction driveways, soft and hard landscaping, boundary treatments. The timing of any vegetation removals will be important to avoid disturbing nesting birds.
- 199 I have noted the proposal for the construction of dwellings 295-300. This construction is shown to be located immediately adjacent to a linear planting of mature boundary Conifers. These Conifers appear to be growing outside of this site and therefore outside of the control of the applicant. They could be an issue for any future residents who move into this block. This would be especially so for any new residents residing in the eastern elevation against this line of trees.
- 200 Also of note is the proposal to construct car parking to the north of block 178-189. This construction is shown to be within the flood zone and adjacent to a mature Oak tree. As such there is the potential for harm to befall the Oak. The aforementioned issues need to be addressed at the full application stage, should this application proceed further.

Housing Policy

- 201 The provision of 40% affordable housing is welcome. The Strategic Housing Market Assessment 2008 identified an annual need for 646 new affordable homes. The 2015 SHMA will provide updated needs information, alongside data from the Sevenoaks District Housing Register and any other local needs surveys.
- 202 It is expected the affordable housing will be secured through use of the Council's template legal agreement.
- 203 As per Core Strategy policy SP3, it is anticipated 35% of the affordable homes will be for intermediate housing and 65% for rented housing. It is noted and welcomed that the application refers to 65% social rent homes. It is expected the exact tenure mix will be subject to future discussion and agreement with the Council when the outcome of the 2015 SHMA is known, and the selected Registered Provider (RP). In particular, the need for accommodation suitable for older people will need very careful consideration following the outcome of the SHMA 2015 and it may be that in any future application, a proportion of the affordable housing will be sought for this client group.
- 204 It is noted a range of unit sizes, 1 bedroom to 4 bedrooms, is proposed. This is welcomed. All affordable housing must comply with the HCA standards, see attached. The affordability of any 3 and 4 bedroomed intermediate homes would need to comply with Help to Buy policies.

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- 205 It is noted the owner has agreed to work with an SDC partner RP. This is welcome, although early identification of the RP is urged so that they can be fully involved in working up the scheme.

Representations

- 206 40 letters of objection received from neighbouring residents
- Lack of infrastructure – Edenbridge can't cope with the additional units
 - Doctors and dentists are over-subscribed
 - Police / Fire service are inadequate
 - Sewage works are at capacity
 - No room in primary schools and no secondary school in the town
 - Train services are full
 - Increased volume of traffic on St Johns Way will be dangerous to children
 - Impact upon floodplain
 - Loss of outlook for existing residents over undeveloped fields
 - Concern that the development could increase the use of Sunnyside
 - If approved, the design should be in keeping with existing properties
 - St Johns Way was not originally built to accommodate the traffic generated by this development
 - The additional traffic would change the character of the Beeches development
 - Why has the number of units increased to 300?
 - Access should be via Enterprise Way only
 - Concern over surface water flooding and drainage across the site
 - Disturbance from construction traffic
 - The interim travel plan does not take account of train overcrowding
 - Stricter traffic calming measures should be introduced on St Johns Way
 - Light/ noise / traffic pollution to existing residents
 - Impact upon wildlife
 - Loss of privacy and outlook
 - Impact upon community and social services
 - Too much social housing
- 207 1 letter of objection received from a company operating from the trading estate –
- Concern regarding the ability to operate and use the adjacent industrial premises without concern being raised from future residents of the development.
- 208 1 letter received from local GP on behalf of the Edenbridge Medical Practice

- No objection pre se to the development, but an estimated 750 further patients would pose extreme difficulties to the practice, and would add 6% to the list size
- The existing practice is under-recruited by 0.5 doctors, but has space to expand
- A new surgery would be needed and we are applying to the NHS for a Stage 1 approval for a new surgery
- The care home previously granted is not considered necessary, and would add further strain to primary care

209 1 letter received from the local Patient Participation Group emphasising the need for expanded medical and welfare services in Edenbridge.

Chief Planning Officer's Appraisal

Principal Issues

The Planning Policy Background to this site

- 210 The site has been allocated by the Council as a development site in both the adopted Core Strategy and the adopted Allocations and Development Management Plan (ADMP). Previous to this, the site was designated in former development plans going back to 1990 as "safeguarded" land, and was earmarked for development in the long term.
- 211 Policy LO6 of the Core Strategy allocates the land as Reserve Land, to be brought forward for development after 2015 only if required to maintain a five year supply of housing land in the District.
- 212 However, since the Core Strategy has been adopted, the National Planning Policy Framework (NPPF) has replaced previous Government planning policy and advice. The NPPF seeks to significantly boost the supply of housing in the country, and requires local planning authorities to "use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing" as far as is consistent with the NPPF.
- 213 This emphasis on meeting assessed housing need in full is different to the previous Government guidance in Planning Policy Statement 3 which was in force when the Core Strategy was adopted, and which required the "provision of a sufficient quantity of housing taking into account need and demand." As Members will appreciate, there is a key difference in the emphasis to fully meet housing need between the NPPF and the former guidance in PPS3.
- 214 The key consequence of this change in government policy is that the housing figures contained within the Core Strategy would not meet the full objectively assessed needs for housing in the District, as far as is consistent with the NPPF.
- 215 As a result of this, and in order to address the need to boost housing supply, the site in Edenbridge has been brought forward for development in the adopted Allocations and Development Management Plan, and now forms an allocated development site for housing under Policy H1(p) of this plan.

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- 216 Another material consideration is that planning permission exists to develop the southern part of the site for an extra care / nursing home. This would take the form of a large T shaped 3 storey building, providing 48 living apartments and a 40 bed nursing home, with access via St Johns Way.

Compliance with the Design Guidance for the site, set out in the ADMP

- 217 The key policy relating to this site is H1(p) of the ADMP which designated it as an allocated housing site. Appendix 3 of the ADMP sets out detailed design guidance for each allocated housing site within the Plan. The key criteria, and relevance of the application proposal to it, are set out below.

Site area

- 218 The defined area within the ADMP includes Hamsell Mead Farm in the north part of the site. However Members should take note that Hamsell Mead Farm is excluded from the application site. As a result, the site area subject to this application is calculated at 10.86 ha (gross). The net developable part of the site (i.e excluding the flood zone area) is 8.26ha. In short, the site area would be around 1 hectare smaller in size than the allocated site under H1(p) of the ADMP.
- 219 It should also be noted that the application site includes a small sliver of land in the south east corner of the site that is not shown within the defined allocation boundary under the ADMP. It is not clear why this area has been excluded. It falls outside of the green belt and there are no policy or practical reasons evident why it should not form part of the development site.

Density

- 220 The design guidance in the ADMP specifies that the site is capable of accommodating an approximate density of 30 dwellings per hectare (dph), based on a net developable area of the site of 9.2ha, equating to an approximate capacity of 276 dwellings.
- 221 As the application site excludes Hamsell Mead Farm, it is smaller in size than the allocated site in the ADMP. The net developable area of the application site is 8.26 ha. In addition, the application proposes up to 300 dwellings. This would equate to a housing density of 36 dph.
- 222 As a guide for Members, if the whole site as allocated in the ADMP was developed at this density (ie, including the land at Hamsell Mead Farm), the total number of units would be 336 – therefore 60 units more than the guidance in the ADMP.
- 223 The Council's Core Strategy policy SP7 states that new housing developments in Edenbridge should achieve a housing density of 40 dwellings per hectare, unless the impact upon the character of an area would dictate otherwise. If developed at a density of 40 dph the total number of units on this site would be 368.
- 224 As a guide to Members, the development of St Johns Way and surrounding roads was built at a density of 30 dph. The development of Albion Way nearby has achieved a density in the region of 70 dph. The existing established terrace of properties along Sunnyside equates to a density in the region of 48 dph.

- 225 The density and number of units within the proposed development would therefore sit between the Core Strategy density target and the approximate density provision in the design guidance for the site in the ADMP.

Layout

- 226 The development has been designed to avoid built form within the flood zone, as set out in the ADMP guidance. This central area forms a swathe of open and recreational play space, which again conforms to the guidance. The Environment Agency does not object to this application, which avoids siting housing within any floodzone.
- 227 The housing development would take place on the northern and southern sections of the site. Whilst the layout is reserved for future consideration, the developer has submitted an indicative layout to demonstrate how the site could be developed. This shows a range of housing to be provided on site, including terraced, semi detached, detached and flatted blocks.
- 228 The illustrative layout shows that the building heights would range from single storey (up to 5 metres) to three storeys (up to 11.5 metres). This would be reflective of building heights in the surrounding area, particularly those on the St Johns Way development which are primarily 2, 2 1/2 and 3 storeys in height. The relationship with the boundary to the green belt will be important, and as shown this would utilise rear gardens to provide a buffer between the green belt and the proposed dwellings. The illustrative site layout and context plan shows the development along the western boundary with the green belt to fall into two “character areas”, which are lower in density than other parts of the site (at around 28dph and 34dph). The impact upon the green belt can be further protected by limiting building heights in these parts of the site – I would suggest no greater than 2 storeys (8.5 metres) in height. Based on the information provided, I am of the opinion that the development is capable of providing a lower density and “softer” edge to the western boundary that would help with the transition between built form and the adjacent green belt. I consider that these factors would provide for an edge of settlement setting as advocated in the ADMP design guidance.

Housing Type

- 229 The ADMP Design guidance states that a range of housing types, sizes and tenures can be accommodated on the site. The illustrative layout has been designed with a significant bias towards units of 3 bedrooms or less. These housing types would make up 255 of the units illustrated on the plans, with 45 units of 4+ bedrooms. The provision of smaller units of accommodation would accord with Policy SP5 of the Core Strategy.
- 230 Members should note that the bias towards smaller units would have a natural impact on site density figures, insofar that smaller units of accommodation normally result in a higher density figure over a development site than larger units. For example, on the St Johns Way and surrounds developments, the number of 4 bed + units was around 40% of the total housing numbers. On this site, the number of 4 bed + units proposed would represent around 15% of the total number of units.

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- 231 The application proposes that 40% of units will be provided as affordable housing, with a proposed split of 65% rented and 35% intermediate units. This would be fully compliant with Policy SP3 of the Core Strategy, and with the ADMP Design guidance.
- 232 The ADMP guidance also states that the site is suitable for housing designed for older people. The developer has stated that the site will include such housing, although no further details of such have been given.
- 233 Policy SP5 of the Core Strategy states that an increased proportion of housing should be designed to the lifetimes homes standard that can easily be adapted to meet the needs of older people and those with disabilities. It also states that sheltered housing and extra care housing will be encouraged on suitable sites close to a range of services.
- 234 The affordable housing proposed on the site would normally be secured with a requirement that it would all conform to the lifetime homes standard. In addition, I would recommend that 10% of the open market housing should also conform. This can be secured by planning condition and would ensure that 50% of the total number of dwellings would be provided to lifetime homes standard. This would provide accommodation suitable for older persons or those with disabilities, and would comply with SP5 of the Core Strategy.
- 235 Members will note the comments from Housing Policy, which state that the tenure mix of affordable units would be subject to future discussion following production of the 2015 Strategic Housing Market Assessment (SHMA). This assessment will provide updated needs for older persons housing, and that a proportion of the affordable housing may then be sought for this group. The number of affordable units would be subject to a S106 agreement and this could include flexibility for use of a proportion of units as affordable housing.

Conclusions on proposed density, layout and house type

- 236 Whilst the density of the site would be greater than the immediate adjacent development in and surrounding St Johns Way, the difference would be relatively small, at 36dph compared to 30dph. In addition, the density is largely driven by the type of housing units proposed, with an emphasis on smaller units of accommodation which results in a higher overall density figure.
- 237 The layout of the development is not under consideration at this stage. The question to consider now is whether a suitable layout could be accommodated on the site for up to 300 units. Subject to control measures to achieve a lower density development along the western boundary of the site with the green belt, I consider that the site is capable of accommodating 300 units within a satisfactory layout, on the basis that there would be an emphasis on smaller units of accommodation. I consider that this would allow for a high quality scheme and layout to be provided at reserved matters stage that could meet the policy requirements under SP1, SP5 and SP7 of the Core Strategy, and EN1 and H1(p) of the ADMP.

Landscape

- 238 The existing site includes two trees within the southern section protected by a TPO which would be retained as part of the development. Remaining landscaping is

concentrated along the southern and western boundaries, and within the centre of the site, as well as landscaping on the north and east boundaries that falls on neighbouring land. This would be supplemented by new landscaping across the site.

- 239 The Council's tree officer has commented that retaining large swathes of landscaping within relatively modest rear gardens would not be practical, and that the most likely scenario would be for hedgerows to be cut back to the boundary line. Further detail of hedgerow retention would be subject to a reserved matters detail, as would the precise relationship between dwellings, gardens and the boundary of the site. There is no reason at outline stage why the development could not retain existing important site features (as illustrated on the plans), or provide sufficient new landscaping.

Open Space

- 240 The development would provide up to 2.6ha of open space, including natural and semi-natural space, amenity green space, children's / young persons play space, and allotment space. The use of such space within the river corridor would provide a dual use for biodiversity and recreation, as well as the primary purpose of the land as functional flood plain. Such dual use would accord with the Design guidelines for the site within the ADMP.
- 241 The provision of allotments within the site would directly respond to a shortfall in such provision within Edenbridge, as identified in the Council's Open Space and Recreation Study (2009).
- 242 The provision of open space and green infrastructure within the development would accord with Policy SP10 of the Core Strategy and policy GI 1 of the ADMP.

Access

- 243 The development would be accessed via both St Johns Way and Enterprise Way, and an internal link road would connect both access points, allowing occupants and visitors to the development to access and exit the site from either point. It is a requirement of the development that all properties can access St Johns Way, as this would provide a dry escape route in the event of flooding to the central part of the site, which would not be available via Enterprise Way. This need for multiple accesses is a requirement of the ADMP design guidance.
- 244 Policy EN1 of the ADMP states (inter-alia) that new developments should provide satisfactory means of access for vehicles and pedestrians, and provide adequate parking and refuse facilities. Policy T1 seeks for new developments to mitigate any adverse travel impacts, including impact on congestion and safety and environmental impacts. Policy T2 requires vehicle parking to be provided in accordance with KCC adopted standards.
- 245 The site is located in a sustainable town location, close to two railway stations and within walking distance of the town centre. As such the site is capable of promoting less reliance on the car.
- 246 The suitability of both St Johns Way and Enterprise Way to accommodate the increase in vehicle generation through the two respective roads is accepted by Kent Highways, who also state that St Johns Way was specifically designed to accommodate further development. The additional traffic generated onto the

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local highway network is considered by Kent Highways to be negligible. It has been identified that the development would add to traffic using the Station Road / Four Elms Road junction, and the developer has proposed mitigation to locally widen this junction, allowing northbound vehicles on Station Road to pass those turning right onto Four Elms Road. This would also improve the operation of this junction for existing users.

- 247 On the basis of comments received from local residents, the applicant has also agreed to fund / provide traffic control measures on St Johns Way opposite the existing area of green space. The purpose of such measures is to improve pedestrian safety, particularly children crossing the road to the open space. This would most likely take the form of a raised table, designed to reduce vehicle speeds further.
- 248 Works to the junction and to St Johns Way would help mitigate impacts arising from the development, in accordance with Policy T1 of the ADMP.
- 249 The Transport Assessment submitted with the application states that all houses would be provided with 2 parking spaces (some 47 houses will also benefit from their own garage, although these have not been counted towards the parking levels). All proposed flats would provide 1 space per unit. In addition visitor parking would be accommodated. This would accord with the Kent Parking standards and in turn with Policy T2 of the ADMP.

Infrastructure

- 250 Members will note that the impact of the development on local infrastructure has been a key area of concern raised by the Town Council and local residents.
- 251 Policy SP9 of the Core Strategy states that development should make provision for new infrastructure where necessary. However the Community Infrastructure Levy (CIL) has now been introduced, which places a mandatory charge on new residential developments to be used to fund infrastructure projects within the District. The Council has produced the following list of infrastructure types that will be funded through CIL receipts (known as the Council's Regulation 123 List) –
- Transport schemes other than site-specific access improvements;
 - Flood defence schemes;
 - Water quality schemes;
 - Education;
 - Health and social care facilities;
 - Police and emergency services facilities;
 - Community facilities;
 - Communications infrastructure (beyond that directly secured by agreement between the developer)
 - Green infrastructure other than site-specific improvements or mitigation measures (for example improvements to parks and recreation grounds).

- 252 The amount of money required under CIL is based on the floor area of a development. Members should note that the floor area for this development is not

set under the terms of the outline application. However, as a rough guide to Members, and based on the likely housing mix and unit size specified on the illustrative plans, a CIL contribution in the region of £1.1 million would be likely to be generated from the development, which would be eligible to be used on schemes as listed above.

- 253 A number of objections have been received on the basis that the local GP surgery is full, that the area is not properly policed, and that there are no schools for children. In particular there are no secondary schools, and existing children in Edenbridge travel away from the town for their education, either to Sevenoaks or to neighbouring authorities, including Tunbridge Wells and Tonbridge.
- 254 Kent County Council are responsible for education services, and produce a Commissioning Plan for education, which forecasts the demand and supply of school places in the County. The Commissioning Plan recognises that there will be increased demand for both primary and secondary school places arising in the south west of the district, and seeks to plan for increased school capacity to cater for this.
- 255 Kent County Council would be entitled to bid for CIL money to help fund increases to school capacity within the catchment area of Sevenoaks District.
- 256 The NHS has submitted formal comments on this application, and seek a sum of money to be secured towards the improvement of primary care services in Edenbridge. Again, the provision of health and social care facilities now falls squarely under CIL, and the NHS would be entitled to bid for money to help fund the deliver of further primary care services in the area.
- 257 Likewise, CIL can be used to fund police / emergency service facilities.
- 258 Concern has also been raised from local residents over the adequacy of rail services to cope with additional demand generated from the development. In particular, peak hour train services are said to be at / over capacity. The developer has forecast that the proposed housing development would be likely to generate around 33 residents who would use train services at peak times.
- 259 The Core Strategy sets out a list of planned infrastructure improvements that would affect the District, and identifies that there are plans to increase the number of carriages for peak trains on the Uckfield to London line, which stops at Edenbridge. It would appear from some comments made by local residents that such lengthening proposals are still due to take place. Network rail has commented that the development would be likely to increase demand on rail services but, to date, has not objected to the proposal.
- 260 It should be noted that no infrastructure provider has formally objected to this proposal. Members should also note that government guidance on collecting contributions from developers is very clear – and that additional contributions towards infrastructure that is funded under CIL cannot also be sought by way of a S106 agreement – as this would amount to “double dipping”.
- 261 The development would deliver green infrastructure in the form of the public and open space within the development and the allotments. It would also deliver highways improvements directly related to the increase in traffic on the local network, through junction improvements and works to improve pedestrian safety

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on St Johns Way via a S106 Agreement. Other infrastructure works are capable of being delivered using, in part, CIL contributions collected. This would be compliant with Policy SP9 of the Core Strategy.

Conclusion on compliance with design guidance under H1(p) of the ADMP

- 262 Taking the above factors into account, I consider that the site is capable of delivering a development of up to 300 units. Although this would be more than the approximate capacity specified in the guidance, it would remain lower than the 40 dph for Edenbridge specified in Policy SP7 of the Core Strategy. Given the mix of housing illustrated on the plans and supporting information, the bias towards smaller units of accommodation would mean that a suitable edge of town settlement could still be created, with an emphasis on lower density towards the west boundary with the green belt.
- 263 Whilst many concerns and objections have been raised in respect of Infrastructure, the development would be subject to CIL, and the whole purpose of this is to provide funding towards improvements to infrastructure.
- 264 Overall, I consider that the development would be compliant with the aims of the design guidance, and thus policy H1(p) of the ADMP.

Other matters

Neighbouring Amenities

- 265 Policy EN2 of the ADMP states that proposals will be permitted where they would provide adequate residential amenities for existing and future occupants, and would not result in excessive noise, vibration, odour, air pollution, activity or vehicle movements, overlooking or visual intrusion, and where development would not result in an unacceptable loss of privacy or light to neighbouring properties.
- 266 The existing dwellings that would be most affected by the proposals are Hamsell Mead Farm, the dwellings on St Johns Way and surrounding roads, and those on Sunnyside.
- 267 Hamsell Mead Farm forms part of the allocated site for housing, although it is under separate ownership to the remainder of the site. As a result of this, the development site would surround Hamsell Mead Farm on three sides. The dwelling at Hamsell Mead Farm is sited to the east of the plot, with a range of old farm outbuildings running along the west boundary. Good levels of landscaping and screening exist on parts but not all boundaries of the plot. The dwelling stands around 30m distant from the southern boundary with the development site, around 20 metres from the west boundary, and 35 metres from the north boundary. These would all maintain suitable distances for privacy light and outlook. The illustrative layout shows some units to the east of Hamsell Mead Farm, at a distance of around 15 metres from the dwelling. This is the closest part of the development site to the dwelling, and it would be expected at reserved matters stage that the layout of the site was designed to avoid any direct overlooking relationships. Given the nature of the site, this should be easily achievable.
- 268 The development would clearly have an impact on this property as it would develop an existing large undeveloped area of land. The outlook to the property

would be significantly different, as would other aspects such as noise, activity vehicle movements, visual intrusion and privacy. However the planning system does not exist to protect absolutely existing levels of amenity that may be enjoyed by a property. The key issue is whether the development would maintain acceptable living conditions for this property. In this respect, the relationship between the dwelling at Hamsell Mead Farm and the development site would be typical of many relationships between houses, and I do not consider that unacceptable living conditions to Hamsell Mead Farm would arise.

- 269 The dwellings at Sunnyside are largely separated from the application site by Hamsell Mead Farm and by a well landscaped parcel of land to the east of the farm. The closest dwelling on Sunnyside to the site is around 50 metres away. At this distance, and across areas of existing landscaping, I do not consider that any direct unacceptable impacts upon the dwellings at Sunnyside would arise. There would be some longer-range impacts on outlook, and matters such as external lighting, noise and vehicle activity may be noticeable to these residents. However this would fall well short of being an unacceptable impact on the living conditions of these properties.
- 270 Some residents have raised concern that occupants of the development would use Sunnyside as a short-cut to the train station. However there is no direct access from the application site to Sunnyside, so this would not appear possible.
- 271 The existing residential properties on St Johns Way, Champions Road and Shires Walk would share an immediate boundary with the application site. The dwellings on Champions Way face towards the site, across an access road and landscaped boundary. The illustrative plan shows that these properties would face towards the rear gardens of proposed dwellings, at a distance of around 30 metres. I consider this would be a sufficient distance to maintain light, privacy and outlook to these existing units. Likewise the units on Shires Walk face across an access road towards a landscaped boundary with the application site. No 1 Shires Walk is physically closer, but orientated side-on to the application site, with main windows facing front and rear. Again, I consider the siting and orientation of these units to be such that a layout can be designed on the application site to avoid direct unacceptable impacts.
- 272 Likewise the development can be designed at reserved matters stage to avoid unacceptable impacts on the nearest properties in Hunters Way.
- 273 No 11 St Johns Way is a detached dwelling sited at the entrance to the application site. This is orientated at an angle, with its rear elevation facing onto the landscaped boundary with the site. The illustrative plan show that an area of space could be maintained around this property, to avoid direct unacceptable impacts upon outlook, privacy or light.
- 274 This property and others on St Johns Road would experience a significant rise in vehicle movements travelling to and from the application site. Whilst some journeys into the site may be via Enterprise Way, a larger percentage are likely to be via St Johns Way. A number of concerns have been raised on amenity grounds, relating to the increase in noise and vehicle movements that would arise. St Johns Way currently provides access to a limited number of units. Nonetheless, the existing properties on St Johns Road do not have unique characteristics that make them different or uncommon to many roads that provide a route to residential estates, nor has this been identified as part of the site allocation

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process. Whilst undoubtedly the increase in traffic would be noticeable to existing residents, the impact of such traffic would not be to such an extent that could be described in planning terms as unacceptable. As a wholly residential development, the peaks and troughs in vehicle movements would be the same as for existing residents in St Johns Road and surrounding residential roads. There would naturally be fewer vehicle movements at night when people are most likely to be noise sensitive. The site and the access is also a longstanding residential allocated site, and the principle established for this site and its associated impacts.

- 275 Taking all of the above factors into account, whilst undoubtedly there would be impacts arising from this development in terms of factors such as outlook, noise and activity, vehicle movements and relationships between buildings, I do not consider that these impacts would be likely to cause unacceptable living conditions to existing properties. In this respect, I do not consider that the development would be in conflict with Policy EN2 of the ADMP.
- 276 In terms of the residential environment for future residents of the development, the illustrative layout shows that the development would provide suitable space and privacy distances between units, although this will be subject to detailed consideration at reserved matters stage. Some units are shown to be sited close to the industrial units on Enterprise Way, and an operator has written to raise concern about any impact this may have on their business. The applicant has submitted noise surveys to demonstrate that the development can be undertaken without unacceptable noise impacts to those properties closest to the industrial estate. The findings of this report are acceptable to the Council's Environmental Health Officer, subject to a planning condition.
- 277 As such, the development should be capable of providing an acceptable residential environment for future occupants, in accordance with Policy EN2 of the ADMP.

Drainage / flooding

- 278 The applicant has provided a Flood Risk Assessment and Drainage Strategy for the site. The Environment Agency has not raised objection to the development on flooding grounds. Whilst some points have been raised by the Environment Agency and Upper Medway Internal Drainage Board regarding the surface water drainage proposals, which rely on underground storage rather than more use of ponds / swales, this falls short of an objection to the development. Both organisations have recommended a condition on surface water drainage to explore this matter, and particularly exceedance rates, in greater detail.
- 279 The Government has recently passed new legislation relating to drainage, and there is now a requirement for consultation on major development sites to be carried out with the "Lead Drainage Authority". Kent County Council is the lead drainage authority, and have been consulted on this application. Their comments are awaited and, if received, will be reported to Members at committee.
- 280 Southern Water has identified a capacity issue with the existing sewer network between the application site and treatment works. It will be necessary for Southern Water to undertake a more detailed survey of the sewer to understand the nature of the capacity problems – at present their "baseline" survey is not detailed enough to pick up the exact reason why there is a capacity problem. For

example, it could simply be due to a short section of their sewer being of small diameter width which causes a bottleneck. Potentially, this could be easily resolved. Alternatively the capacity issue could be caused by a more significant problem – for example a long section of pipework that requires replacement.

- 281 Any improvements required would be subject to compliance with legislation under the Water Industry Acts. I would recommend that a “grampian” style condition be imposed to prevent occupation of any new units until sufficient capacity has been provided in the sewer network. This will place a responsibility on the developer to ensure that any capacity improvements are agreed with Southern Water.

Sport England

- 282 Members will note that Sport England has submitted an objection to the development unless funding is provided for the provision of off-site improvements to sports facilities.
- 283 Members should first note that off-site improved or new sports facilities would be funded via CIL.
- 284 Furthermore, the need for indoor / outdoor sports and recreation facilities within the District is set out in the Council’s “Open Space, Sports and Recreation Study”(2009) and the “Indoor Sports and Recreation Facilities Assessment” (2009). These documents identify a need for new allotments in the Edenbridge / Marlpit Hill area, and these are being provided in the new development. The above assessments do not identify any pressing needs, district-wide, for the type of facilities specified by Sport England. Therefore, even if funding towards such facilities was not covered by CIL, it would be unlikely that the Council could demonstrate that the development would have to make a contribution towards the improvement of sports and recreation facilities in the area.
- 285 Taking this into account, it is not considered that the development would be in conflict with SP10 of the Core Strategy, which seeks for new development to provide on site sports and recreation facilities or to contribute towards off-site facilities where required.

S106 requirements

- 286 The developer will be required to enter into a S106 agreement to secure the following –
- Provision of *affordable* housing
 - Off-site *highways* works
 - Provision of, and long term Management and maintenance of the public open space, play areas, natural green space and allotments.
 - Travel Plan contribution
- 287 These works are necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind, and as such meet the “tests” for Planning Obligations.

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Construction traffic

- 288 Some concern has been raised by residents over access for construction traffic. The applicant has confirmed that construction traffic would utilise the Enterprise Way access, and not St Johns Way. This could be controlled via a condition relating to construction management.

Impact upon wildlife

- 289 Some residents have raised concern over the impact upon wildlife arising from the development. The developer has undertaken wildlife and ecological surveys to the satisfaction of both the KCC Ecologist and Kent Wildlife. Subject to conditions, it is considered that the development would not impact unacceptably on biodiversity in the area, and in this respect would comply with SP11 of the Core Strategy.

Conclusion

- 290 This is a major development site. The development of 300 units would add significantly to housing stock locally and within the district. Whilst this land has been reserved for future development over a long period of time, changes to Government legislation have resulted in the site being brought forward in the ADMP as an allocated housing site.
- 291 The number of units proposed, together with the likely mix and layout of housing, are considered to be acceptable for this location. The development would provide 40% of the units as affordable housing, making a significant contribution to the stock of such housing within the District.
- 292 The highways implications of the development have been investigated by Kent Highways, and are considered acceptable.
- 293 The impacts of the development on the flood zone that runs through the centre of the site are considered acceptable by the Environment Agency.
- 294 Although the impact of the development upon local infrastructure is a justifiable concern, the development would make a sizeable CIL contribution towards improvements to such infrastructure. The amount of CIL payable is set by the Council as the charging authority and is not negotiable.
- 295 Taking the above factors into account, and for the reasons as set out in detail in the report, the proposal is considered to comply with national and local planning policies.
- 296 Subject to the applicant entering into a S106 agreement within 3 months from the date of this committee, to secure affordable housing, off site highways works and the long term provision, management and maintenance of the open / green space and play areas, and subject to no objection being raised by Kent County Council as the lead drainage authority, I would recommend that outline planning permission should be granted.

Background Papers

Site and Block Plan

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

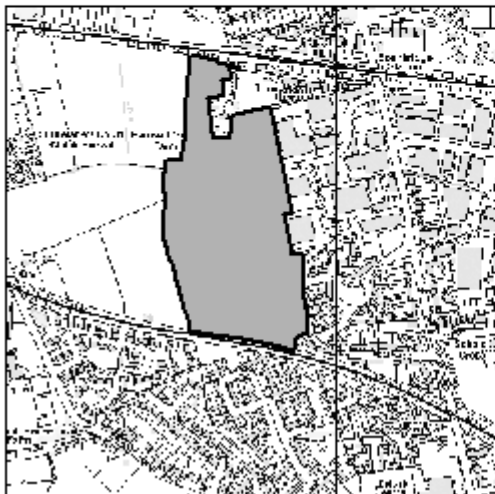
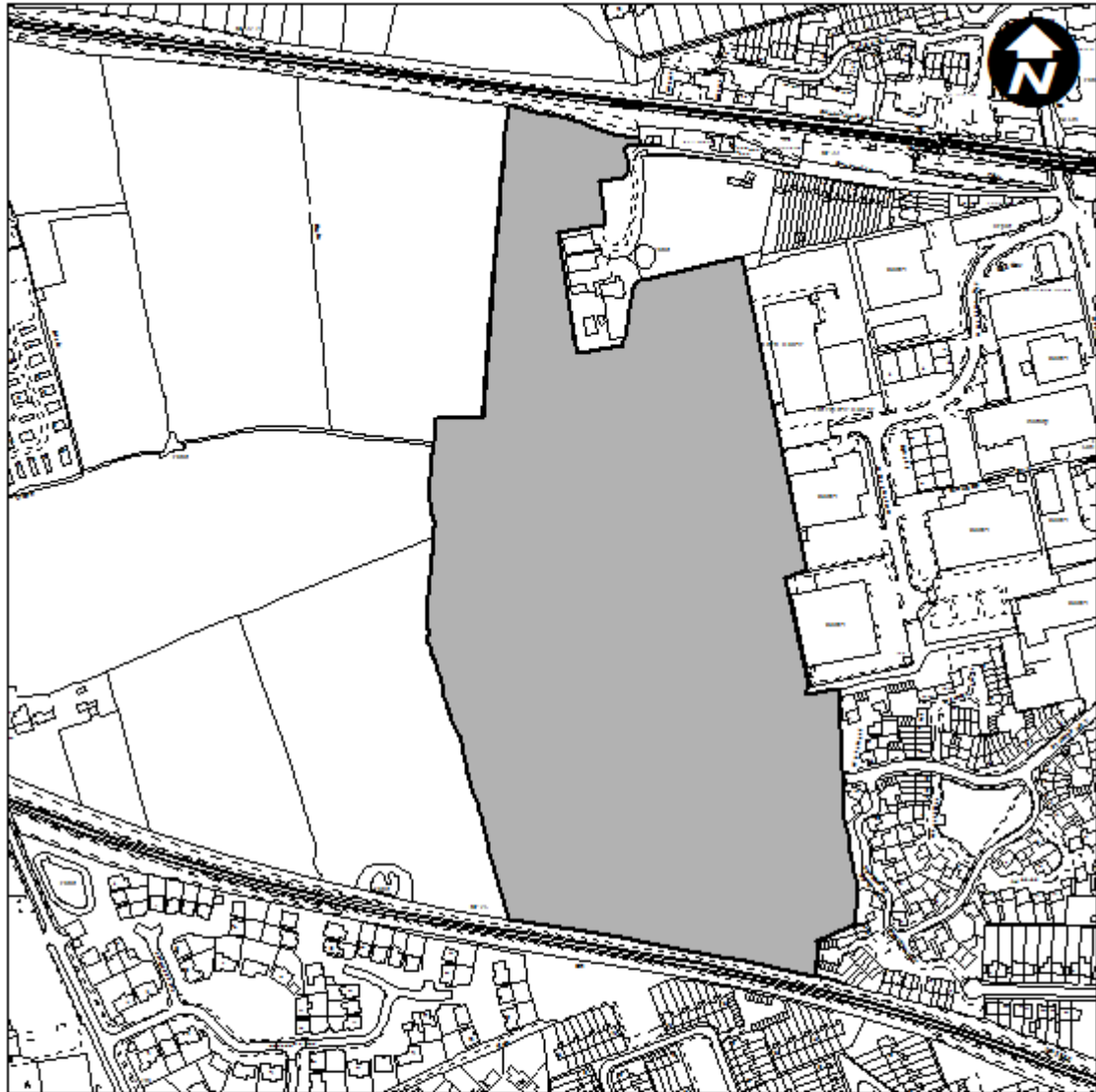
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NFZYAQBKHWT00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NFZYAQBKHWT00>



Site Plan

Scale 1:5,000

Date 12/05/2015



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Ordnance Survey 100019428.



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4.3 - SE/15/00216/OUT Date expired 15 May 2015

PROPOSAL: Outline application for Demolition of existing buildings and construction of a mixed use development to include 14 flats and retail premises with some matters reserved.

LOCATION: Meeting Point Day Centre Rural Age Concern, 27 - 37 High Street, Swanley BR8 8AE

WARD(S): Swanley Christchurch & Swanley Village

ITEM FOR DECISION

This matter is referred to the Development Control Committee because the application site is owned by the Council

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

1) Details relating to the scale, layout and appearance of the proposed building(s) and the landscaping of the site (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the District Planning Authority before any development is commenced.

In Pursuance of section 92(2) of the Town and Country Planning Act 1990.

2) Application for approval of the reserved matters shall be made to the District Planning Authority before the expiration of three years from the date of this permission.

In Pursuance of section 92(2) of the Town and Country Planning Act 1990.

3) The development to which this permission relates must be begun before:
- the expiration of three years from the date of this permission; or -the expiration of two years from the final approval of the reserved matters whichever is the later.

In Pursuance of section 92(2) of the Town and Country Planning Act 1990.

4) Prior to commencement of work on site, details shall be submitted to and be approved in writing by the Council to demonstrate provision of on site parking facilities for personnel and visitors and for the storage of materials and plant. Such provision shall be retained for the duration of the building works. The scheme shall be carried out in accordance with the approved details.

In the interests of highways safety and the free flow of traffic on the adjacent highway. "The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted."

5) Prior to commencement of work on site and for the duration of construction facilities shall be provided for wheel washing. The details shall be submitted to and be approved in writing by the Local Planning Authority prior to the commencement of works and the scheme shall be implemented in accordance with the approved scheme.

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To avoid the deposit of mud and dirt on the adjacent highway. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

6) 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 area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan..

7) Within 3 months of the commencement of development details shall be submitted to and be approved by the Local Planning Authority of a proposed hard and soft landscaping scheme providing details of materials, species, planting density, planting size and planting programme of all new planting. The scheme shall be implemented in accordance with the approved plans. Any plants that die, become diseased, are damaged or removed within 5 years of the occupation of the development shall be replaced with plants of a species, size and in a location to be agreed with the Local Planning Authority.

To ensure a satisfactory appearance upon completion.

8) Prior to the first occupation of the development, details shall be provided in writing to and be approved by the Local Planning Authority of the proposed bin stores. The store shall be provided prior to the first occupation of the development.

To ensure a satisfactory environment upon completion.

9) Prior to first occupation details shall be submitted to the Local Planning Authority in writing and be approved by them of the proposed cycle storage facility. The scheme shall be carried out in accordance with the approved plans prior to the first occupation of the scheme.

To ensure the satisfactory operation of the scheme upon completion.

10) The development hereby permitted shall be carried out in accordance with the following approved plans in respect of the access only: 3867-PD-01RevB

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

11) Prior to the commencement of work on site and for the duration of construction, provision shall be made on site for the parking, loading/unloading and turning of construction vehicles.

In the interests of highways safety and the free flow of traffic on the adjacent highway. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted."

12) Prior to the use of the site commencing the parking spaces shown on the approved plans shall be provided and permanently retained. The parking spaces should

not be allocated to specific flats/retail units.

In the interests of highways safety and the free flow of traffic on the adjacent highway.

13) Details submitted pursuant to condition 1 shall show a building with a ridge height no greater than the ridge height of 39 High Street, Swanley.

In order to ensure a building that is sympathetic to the scale of the surrounding streetscene in accordance with the provisions of the NPPF, policy SP1 of the Core Strategy and policy EN1 of the ADMP.

Informatives

1) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

2) It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

3) You are advised of the need for the completion of a S106 Agreement in respect of the provision of affordable housing, in accordance with the provisions of policy SP3 of the Sevenoaks Core Strategy, prior to the determination of this application.

4) Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres /minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

5) You are advised that a Party Wall Agreement will be required in connection with the works adjoining 37 High Street.

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

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arise in the processing of their application,

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

In this instance the applicant/agent:

- 1) Was updated on the progress of the planning application.

Description of Proposal

- 1 The proposal comprises an outline application with all matters reserved except means of access, for the demolition of the existing building on the site and the erection of a building to include 14 flats, and retail premises.
- 2 The illustrative plan shows a single block, 3 stories in height, fronting onto the High Street and attached to number 39 High Street. It shows a building that lies on the same building line as the adjoining buildings and be the same height as adjacent buildings. The front roofslope would match that of the adjacent adjoining building at 39 High Street but with a partial flat, partial mansard roof at the rear of the site. The building narrows at the rear with a central projecting three storey element.
- 3 Parking is at the rear of the site accessed via an access between this building and number 25 High Street. Parking is shown for 20 vehicles arranged around the edge of the site. Provision is also shown for refuse/recycling and cycle storage. Sufficient space exists for some landscaping at the edge of the site.
- 4 The ground floor would comprise 3 retail units whilst the two upper floors would accommodate 14 flats: a mix of 1 and 32 bedroom units.

Description of Site

- 5 The site comprises a 2 ½ storey building attached to number 39 High Street on the edge of the town centre with a large single storey flat roof extension at the rear. Vehicular access is available at the side of the site with parking available at the rear.

- 6 The property is currently vacant but was last in use by Age Concern with a mixed retail, storage, office, community space – the primary use being as a drop in centre for the elderly. The upper floors were used for ancillary storage or were vacant. It is understood that the building had been used in this manner since at least the early 1980's, albeit not by Age Concern until 2002.
- 7 The nearby buildings are a variety of sizes and designs but all broadly of the same height with commercial uses at the ground floor and a mixture of commercial and residential uses on the floors above.
- 8 To the rear of the site lies an industrial estate.
- 9 Access to public transport and public car parks is nearby.

Constraints:

- 10 Swanley Town Centre, within a secondary retail frontage

Policies

Core Strategy:

- 11 Policies - SP1 SP2 SP3 SP5 SP7 SP8 L04 L05

ADMP

- 12 Policies - SC1 EN1 EN2 T1 T2 EMP5 TLC2

Other

- 13 NPPF

Relevant Planning History

- 14 89/01794 Alterations to ground floor and conversion of first floor from residential to offices. Grant.

92/01026 Alterations to existing ground floor to provide local office, new office front and access ramp. Grant.

13/01696/OUT Demolition of existing buildings and construction of mixed use development to include 16 flats, an office and retail premises. Withdrawn.

Consultations

KCC Highways:

- 15 No objection. This application appears to address the concerns raised by Martin Rayner on the previous application on this site back in July 2013. The reduction in the number of flats, the omission of the office use, the widening of the access road and the provision of service parking now means that I consider that the access and parking provision is adequate for the proposed uses. The site is in a sustainable location close to all services and bus / train travel and with public parking available close by.

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- 16 I can therefore confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

1 Provision and permanent retention of the vehicle parking spaces shown on the submitted plans, prior to the use of the site commencing. The parking space should not be allocated to specific flats / retail units in order to maintain maximum flexibility.

2 Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.

3 Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.

4 Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.

INFORMATIVE: It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Kent Police Authority:

- 17 Views awaited.

Parish / Town Council:

- 18 The Town Council strongly objects to this planning application on the following grounds:

- (i) The application will lead to an over intensification of the site with insufficient parking provision,
- (ii) If approved the application will create additional highway problems. In particular the proposed point of access and egress adjacent to what is already a very busy roundabout is considered to be dangerous and will create an unacceptable hazard to all road users, and
- (iii) The roads in and around the application site are already at capacity and the development will add additional traffic movements onto what are already congested roads. The amount of additional traffic will also have an impact on air quality.

SDC Environmental and Operational Services:

- 19 The provision of, and location of, the recycling and general waste bins for both domestic and commercial waste are satisfactory. Access to the bins by collection crews and vehicles will be by reversing into the site via the access driveway, after

which the crews will wheel bins to the vehicles. Bins for domestic recycling and general waste should be the drop-front variety as outlined in our earlier comments on the proposed development. Commercial recycling and general waste bins can be the traditional wheeled bins that can be lifted - drop-fronted bins are not needed for the commercial collections.

- 20 The only caveat to above is that, in order for vehicles to reverse into and egress from the site, there must be adequate free space along the kerb on both sides of the driveway entrance for these very large vehicles swing into position to reverse into the site. The High Street is both narrow and always busy, so if there are vehicles parked too close to the driveway entrance large vehicles will not be able to safely negotiate the reversing procedure.

Thames Water:

Waste Comments

- 21 Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.
- 22 Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Water Comments

- 23 On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.
- 24 Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres /minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Representations

- 25 Two letters one in respect of a debt owed on this site and the other raising issues regarding the design – hoping it will improve the town centre, and questioning why the flats are for rent and not for sale.

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Chief Planning Officer's Appraisal

Principal Issues

- 26 The main issues concern the principle of development, potential loss of commercial accommodation, density, design/impact upon streetscene, affordable housing, impact upon highways, impact upon neighbour amenities and CIL.

Principle of Development

- 27 The Golden thread of the NPPF is a presumption in favour of sustainable development. Therefore development which accords with the development plan should be approved "without delay".
- 28 At a local level policy TLC2 of the ADMP advises that within the secondary retail frontage of Swanley town centre, proposals for the use of ground floor premises for retail and other A Class uses will be permitted where they would not lead to a dead town centre frontage. This policy further clarifies that uses such as residential and commercial, amongst others, will be appropriate within the town centre outside the primary retail frontage and on the upper floors of the primary frontage where there would be no adverse impact upon the functioning of the ground floor use.
- 29 Subject to compliance with other aspects of the Development Plan, on issues such as impact upon highways and neighbours amenities therefore, the principle of this scheme is acceptable and policy compliant.

Loss of Commercial Accommodation

- 30 Policy EMP5 of the ADMP advises that proposals for mixed use redevelopment on existing unallocated business sites will be permitted, providing the proposal includes significant elements of business use and complies with all other relevant planning policies.
- 31 This policy further advises that the loss of non allocated lawful business premises to other uses will be accepted, provided it can be demonstrated that the site has been unsuccessfully marketed for re-use in employment use for a period of at least 6 months and that there is no reasonable prospect of the take up for business use.
- 32 The existing premises have been in a mixed commercial/community use at the ground floor. As can be seen from the planning history permission was granted for the change of use of the upper floors to office space in the late 1980's, but it is not clear whether this change ever took place: it appears that the upper floors have been used as ancillary storage to the general commercial/community use of the ground floor.
- 33 Overall these premises have had a mixed use that does not clearly lie within a specific use class – for instance the ground floor, externally had a retail frontage, but in fact was used for a mixture of retail, office, kitchen, lounge/drop in centre and community uses rather than a clear commercial use.
- 34 Therefore whilst policy EMP5 requires a demonstration of ongoing commercial demand where commercial floorspace is to be lost, this issue is not at all clear cut because of the very mixed use the premises have previously been put to.

- 35 The first floor use for ancillary storage to the ground floor lies within neither of the approved uses ie, not within either commercial or residential use. The loss of this space would not prejudice the successful functioning of the proposed ground floor retail units and in terms of job creation, the proposed use would employ potentially more people than the previous use as it is estimated that the new ground floor retail accommodation could support up to 17 jobs. By contrast the previous community use had less than 5 full time employees employed at the premises with other people being volunteers.
- 36 Therefore whilst any future commercial use of the first floor premises would be lost as a result of this scheme, it will also return the ground floor to three clearly retail uses with consequent employment potential. In view of the location of this site within the town centre it is considered that this would be a beneficial return to wholly commercial use of this part of the High Street.
- 37 Overall it is considered that this scheme is compliant with those policies seeking to maintain an active and commercially viable town centre.

Density

- 38 The NPPF advises that local authorities should consider setting out policies to identify a range of densities for development within their area.
- 39 Policy SP7 seeks to ensure 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 urban areas such as Swanley new residential development is expected to achieve a density of 40dph and where close to Swanley town centre higher densities will be encouraged.
- 40 The scheme would provide a density of 90 dph. This would be higher than those adjacent sites as a result of the greater occupied floor area, but not incomparable with other blocks of flats within the vicinity of the town centre.
- 41 Given the town centre location the density is considered acceptable and compliant with those policies that seek to maximise development potential within town centre sites.

Design/Impact upon Streetscene

- 42 The NPPF is clear that good design is indivisible from good planning.
- 43 At a local level policy SP1 Seeks to ensure that all new development is of a high quality and should respond to the distinctive local character of the area in which it is situated.
- 44 In this case this application is in outline with matters of scale, layout and appearance reserved for a later stage. In terms of the layout of the scheme the proposed building may align with those on either side offering a continuation of the existing streetscene and as the illustrative scheme submitted demonstrates, a scheme could be developed that could fit sympathetically into the existing streetscene.
- 45 At the rear of other sites along this stretch of the High Street a number of two storey extensions have been built, with a variety of design styles and roof forms.

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Consequently the bulk and scale of works to the rear of the site could be accommodated on this site without appearing out of character in terms of the scale or in terms of design with other nearby sites.

- 46 The parking layout is acceptable and would not appear out of character with the general character of the rear of the site. Indeed some space is shown for planting which would soften the rear of the site and add much needed greenery to the rear of the site.
- 47 Overall it is considered that the scheme could be developed in a manner that would be acceptable within the context of the surrounding streetscene and would be policy compliant. These detailed matters will be considered as part of the reserved matters application dealing with scale, layout and appearance.

Affordable Housing

- 48 The NPPF seeks to achieve a range of housing type.
- 49 At a local level this is reflected in policy SP3 which seeks to deliver up to 40% affordable housing on a scheme of this type and in this location. The SPD on Affordable Housing identifies that on a scheme of this size would provide 4 units of affordable housing.
- 50 A S106 agreement has not been submitted and therefore in order to comply with policy SP3 such an agreement needs to be agreed. It has been suggested that more than the required number of units could be designated as affordable. Even in this event this still needs to be protected by a relevant legal agreement. Subject to the submission and completion of such an agreement this project would be policy compliant.

Highways

- 51 Policy T1 seeks to ensure that new development mitigates any adverse travel impacts whilst policy T2 seeks to ensure compliance with the relevant parking standards.
- 52 The site is in a highly sustainable location with easy access to town centre facilities and public transport. The scale of development was not considered sufficient to generate need for a Transport Assessment. A previous application had generated concerns from the County Highways Authority but pre-application discussions have overcome those in the form of the current scheme.
- 53 Concerns have been raised in respect of the level of on site parking. As noted already this is a very sustainable location of the site in respect of surrounding amenities and on site parking has been made in accordance with the relevant standards.
- 54 The access and egress is onto the High Street and is not anticipated to compromise safety of the use of the High Street nor of the nearby roundabout .
- 55 As can be seen from the response of the County highways Authority the access to the site and parking arrangements within the site are considered acceptable, subject to a number of conditions.

Neighbour Amenities

- 56 The NPPF seeks to ensure that both existing and future occupants will not be prejudiced by any new development.
- 57 At a local level policy EN2 of the ADMP seeks to achieve the same outcome.
- 58 Of those surrounding the site, those most likely to be affected would be the first floor residents in the adjoining building – to whose flats there is a rear entrance, stairs, terrace and rear facing windows. In this case although the precise details of the scheme are not being presented here, the illustrative scheme shows that it would be possible to design a scheme of this scale without significantly affecting the amenities of those around the site. In this instance the building is shown to be stepped back from the boundary with the adjoining building in order to preserve the outlook and amenities of adjacent residents in accordance with relevant guidance in the SPD on Residential Extensions which considers the impact of new development on light, sunlight and outlook of existing residents.
- 59 It is considered that this scheme could be designed in a manner that would ensure the scheme is compliant with those policies seeking to protect the neighbours of the site.

CIL

- 60 The development will be CIL liable but the liability is calculated at the reserved matters stage.

Other Issues

- 61 Air Quality This site does not lie in an air quality management area. Given its highly sustainable location reliance on the private motor car could be reduced therefore making this a more sustainable location to develop.
- 62 Code For Sustainable Homes: Legislation is currently being changed in respect of the Code for Sustainable Homes requirement. At present policy SP2 is still backed by legislation and must therefore be considered relevant. However two material considerations suggesting otherwise are - the recent ministerial statement and the fact that the Code for Sustainable Homes no longer exists. It would thus be a fairly pointless exercise to impose related conditions. Therefore we can justifiably say a proposal has been considered in relation to the Development Plan however material considerations dictate that in this instance the conditions should not be imposed.

Access Issues

- 63 Would be resolved as part of any B Regs application.

Conclusion

- 64 The application seeks permission for a mixed retail/residential scheme sited within the Swanley Town Centre on the site of an existing commercial site.

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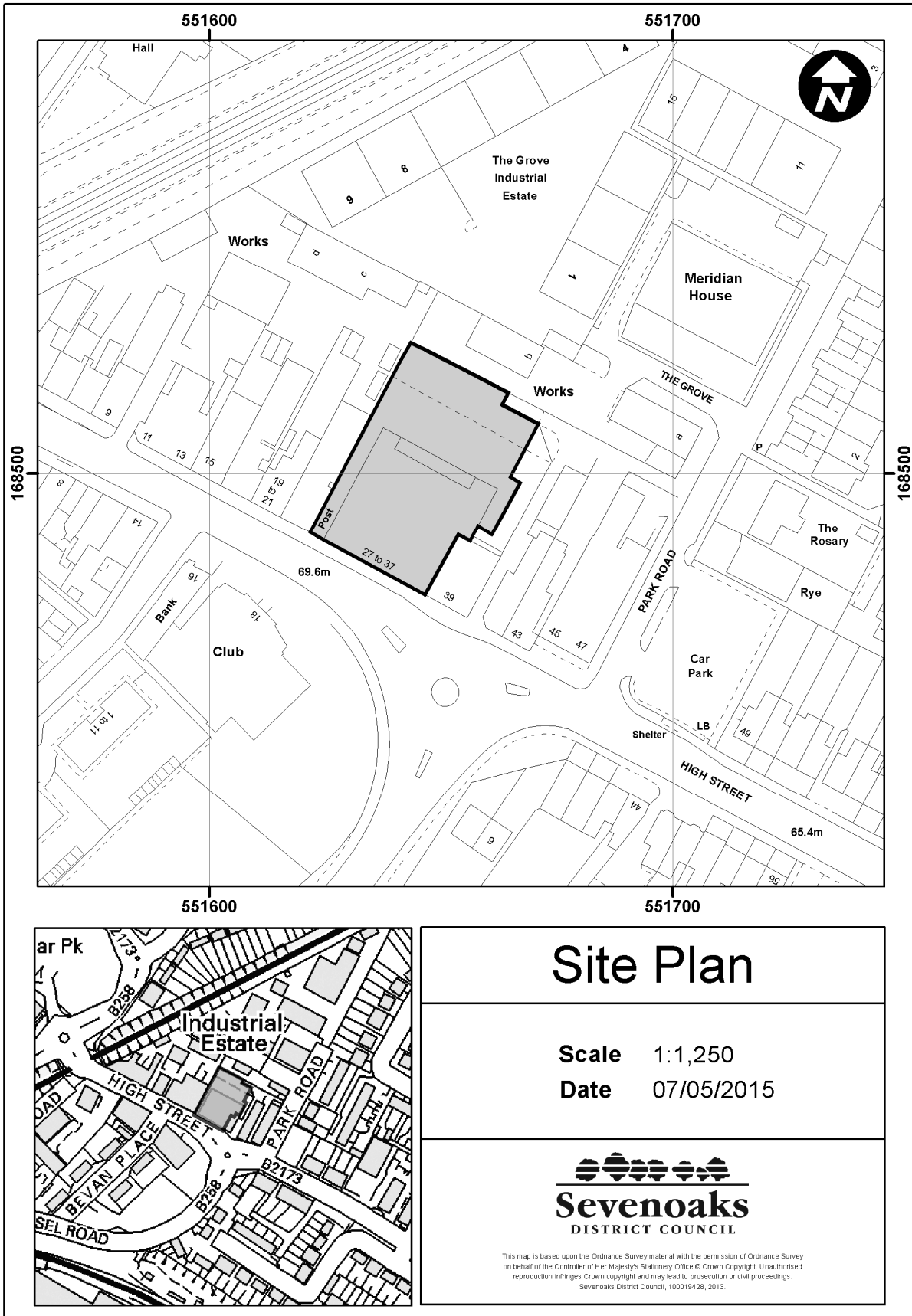
- 65 The scheme would replace an existing building that is currently vacant but previously in a mixed commercial and community use with a mixed residential and community use. The existing commercial element of this site has been quite small, most of the floorspace being ancillary to the community aspects of the previous occupier.
- 66 This application is in outline but it is considered on the basis of the illustrative plans that a scheme could be developed to accommodate this scale of development that would sit comfortably within the existing townscape and would not harm the amenities of neighbours..
- 67 Concerns have been raised about the impact of traffic on this site and the surrounding area. The site has been the subject of lengthy discussions with the County Highways Authority and no objections are raised in respect of the means of access nor the level of parking proposed.
- 68 Overall it is considered that a scheme could be designed that would sit comfortably within the streetscene and would be compliant with all relevant policies.

Background Papers

Site Plans.

Contact Officer(s): Lesley Westphal Extension: 7235

Richard Morris
Chief Planning Officer

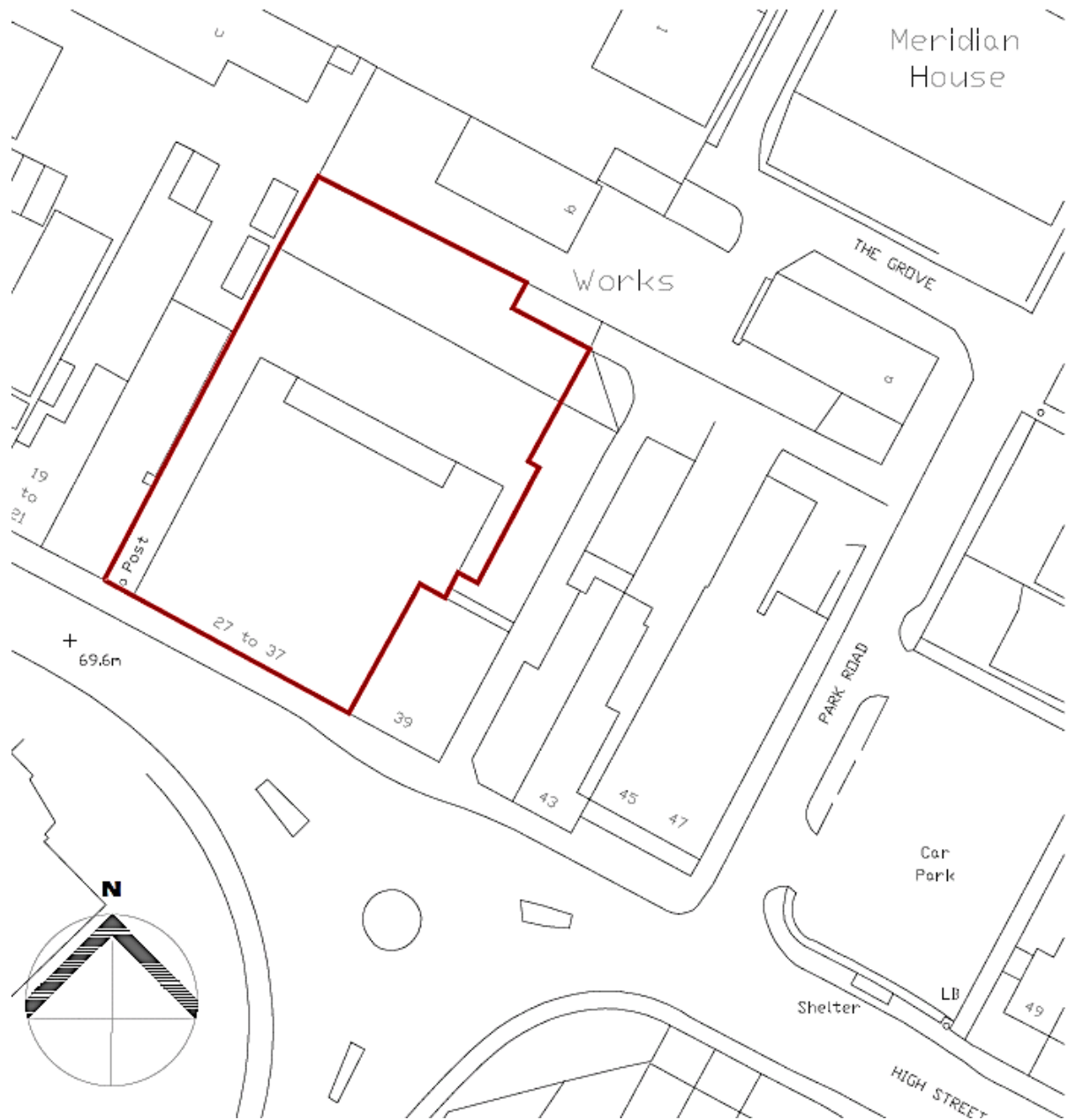


Site Plan

Scale 1:1,250
 Date 07/05/2015



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 Sevenoaks District Council, 100019428, 2013.



4.4 – SE/15/00045/HOUSE Date expired 16 March 2015

PROPOSAL: Two storey side extension.

LOCATION: 7 Nuffield Road, Hextable BR8 7SL

WARD(S): Hextable

ITEM FOR DECISION

This item has been referred to Development Control Committee by Councillor Morris to discuss the impact upon the character and amenities of the area.

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

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

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

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

To ensure that the appearance of the development is in harmony with the existing character of the dwelling as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan..

3) The two first floor rear windows shall be obscure glazed and fixed shut below a height of 1.7m above internal floor level prior to first use of the development hereby approved and shall be permanently retained as such thereafter.

To protect the privacy of the adjoining neighbours in accordance with the provisions of policy EN2 of the Allocations and Development Management Plan 2015.

4) Prior to the commencement of development, including any clearance of the site, details shall be provided in writing to and be approved by the Local Planning Authority of the means of protection of the rear boundary trees/hedge during the construction period. The means of protection shall be implemented in accordance with the approved scheme for the duration of the building works. The existing rear boundary hedge shall be retained at a minimum height of 3.5m's. Should the hedge die, become diseased or be damaged new trees/hedge shall be planted to a height and in a position to be agreed with the LPA.

To protect the outlook and amenities of the residents abutting the site in accordance with the provisions of policy EN2 of the Allocations and Development Management Plan 2015.

5) No windows, other than those shown on the approved drawings shall be added to the first floor without the prior approval in writing of the Local Planning Authority.

To protect the privacy of the surrounding residents in accordance with the provisions of policy EN2 of the ADMP.

6) Prior to the commencement of the development hereby approved, details shall be

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submitted to and be approved in writing by the Local Planning Authority of the proposed internal finished ground floor level. The submitted plan shall also indicate the internal ground floor level of the existing house and the ground levels surrounding the extension. The scheme shall be carried out in accordance with the approved details.

To ensure a satisfactory appearance and to minimise the impact upon surrounding residents in accordance with the provisions of policies EN1 and EN2 of the ADMP.

7) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan, NF/1601/103 received 8.1.15, TR/0310/013 received 17.3.15, TR/0310/017-3 and NF/1601/116 received 7.5.15.

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 improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1 Was updated on the progress of the planning application.

Description of Proposal

- 1 Erection of two storey side/rear extension. The application has been amended to reduce the sideways projection of the extension. The extension would be set back from the front wall of the existing house and would project 4.5m's to the side of

the existing house, extending beyond the rear elevation by 2m's. The extension would have a lower eaves and ridge level than the existing house and be finished in a design and materials to match the existing. The window layout has been amended to provide one ground floor front and one rear facing window to a kitchen/diner, two first floor rear facing windows to an en-suite shower room and one front facing first floor window to a bedroom. No side facing windows at either ground or first floor level.

- 2 The front/side garden area will be finished with permeable paving to allow off street parking.

Description of Site

- 3 The site the subject of this application is located on the south side of Nuffield Road and currently comprises a semi detached two storey dwelling, with off street parking and a relatively large rear/side garden. The site adjoins the boundaries with several residential properties. The site is not level and slopes downhill southward away from Nuffield Road at a relatively gentle gradient. The site is currently bounded by a closed boarded fence with intermittent soft landscaping such as trees/shrubs and a conifer hedge to the rear of the site. The site is located within the existing settlement of Hextable, in an area where there are no site specific or environmental constraints.
- 4 Nuffield Road is predominately characterised by semi detached dwellings the majority of which have frontage parking. There is a small private access off of Nuffield Road providing access to dwellings to the rear of the site, which vary in age and design.

Constraints:

- 5 Built confines of Hextable, area of special control of adverts

Policies

Sevenoaks Core Strategy

- 6 Policies - L01, L04, L07, SP1, SP2, SP7

Allocations & Development Management Plan

- 7 Policies - SC1 EN1 EN2 T2

Other

- 8 NPPF
- 9 SPD Residential Extensions

Relevant Planning History

- 10 84/00115 - Erection of detached bungalow. Refuse.
85/01486 - Two storey side extension. Grant.

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91/00728 - Two storey side extension. Grant.

SE/04/02090/FUL Conversion of existing dwelling to two x one bed flats and two storey extension to form two x one bed flats. Refuse.

SE/04/02967/FUL Conversion of existing dwelling to two x one bedroom flats and two storey extension to side to form two x one bedroom flats. Refuse. Appeal Dismissed.

SE/12/00235 Erection of a new 2 bedroom end of terrace house and information of revised rear exit to the existing premises. Refused.

Consultations

KCC Highways (31.03.15)

- 11 'This application is to extend the current property to a 4 bedroom house and therefore, in accordance with KCC Residential Parking Standards (IGN3), 2 independently accessible parking spaces should be provided within the curtilage of the dwelling. As far as can be ascertained from the application drawing, one space is available to the front of the existing property and one to the side of the extension. Provided this proposal if for an extension to be used as ancillary to No. 7, I have no highway objection to this application.

INFORMATIVE: It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.'

Parish/Town Council

- 12 Comments on original application: Strongly Object. Visual aspect of the road would be lost. This would be a change of street scene. Insufficient space for extra vehicles on this already congested road.

Inspector's previous objections have not been addressed in this new application. Inconsistency in description in the application – some places on the application refers as an extension and in other places it refers to a separate new 3 bedroom dwelling

- 13 No response to the consultation on the amended plan.

Representations

- 14 8 letters of objection to the original scheme raising issues of:
- Overlooking/loss of privacy
 - Insufficient parking/increased traffic on surrounding highway
 - Poor design/ out of character with the area

- Inaccurate plans
 - Overshadowing
- 15 One letter received in respect of the revised plans raising no objection but requesting that the rear boundary hedge be retained and that the rear boundary fence be replaced by the applicant.
- 16 Comments are awaited in respect of a re-consultation regarding the appearance of the side elevation. Any received will be reported in the late observations sheet.

Chief Planning Officer's Appraisal

Principal Issues

- 17 Main issues concern the design, impact upon neighbours and impact upon adjacent highway.

Design

- 18 The NPPF equates good design with good planning seeking to ensure that the design of new development enhances the character of the area in which it is sited.
- 19 At a local level policy EN1 of the ADMP sets out a number of criteria that should be considered in respect of new development. These criteria seek to ensure that new development is of good design and sympathetic to the character of the area in which it is sited.
- 20 The SDLP on Residential Extensions sets out guidelines to ensure that such development is sympathetic to the character of the existing house, surrounding area and respects the amenities of the neighbours. In this case most relevant is the guidance which suggests that side extensions should be set back from the front wall of the original house, that the scale of the extension should respect the scale of the original house and that the ridge line should be set down from the ridge line of the original house.
- 21 The scheme has been amended to remove the originally proposed single storey side garage and reduce the width of the two storey side extension from 6m's to 4.5m's. In view of the lower ridge height, the set back from the front elevation and the reduced width of this scheme it is considered that the scale of the extension would now sit comfortably within the context of the house, the plot and the surrounding streetscene.
- 22 The materials and general design would be sympathetic to the style of the existing house.
- 23 The use of the front and part of the side garden to provide additional off street parking would be acceptable. This is unlikely to have an adverse impact upon the streetscene since views of this part of the garden from the street would be partially hidden by the existing boundary fence.
- 24 As can be seen from the planning history, permission was granted in 1991 for a two storey side extension. That extension projected 8m's across the site, being

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therefore much larger than that now proposed. Whilst the actual policies governing such development have changed since 1991, their aims have not changed insofar as it was the intention then, as now, that new development should respect the general scale and character of the existing dwelling and surrounding area. This application is no longer extant, but nevertheless demonstrates what has previously been found acceptable on this site.

- 25 In 2012 permission was refused for a two storey side addition to this house to form a separate 2 bedroom house. The extension would have been the same size as the existing house, so 1m deeper and 1.3m's wider than the current scheme. That scheme was required to provide for 3 off street parking spaces with independent access to each space. First floor windows to habitable rooms were proposed at first floor in the front and rear elevations. The permission was refused because of inadequate off street parking provision, lack of a contribution towards the council's affordable housing strategy and harm to the neighbours amenities at the rear of the site by virtue of its proximity. 25 letters of objection were received to that scheme.
- 26 It is considered that there are sufficient differences between the two schemes. As discussed in this report, such as to make the current scheme acceptable where previously an addition to this dwelling was considered unacceptable.
- 27 In conclusion it is considered that the modified design would be sympathetic to the character of the existing house and surrounding area and compliant with those policies seeking to achieve good quality design.

Neighbours Amenities

- 28 The NPPF is clear that new development should not harm the amenities of existing or future occupants.
- 29 Policy EN2 of the ADMP seeks to achieve a similar outcome
- 30 The original scheme for this application proposed a development that would have projected across almost the entire width of this site. Given the changing site levels and the relationship of the neighbours to this site, ie they mostly sit lower than the application site, this would have been an intrusive form of development. Only number 5 Nuffield Road does not sit at an entirely lower level than the application site.
- 31 The reduced width of the extension would ensure that the extension sits a minimum of 6.5 m's from the flank garden boundary with properties in Maude Road and 8m's from the rear boundary with 11 Nuffield Road.
- 32 The rear garden of number 11 has potential to be most affected by this scheme largely due to the change in land level between the two plots. At present however as a result of an existing boundary hedge along the shared boundary with number 7 the house does not appear visually intrusive. This hedge lies within the site boundary of no 7 and a condition is recommended to ensure that it is retained at a height that would protect the neighbour's outlook at number 11. Likewise a condition is proposed in respect of the finished ground floor slab level to clarify a precise level in relation to the surrounding ground levels.
- 33 The previously refused scheme provided first floor windows to a habitable room in the rear elevation that would have allowed overlooking of the neighbours garden

to the rear of the site and this was found unacceptable. This application addresses this by only proposing windows to a shower room which could be obscure glazed and fixed shut so no overlooking would result. In addition since the last application the boundary hedge has grown to such a height that it largely obscures from view the rear of this house when viewed from the neighbours garden to the rear. Therefore visually the current scheme is an improvement in terms of visual impact compared to the previous scheme.

- 34 The change to the internal layout now ensures that there is very limited overlooking from the proposed first floor windows. At the rear of the extension two windows to an en-suite shower room are shown – these can be obscure glazed and fixed shut below a height of 1.7m's above internal floor level. At the front a single bedroom window is shown, lying approx. mid way across the first floor. In this position only oblique views across the front/side garden of number 5 would be available. In a previous appeal the Inspector concluded that a living room window at the front of the then proposed works would be an unacceptable intrusion to the neighbours at number 5, but did not conclude that a bedroom window in broadly the same position as that now proposed would be unacceptable.
- 35 Part of the front/side garden is proposed for parking. Actually adequate parking would be available at the front of the house as existing and on the street to negate the need for additional parking. However no objection is raised to this providing the existing boundary fences are retained to protect the neighbours outlook and amenities.
- 36 It is considered that the amended scheme protects the neighbours amenities and complies with all relevant policies.

Impact upon Adjacent Highway

- 37 Previous applications for this site included the creation of a new dwelling which did create concerns in terms of the need it created for more parking on site that could not be adequately provided. This application simply seeks permission for an extension to the existing house with a consequent reduction in demand for off street parking. The current scheme proposes parking in the garden both at the front of the house and the side which is considered more than adequate and there should be no impact upon the adjacent highway as a result of this scheme.
- 38 The scheme is considered policy compliant in this respect.

CIL

- 39 The scheme does not provide enough floorspace to be CIL liable.

Other Issues

- 40 Inaccurate plans: the plans have been checked and appear to be accurate.

Access Issues

- 41 Would be resolved as part of any Building Regulations application.

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Conclusion

- 42 This scheme has been amended to show a much reduced proposal for an extension to the existing house. It is considered acceptable and policy compliant in terms of its design, impact upon the neighbours amenities and impact upon the adjacent highway.

Background Papers

Site and Block plan.

Contact Officer(s): Lesley Westphal Extension: 7235

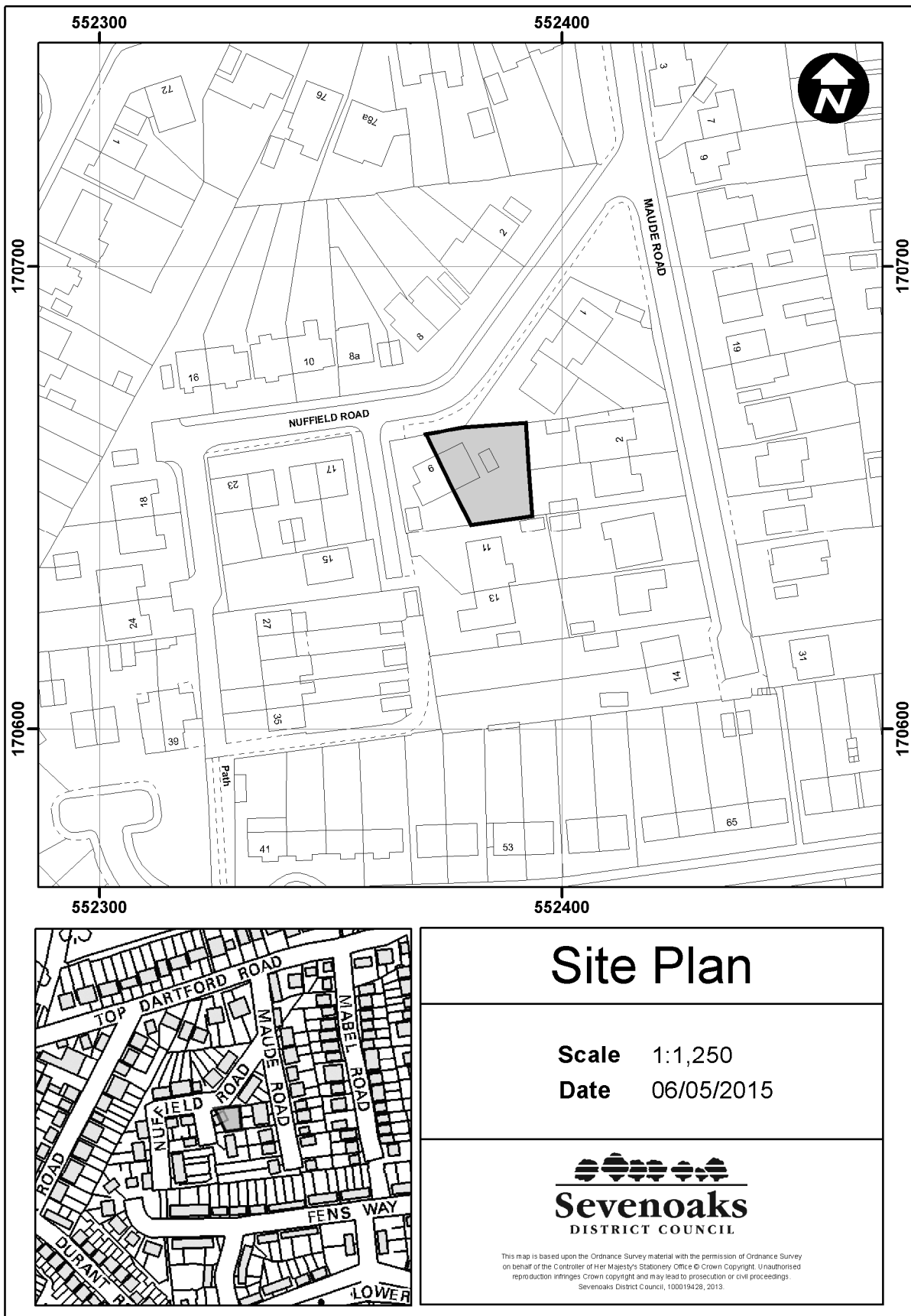
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NHVBEWBKI9900>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NHVBEWBKI9900>

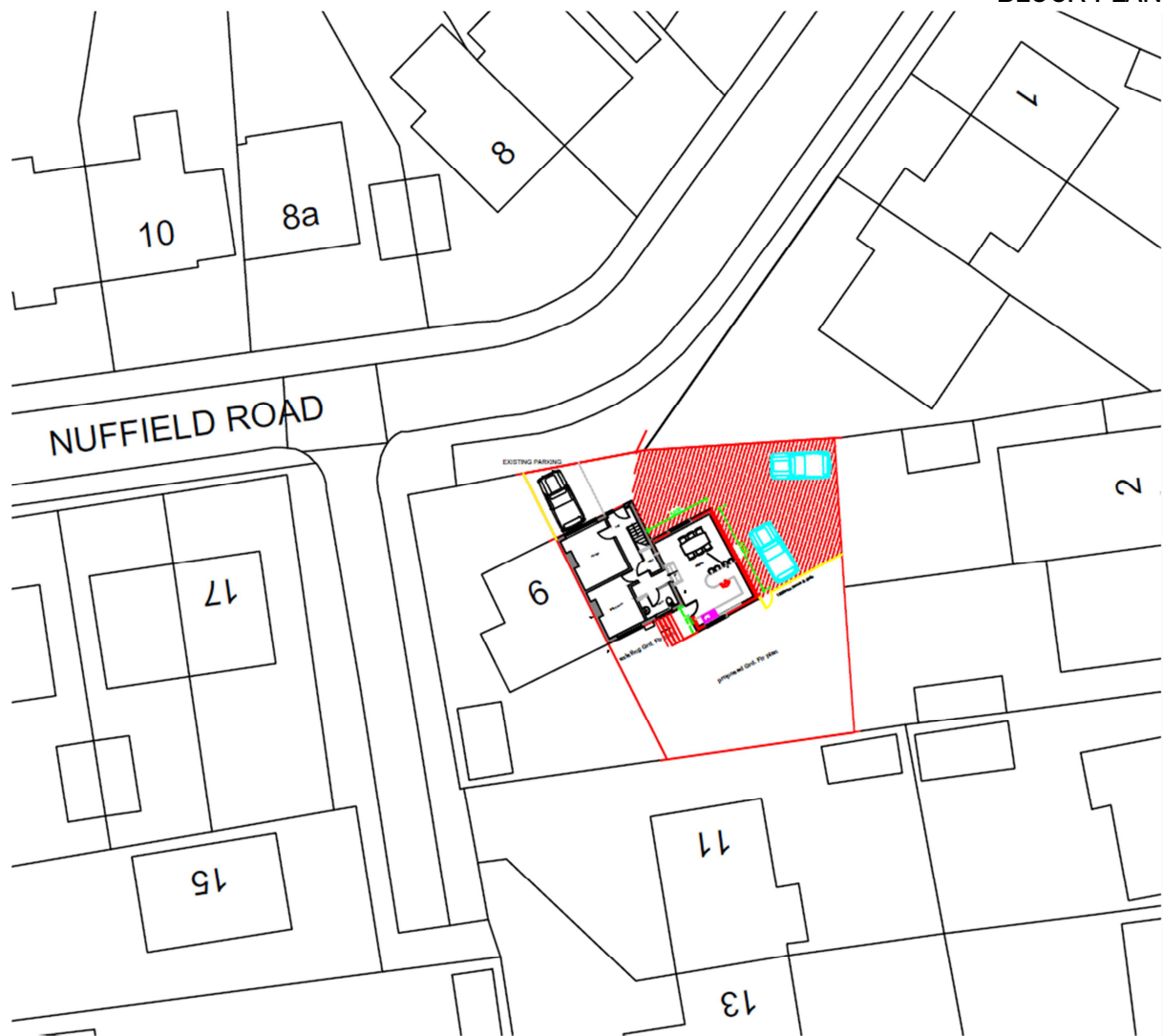


Site Plan

Scale 1:1,250
 Date 06/05/2015



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 Sevenoaks District Council, 100019428, 2013.



4.5 SE/15/00240/FUL Date expired 23 March 2015

PROPOSAL: Demolition of the existing garage and the erection of a new detached chalet bungalow on the land adjacent to Ivy Cottage.

LOCATION: Land North Of Ivy Cottage , Stonehouse Road, Halstead TN14 7HN

WARD(S): Halstead, Knockholt & Badgers Mount

ITEM FOR DECISION

This item has been referred to Development Control Committee by Councillor Williamson who considers the proposed house would be overbearing on the neighbouring property and result in overlooking and loss of privacy and because the proposals would represent infill development which would encroach upon the adjacent Green Belt.

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

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

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

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

To ensure that the proposed house preserves the appearance of the locality as supported by policy EN1 of the Sevenoaks District Local Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

3) The development shall be carried out in strict accordance with the approved drawings, with particular reference to the ground levels and height of the building indicated on drawing 445-PD-021.

To protect the amenities of the neighbouring occupiers and the amenities of the street scene as supported by policies EN1 of the Sevenoaks District Local Plan.

4) No development shall be carried out on the land until full details of all soft and hard landscape works and all means of enclosure to be maintained or erected have been submitted to and approved in writing by the Council. Those details shall include:-details of materials for all hardsurfaces;-planting plans (identifying existing planting, plants to be retained and new planting, to specifically include details of planting along the northern boundary of the site adjacent to Silverdale (the property to the north); and-a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities).The hard and soft landscaping and means of enclosure shall be

Agenda Item 4.5

carried out in accordance with the approved details prior to occupation of the development or in accordance with an programme of implementation which shall have been agreed in writing prior to commencement of works. The means of enclosure shall be retained as approved thereafter.

To safeguard the visual appearance of the area as supported by EN1 of the Sevenoaks District Local Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

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 next planting season with others of similar size and species.

To safeguard the visual appearance of the area as supported by EN1 of the Sevenoaks Allocations and Development Management Plan.

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

To safeguard the amenities of the neighbouring occupiers and the visual amenities of the street scene as supported by policy EN1 of the Sevenoaks District Local Plan.

7) Prior to commencement of development a plan indicating the position and type of wheel washing facilities shall be submitted to the District Planning Authority for approval in writing. The approved details shall be implemented on commencement of development and maintained for the duration of the works on site.

In the interests of highway safety as supported by policy EN1 of the Sevenoaks District Local Plan. To ensure that the proposed extension preserves the appearance of the locality as supported by policy EN1 of the Sevenoaks District Local Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

8) The development hereby permitted shall be carried out in accordance with the following approved plans: 4554-PD-021 and 4554-PD-020.

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 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.

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.
- 2) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Background

- 1 Planning permission was granted on 29th September 2014 for the demolition of the existing garage on site and the construction of a new detached chalet bungalow on the land adjacent to Ivy Cottage (ref: SE/14/02335/FUL). This permission was subject to a legal agreement to secure a financial contribution of £14, 502.00 towards the provision of affordable housing off-site. This permission has not been commenced.
- 2 The current application is identical to that approved above, but does not offer a contribution towards affordable housing.

Description of Proposal

- 3 The current application again seeks permission for the demolition of an existing detached garage and the erection of a 2 storey, 3 bedroom, detached dwelling on an area of existing garden located to the north of Ivy Cottage.

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- 4 The proposed dwelling would be sited so that the front elevation would be set very marginally behind the front elevation of Ivy Cottage and thus would be set well behind the front elevation of Silverdale. The rear elevation would project slightly beyond Ivy Cottage, including the 3m deep extension recently permitted.
- 5 The proposed dwelling, which would be roughly "T" shaped, would be approximately 8m in width, 9.3m in depth along the north-east elevation adjacent to the neighbouring bungalow, Silverdale and 12.5m in depth along the south-western elevation, adjacent to Ivy Cottage. The house would be sited 4m from the flank of Ivy Cottage and a minimum 4m from the northern boundary with Silverdale and 7m from the flank of the neighbouring building itself.
- 6 The north elevation facing Silverdale would incorporate a catslide roof rising from 2.25m high, with the main front to rear 2 storey element having an eaves to the front, rear and southern elevation at 4m high rising to 6.2m high ridge.
- 7 Materials would comprise largely rendered elevations under a tiled roof, with timber frame detailing at first floor.

Description of Site

- 8 The application site accommodates a modest 2 storey house set in large grounds. The existing house is sited on the southern half of the plot, with the northern half towards the boundary with Silverdale (formally Tankerton) presently open, other than for a detached single storey garage.

Constraints

- 9 Within the built confines of Halstead. The Green Belt boundary is located to the north-east of the site, a minimum 50m away from the site separated by gardens to other properties.

Policies

ADMP

- 10 Policies – EN1, EN2, TN2

Sevenoaks Core Strategy

- 11 Policies – SP1

Other

- 12 National Planning Policy Framework

Planning History

- 13 SE/13/00984/FUL: Demolition of existing garage to facilitate a new 4 bedroom property with integral garage and erection of part two storey and part single storey rear and side extensions and refurbishment to Ivy Cottage to create a 4 bedroom property with integral garage. New dormer and window to front elevation and installation of six solar panels to rear elevation. Refused 23.5.13.

- 14 SE/13/01964/FUL: Demolition of existing garage to facilitate a rear and side extensions, installation of two roof lights to side extension and solar panel, in addition to the refurbishment of Ivy Cottage to create a 4 bedroom property with integral garage and subdivision of the plot to create a new 4 bedroom property with integral garage with installation of solar panel and roof light. Refused 28.8.13.
- 15 The latter application sought a relatively modest reduction in size (including height), but this was not considered to address the Council's original objections.
- 16 An appeal against both applications was DISMISSED at appeal on 4th February 2014 (split decision) in regards to the new house. No objection was raised by the Inspector to the extension of the existing house, Ivy Cottage, which was approved (Appeal decision at **Appendix A**).
- 17 14/01124/FUL: Demolition of the existing garage on site and the construction of a new detached chalet bungalow. Refused 26th June 2014.
- 18 SE/14/02335/FUL: The demolition of the existing garage on site and the construction of a new detached chalet bungalow on the land adjacent to Ivy Cottage. Approved 29.9.14

Consultations

Halstead Parish Council:

- 19 Objection and reasons:

Halstead Parish Council objects to this planning application.

1. Council acknowledges that this application is smaller than the previous applications but, by the size, scale and design, will still be overbearing on the neighbouring properties and will contravene Policy EN1 and L07 of the Core Strategy.
2. The windows will over-look the neighbouring properties resulting in a loss of privacy.
3. This development would equate to 'infill' which is not supported by the NPPF.
4. This land is not in the Green Belt but this development will encroach upon it.

- 20 Further comments:

The Parish Council has received a copy of the response made by Mr & Mrs Evans of Silverdale, they are particularly distressed by this proposed development.

The Parish Council believes that if this application is granted the Section 106 payment should be used towards rectifying the awful condition of Stonehouse Road.

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Other Consultees

Arboricultural Officer:

21 No comment.

Highway Authority:

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

An informative is recommended.

Thames Water:

23 Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

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

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

Representations

25 Have been received from a local resident raising the following objections:

- The proposed infill development would spoil the character of the road and adversely impact the neighbouring bungalow.
- Proposed dwelling close to Ivy Cottage, contrary to Inspector's comments in recent appeal decision.
- Proposals would appear cramped and dominate the neighbouring property to the north (Silverdale).
- At odds with spatial character of the area.
- Overlooking.

26 Concern has also been raised to the inaccuracy of the site location plan as far as it relates to the boundary between Silverdale and Hazelcroft, the property to the north.

Chief Planning Officer's Appraisal

Principal issues

- Principle of development.
- Siting, scale and design.
- Impact on residential amenity.
- Affordable housing.
- Community infrastructure Levy

Principle of development:

- 27 The principle of constructing the new dwelling on the site was established through the grant of permission just of 6 months ago (ref: SE/14/02335/FUL). The current application is identical to that approved above, but does not offer a contribution towards affordable housing.
- 28 This permission is a material consideration of considerable weight in the determination of the current application.
- 29 It is key to note that during the determination of the previous application whilst significant weight was given to emerging policies within the Allocations and Development Management Plan (ADMP), the ADMP has now been formally adopted and the Sevenoaks District Local Plan has now been superseded. Furthermore, Central Government has changed its approach to affordable housing and has issued new guidance to be taken into consideration during the determination of planning applications.

Green Belt issues:

- 30 I note the comments of the Parish Council relating to infill development and the Green Belt. The site is not within the Green Belt.
- 31 The site is separated from the Green Belt by a distance of approximately 58m, with the intervening land comprising extensive open gardens to other houses. Whilst these neighbouring sites could be considered to form part of the setting and context of the adjacent Green Belt, the site itself is clearly set within a more urban context and whilst the proposals would represent a form of infill development, this would be within a built frontage within the built confines.
- 32 Thus I do not consider the proposals would encroach upon the Green Belt and consider the key issues to be those considered in detail below.

Siting, scale and design:

- 33 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. Policy EN1 of the ADMP states 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.
- 34 No objection was raised to the detailed design approach taken.

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- 35 The key issues were considered to be that of the siting, size and bulk. These issues were carefully considered by the Planning Inspector in determining the earlier appeals. In this regard he commented as follows:
- “10. Concerning Appeal A, the proposed dwelling would be sited close to both its boundaries. The new boundary for Ivy Cottage would be close to that property. The introduction of this plot, with a building that leaves little space on either side, would appear incongruous and out of keeping with the established character. This would be harmful to the character of the area.
11. The proposed dwelling has been designed to make the transition between the two-storey Ivy Cottage and Silverdale, a bungalow that has been cut into the slope. However, due to a combination of the scale of the dwelling and its proximity to both side boundaries, the development would appear as being relatively cramped. The fact that the dwelling would be sited forward of both its neighbours would exacerbate the impression that too much development is being proposed for this site. The proposals would be harmful to one of the distinctive characteristics of the area, contrary to Policies LO7 and SP1. The development would not be compatible with other building in the locality, contrary to saved Policy EN1 of the *Sevenoaks District Local Plan*.”
- 36 The Inspector did not consider the amended scheme (concurrent considered as Scheme B) overcame his concerns.
- 37 It is perhaps worth reiterating the reduction in scale compared to the more modest of the appeal proposals. In summary, the width has been reduced by almost 4m and depth by 2.5m (largely by setting the front elevation considerably further back). The height has also been reduced by well over 1m.
- 38 As a consequence of the changes, the proposed dwelling would be set roughly 5m from the northern boundary and some 7m from the flank of Silverdale at the closest point. This increases to just over 8m to the rear because of the siting of the house relative to the northern boundary. This represents an increased distance of approximately 2.4m compared to the later scheme dismissed at appeal, which also proposed a considerably larger building overall. It would also be set 0.8m further from the flank of Ivy Cottage. This would result in a 4m separation from the flank of the existing Ivy Cottage.
- 39 During the number of applications submitted on this site, the scale of the proposed dwelling has been progressively reduced. Rather than the large 2 storey dwelling with roof above originally sought, the current proposal reduces the height of the house with the result that 1st floor accommodation would be contained within the roof area. The introduction of a catslide roof also considerably reduces the bulk of the building, particularly adjacent to Silverdale, the property to the north. The reduction in width also results in a clear increase in the gap between the dwellings either side; 4m to the flank of Ivy Cottage to the south and between 7 to 8.3m to Silverdale to the north. Thus in my view, the proposed dwelling would now sit comfortably within its plot, surrounded by its own amenity space. I consider it would represent an appropriate scale of development which would respect the spatial character of the area and preserve the visual amenities of the street scene.

Impact on residential amenity:

- 40 Policy EN2 of the ADMP relates to amenity protection and seeks to protect the amenities of nearby properties.
- 41 The only neighbouring property likely to be directly affected is Silverdale to the north. This property has been extended to the front to provide a large living room with large picture windows facing north, west and south directly towards the site. The property also has a glazed conservatory/porch immediately adjacent to the boundary with Ivy Cottage, which contains a seating area. Of more significance, Silverdale has 3 habitable rooms (study & 2 bedrooms) with main windows directly facing south towards the north flank of the proposed house (the rear bedroom has other windows).
- 42 In considering the previous appeals, the Inspector concluded that due to a combination of the siting, height and width of the proposed dwelling(s) (both schemes), they would be unacceptably visually intrusive and would have an overbearing impact on the occupiers of Silverdale.
- 43 In comparison to the dismissed scheme, the north-east elevation of the proposed house has been reduced in overall depth by about 3.5m and set back from the boundary by a further 2.4m. Thus the closest part of the flank would be set 5m from the boundary with Silverdale and 7m from the front corner of the neighbouring bungalow. These distances increase further into the site as the proposed house is set at an angle to the boundary.
- 44 I consider the gap to the northern boundary would potentially allow for a planting scheme that could considerably soften the appearance of the development. Furthermore, the increased distance between the properties and the reduced height of the proposed house would address any concerns regarding loss of light in my view. The key remaining issue is whether the profile of the new house would appear unacceptably dominant. In determining the previous application, it was my conclusion that the proposals would not have an unacceptable impact on the amenities presently enjoyed by the occupiers of Silverdale and this remains the case.
- 45 In terms of overlooking, the only windows in the north elevation above ground floor are rooflights which are high level to avoid overlooking.

Other issues:

- 46 There are no highway objections to the proposals – there would be satisfactory vehicular access and more than adequate forecourt parking. I do not consider noise and disturbance from residential vehicles using the site would warrant refusal.
- 47 The building plot is developed and there would be no impact on ecological interests.

Affordable Housing:

- 48 As mentioned above, the previous planning permission included a financial contribution towards the off-site provision of affordable housing. The current application offers no such contribution.

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- 49 However, on 28 November 2014 the Government amended the National Planning Practice Guidance (NPPG) to restrict the circumstances where contributions for affordable housing should be sought. Under the new guidance, contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000sqm.
- 50 These thresholds apply with immediate effect.
- 51 Notwithstanding the fact that policy SP3 of the Core Strategy requires the provision of a financial contribution towards the provision of affordable housing off-site, this policy can only be given weight in as far as it is consistent with current central Government guidance, which it clearly no longer is.
- 52 In the circumstances, whilst I consider it extremely unfortunate that the Council are not in a position to require an affordable housing contribution on this new application for a single dwelling, refusing the application on such grounds would be at odds with current Government advice and would thus be extremely unlikely to be sustainable at appeal and would undoubtedly expose the Council to costs.

Community Infrastructure Levy:

- 53 The new dwelling is CIL liable and the applicant has submitted the relevant CIL forms. No exemption is sought.

Conclusion

- 54 In light of the above, I consider the proposed dwelling, by reason of the siting, size and design, represents an acceptable balance between the need to make efficient and effective use of urban land for new housing whilst preserving the spatial character of the area.
- 55 Furthermore, I consider the reduced scale of the dwelling together with the increased gap between the proposed house and Silverdale is sufficient to ensure that there would not be an unacceptable impact on the amenities of the neighbouring occupiers.
- 56 The requirement for an affordable housing contribution is not consistent with Government guidance which advises that Local Planning Authorities should not seek affordable housing contributions on the development of a single house.
- 57 Because of the clear degree of separation, the proposals are not considered to encroach upon the Green Belt.
- 58 I do not consider there to be any other substantive objections to the proposals.

Background Papers

Site and Block Plan

Contact Officer(s):

Mr J Sperryn Extension: 7179

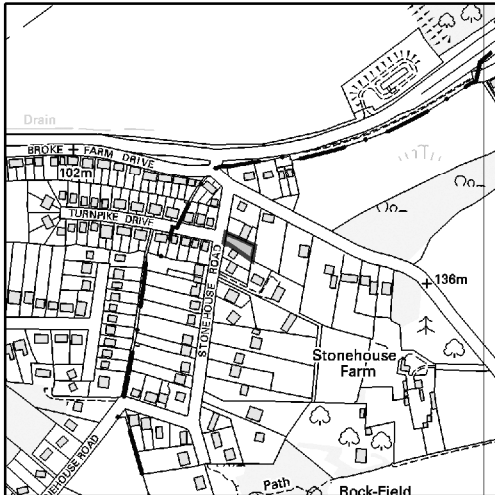
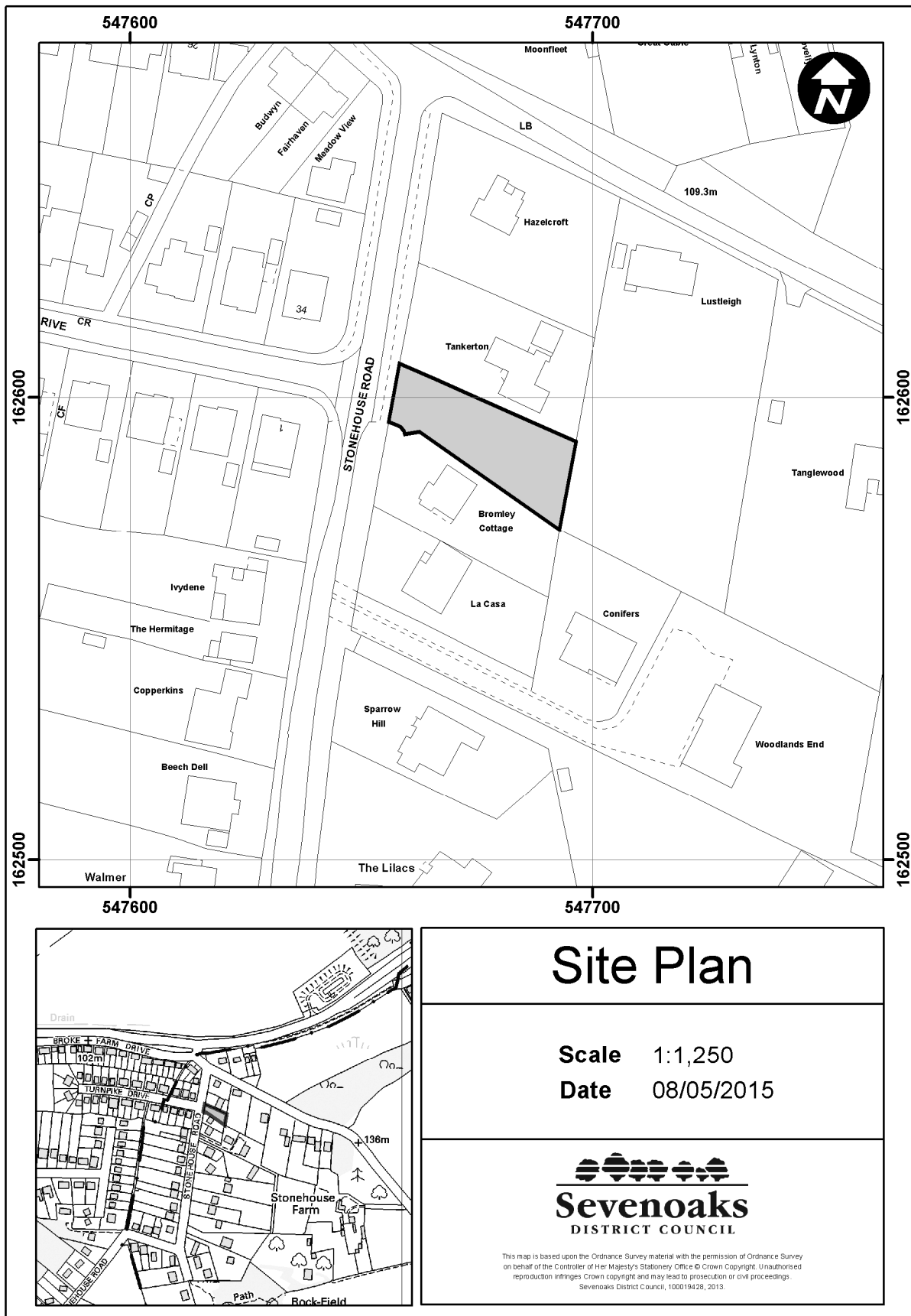
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NISNCLBKIFW00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NISNCLBKIFW00>



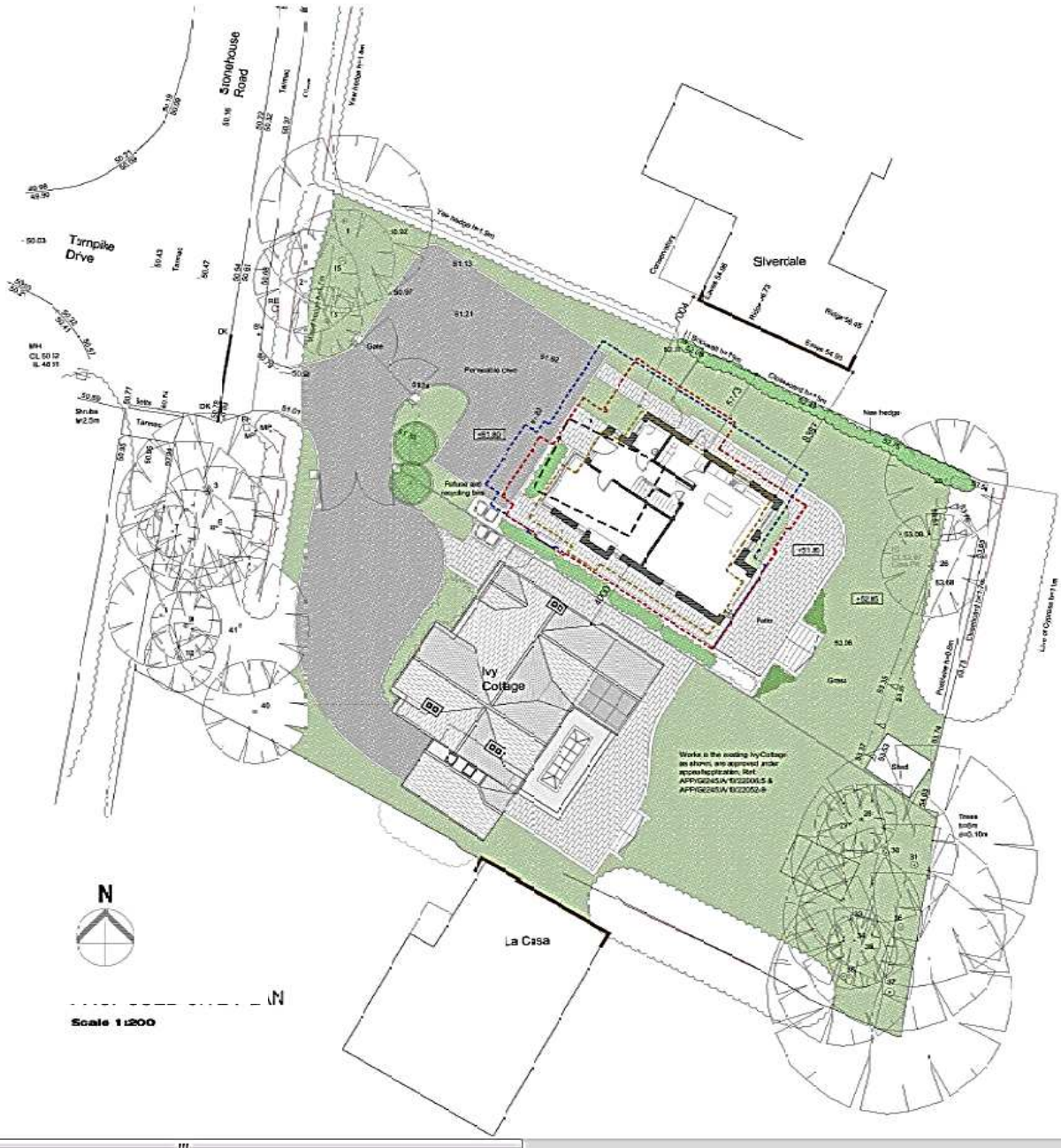
Site Plan

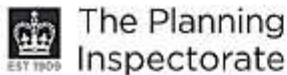
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 Sevenoaks District Council, 100019428, 2013.

BLOCK PLAN





Appeal Decisions

Site visit made on 28 January 2014

by Clive Hughes BA (Hons) MA DMS MRTPI

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

Decision date: 4 February 2014

Appeal A: APP/G2245/A/13/2200625

Ivy Cottage, Stonehouse Road, Halstead, Sevenoaks, Kent TN14 7HN

- 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 TJK Contracts Ltd against the decision of Sevenoaks District Council.
 - The application Ref SE/13/00984/FUL, dated 28 March 2013, was refused by notice dated 23 May 2013.
 - The development proposed is rear and side extensions and refurbishment to Ivy Cottage to create a 4 bed property and integral garage and subdivision of plot to create a new 4 bed property with integral garage with demolition of existing garage.
-

Appeal B: APP/G2245/A/13/2205249

Ivy Cottage, Stonehouse Road, Halstead, Sevenoaks, Kent TN14 7HN

- 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 TJK Contracts Ltd against the decision of Sevenoaks District Council.
 - The application Ref SE/13/01964/FUL, dated 1 July 2013, was refused by notice dated 28 August 2013.
 - The development proposed is rear and side extensions in addition to refurbishment of Ivy Cottage to create a 4 bedroom property with integral garage and the demolition of the existing garage and sub division of the plot to create a new 4 bedroom property with integral garage.
-

Decisions

Appeal A: APP/G2245/A/13/2200625

1. The appeal is dismissed insofar as it relates to demolition of existing garage to facilitate a new 4 bedroom property with integral garage. The appeal is allowed insofar as it relates to the extensions to and refurbishment of Ivy Cottage and planning permission is granted for erection of part two storey and part single storey rear and side extensions and refurbishment to Ivy Cottage to create a 4 bedroom property with integral garage; new dormer and window to front elevation and installation of six solar panels to rear elevation at Ivy Cottage, Stonehouse Road, Halstead, Sevenoaks, Kent TN14 7HN in accordance with the terms of the application, Ref SE/13/00984/FUL, dated 28 March 2013 and subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.
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3. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawings No 4554-PD-001, 002, 003, and JB13_02_001TJK insofar as they are relevant to that part of the development hereby permitted.

Appeal B: APP/G2245/A/13/2205249

2. The appeal is dismissed insofar as it relates to demolition of existing garage to facilitate a new 4 bedroom property with integral garage. The appeal is allowed insofar as it relates to the extensions to and refurbishment of Ivy Cottage and planning permission is granted for erection of part two storey and part single storey rear and side extensions and refurbishment to Ivy Cottage to create a 4 bedroom property with integral garage. New dormer and window to front elevation and installation of six solar panels to rear elevation at Ivy Cottage, Stonehouse Road, Halstead, Sevenoaks, Kent TN14 7HN in accordance with the terms of the application, Ref SE/13/01964/FUL, dated 1 July 2023 and subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.
 3. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawings No 4554-PD-001, 002 Rev B, 003 and JB13_02_001TJK insofar as they are relevant to that part of the development hereby permitted.

Procedural matters

3. The Council has described the Appeal A scheme as "Demolition of existing garage to facilitate a new 4 bedroom property with integral garage. And erection of part two storey and part single storey rear and side extensions and refurbishment to Ivy Cottage to create a 4 bedroom property with integral garage. New dormer and window to front elevation and installation of six solar panels to rear elevation." The Council has used a slightly different description for the Appeal B scheme.
4. In respect of the alterations and extensions to Ivy Cottage, both the schemes are identical. The new dwelling proposed in the Appeal B scheme differs from the Appeal A scheme in that the siting, scale and layout has been revised in an attempt to overcome the Council's objections to the original scheme. I have used the Council's description of the Appeal A scheme for both appeals as it accurately describes the developments proposed.
5. The Council has confirmed that the appellants have submitted completed Unilateral Undertakings (UU) in respect of both appeals. This overcomes the Council's second reason for refusal (Appeals A & B). The Council has further confirmed that the UUs are considered to be acceptable and so it has withdrawn the second reason for refusal in respect of both appeals.
6. In respect of both appeals, the reasons for refusal relate solely to the proposed new house. The Council has raised no objections to the extensions and alterations to Ivy Cottage.

Main Issues (Appeals A&B)

7. The main issues in respect of both appeals are the effect of the proposed development on
 - The character and appearance of the area; and
 - The living conditions of the occupiers of Silverdale, with particular regard to the effect on outlook.

Reasons

Character and appearance

8. The Council has stated that the principle of the development is acceptable as the site lies within the built confines and adopted policies seek to maximise the use of such sites. The Council considers the plot to be of sufficient size to accommodate a dwelling.
9. Policy LO7 of the Council's *Local Development Framework Core Strategy*, which refers to development within settlements such as Halstead, requires new development to respond to the distinctive local characteristics of the area in which it is situated. One of the distinctive characteristics of this part of Stonehouse Road is the space between and around buildings. While the development on the western side of the road is more tightly knit, on this eastern side the generous spacing is a key part of the character. Policy SP1 requires all development to be designed to a high quality and to respond to the distinctive local character.
10. Concerning **Appeal A**, the proposed dwelling would be sited close to both its boundaries. The new boundary for Ivy Cottage would be close to that property. The introduction of this plot, with a building that leaves little space on either side, would appear incongruous and out of keeping with the established character. This would be harmful to the character of the area.
11. The proposed dwelling has been designed to make the transition between the two-storey Ivy Cottage and Silverdale, a bungalow that has been cut into the slope. However, due to a combination of the scale of the dwelling and its proximity to both side boundaries, the development would appear as being relatively cramped. The fact that the dwelling would be sited forward of both its neighbours would exacerbate the impression that too much development is being proposed for this site. The proposals would be harmful to one of the distinctive characteristics of the area, contrary to Policies LO7 and SP1. The development would not be compatible with other building in the locality, contrary to saved Policy EN1 of the *Sevenoaks District Local Plan*.
12. The **Appeal B** scheme involves minor adjustments to the siting of the dwelling. The front elevation would be set slightly deeper into its plot with a consequent reduction in the depth of the dwelling. There would be alterations to the northern part of the dwelling with the garage set further back and a reduction in height and the mass of the building along this northern boundary. The front corner of the dwelling would be slightly further from the boundary with Silverdale.
13. I do not consider that these changes are sufficient to overcome the concerns raised in respect of the Appeal A scheme. The development would still fail to respect or reflect the spacious character of the area and it would still appear as

a relatively cramped form of development. This would be harmful to the character and the appearance of the area, contrary to Policies LO7, SP1 and EN1.

Living conditions

14. The only property whose occupiers would be significantly affected by the proposed development is Silverdale. This is a detached bungalow sited towards the back of its plot which lies immediately to the north of the appeal site. Ivy Cottage is set forward of Silverdale; in respect of both appeals the proposed dwelling would be sited on a building line more or less in line with these two dwellings.
15. Silverdale is sited close to the common boundary and at a lower level than the appeal site. It is cut into the gentle slope; the conservatory at the front is above the prevailing ground level while at the rear it is cut into the slope. The bungalow has windows facing the appeal site. The living room, which is within a front projection sited well away from the boundary, has windows on three sides with a single window facing the site. The conservatory has main windows facing forward and additional windows facing the site. The main bedroom has a large window facing the site and a second window facing down its garden.
16. Bedrooms 2 and 3, the latter in use as a study, have their windows facing the appeal site. While the study has additional, smaller, windows facing into the conservatory, its main window faces the appeal site. Bedroom 2 has its only window facing the site. There is only a low fence along the boundary although there is some taller planting inside the appeal site between the properties. Silverdale is sited parallel with the boundary and is set back about 2.4m from the boundary.
17. In respect of the **Appeal A** scheme, the new dwelling would extend both forward of and to the rear of Silverdale. It would not be sited parallel with the boundary; at the front the gap to the boundary would be about 2m widening to nearly 4m at the rear. The new house would also be significantly taller than Silverdale. Although the new house would be a full two storeys with a pitched roof on its southern side, towards Silverdale the roof would slope down to a little over single storey in height. While there would be accommodation in this roofspace, these rooms would all have restricted headroom. Nonetheless, the northern elevation would have an eaves level of around 3.5m, although the impact of this would be reduced by some excavation into the slope. The building would have a depth of around 12m.
18. Due to a combination of its siting, height and width, the proposed dwelling would be unacceptably visually intrusive when seen from Silverdale. It would appear as an overly dominant building that would have an overbearing impact on the living conditions of the occupiers of Silverdale. This would be contrary to the provisions of Local Plan Policy EN1.
19. The **Appeal B** scheme would set much of the northern flank of the proposed house further from the common boundary with Silverdale. Only the garage would be retained on the previous building line. There would be a reduction in the depth of the house. The height of the eaves and the roof would be reduced with no accommodation in the roofspace over the garage and the rooflights facing Silverdale would be omitted.

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Appeal Decisions APP/G2245/A/13/2200625, APP/G2245/A/13/2205249

20. I do not consider that these relatively minor alterations to the proposed dwelling are sufficient to overcome the harm identified above in respect of the Appeal A scheme. Due to the scale and siting of the dwelling, with the two-storey element of the house still within about 5m of the common boundary and in the direct line of sight of habitable room windows, the proposed dwelling would still appear as unacceptably dominant and overbearing. I consider that this would be harmful to the living conditions of the occupiers of Silverdale and contrary to the provisions of Local Plan Policy EN1.

Conditions (Appeals A & B)

21. In respect of the extensions and alterations to Ivy Cottage I have imposed a condition in respect of the external materials to be used in the interests of the visual amenity of the area. I have identified the approved plans, insofar as they are relevant to the extensions and alterations to Ivy Cottage, for the avoidance of doubt and in the interests of the proper planning of the area.

Conclusions

22. The Council has raised no objections to the alterations or the extensions to Ivy Cottage. The alterations at the front are relatively minor and the extensions can be comfortably accommodated within the plot. The adjoining house to the south, La Casa, is set well to the rear of the front of Ivy Cottage and the development would have little impact on the living conditions of its occupiers. The removal of the enclosed balcony would represent an improvement in the privacy for that property. I have therefore approved this part of the development in respect of both Appeals.
23. The *National Planning Policy Framework* (the Framework) seeks to boost significantly the supply of housing. I have taken into account the fact that both schemes would result in the provision of a new dwelling within the built up area, which weighs in favour of the development. I have also taken account of the UU which includes a contribution towards the provision of affordable housing.
24. However, both schemes result in harm to the distinctive characteristics of the area and harm to the living conditions of the occupiers of Silverdale due to their overbearing appearance and the resultant loss of outlook. Neither of the developments would result in high quality design and they would both fail to secure a good standard of amenity for the occupiers of Silverdale. This would be contrary to one of the core planning principles set out in the Framework. The identified harm results in both proposals being contrary to the development plan and the Framework. This harm outweighs the benefits of the proposals and so the appeals are both dismissed.

Clive Hughes

Inspector

Planning Application Information on Public Access – for applications coming to DC
Committee on Thursday 28 May 2015

**Item 4.1 – SE/14/03298/FUL Dunton Green Faithworks, The Old Chapel, London Road,
Dunton Green, Sevenoaks TN13 2TB**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NDIZJ5BKHG300>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NDIZJ5BKHG300>

**Item 4.2 – SE/14/03783/OUT Land North of Railway Line and West of St Johns Way, St
Johns Way, Edenbridge TN8 6HF**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NFZYAQBKHWT00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NFZYAQBKHWT00>

**Item 4.3 SE/15/00216/OUT Meeting Point Day Centre Rural Age Concern, 27 – 37 High
Street, Swanley BR8 8AE**

Link to application details

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NIMZBxBK0L000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NIMZBxBK0L000>

Item 4.4 – SE/15/00045/HOUSE 7 Nuffield Road, Hextable BR8 7SL

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NHVBEWBKI9900>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NHVBEWBKI9900>

Agenda Item

Item 4.5 – SE/15/00240/FUL Land North of Ivy Cottage, Stonehouse Road, Halstead, Kent TN14 7HN

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NISNCLBKIFW00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NISNCLBKIFW00>